REGULAR COUNCIL MEETING

A G E N D A

October 10, 2005 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* 1. Adoption of Minutes - Regular Council Meeting of September 26, 2005

2. Proclamation - Halloween Trick-or-Treat (October 31, 2005)

3. Public Hearing/Final Reading - Rezoning
   Property located at 700-708 Forest Street and 12-16 Lincoln Street, owned by Frank R. Moore, Paul T. Moore, Paul T. Moore, Jr., Paul T. Moore Trustee, and Aiko Moore Trustee. These properties are currently zoned IO (Institutional and Office) and the proposed zoning is C-3 (Service Commercial). *The First Reading of the proposed ordinance was accomplished during the Council Meeting of August 22, 2005.*

* 4. Utility Committee Report - September 26, 2005
   A. Briefing by Public Works Director - Wastewater Infiltration Issue

* 5. Safety Advisory and Transportation Committee Report - September 27, 2005
   A. Discussions with Secretary Hayward - City of Dover Transportation Projects
   B. Proposed Ordinance Amending Chapter 106 - Traffic and Vehicles, Section 106-17 - Truck Routes **(See Item#12)**

6. Garrison Tract Commission Report - Acknowledgment of Receipt

* 7. Revised Monthly Budget Reports - July and August

8. Evaluation of Bids
   A. Playground Equipment Replacement Program
   B. City Hall Security Management and Employee Identification System
   C. Trailer Mounted Generator

9. Overland Contracting Inc. - Settlement and Release Agreement (EPC Contract)

10. Council President Response to Cecil Wilson - Concerns of September 26, 2005 Open Forum

11. Response to Council Comments of September 26, 2005 - Salary Increases for Council Appointed Officials and City Manager Employees

12. First Reading - Proposed Ordinances
    The First Reading is offered on the following proposed ordinance. Final action by Council will take place during the Second Reading of the ordinance on October 24, 2005. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

    Chapter 106 - Traffic and Vehicles, Section 106-17 - Truck Routes
    (Safety Advisory and Transportation Committee)

13. Council Members Comments

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 26, 2005 at 7:30 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mr. Sadusky, Mr. Slavin, Mr. Ritter, Mr. Hogan, Mr. Salters, and Mr. Ruane. Mr. Pitts was absent.

Council staff members present were Lt. Balke, Ms. Russell, Mrs. Mitchell, Fire Chief Bashista, Mr. Koenig, City Solicitor Rodriguez, Mrs. Green, and Mayor Speed.

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Williams declared the Open Forum in session and reminded those present that Council is not in official session and cannot take formal action.

Mr. Richard Schneider, Newark, Delaware, thanked members for the letter ***(Exhibit #1)*** responding to his request for a Resolution opposing the capping of the DuPont Edgemoor Site. He stated that he would continue to work towards a resolution to this situation.

Mr. Cecil Wilson, 130 Brandywine Drive, stated that he had received phone calls concerning the unfair treatment of former Dover Human Relations Commissioner Nagarajan, the unfair treatment and improper evaluation of Black City employees, the creation of an internal job description for the Tax Assessor, the improper promotion of Black Police Officers, the inadequate policing of public housing and inappropriate communication between the officers and public housing citizens which causes some form of violence (***Exhibit #2)***. Mr. Wilson advised members that a Dover church is in the process of hiring someone outside of the state to conduct a survey on race relations in Dover. Additionally, he noted that he has called the State's Human Relations Commission to look into these concerns.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Carey requested that Item #6, Reconsideration of Rezoning - 650 Bay Road, be removed from the agenda.

Mr. Carey moved for approval of the agenda, as amended, seconded by Mr. Salters and unanimously carried.

Council President Williams advised members that the City Clerk has requested that Item #10D - City Clerk/Alderman Report (Fines), be removed from the Consent Agenda. Mr. Ritter requested that item #10A - Budget Report, be removed from the Consent Agenda.

Mr. Carey moved for approval of the Consent Agenda, as amended, seconded by Mr. Salters and carried by a unanimous roll call vote (Mr. Pitts absent).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF SEPTEMBER 8, 2005

The Minutes of the Special Council Meeting of September 8, 2005 were unanimously approved by motion of Mr. Carey, seconded by Mr. Salters and bore the written approval of Mayor Speed.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 12, 2005

The Minutes of the Regular Council Meeting of September 12, 2005 were unanimously approved by motion of Mr. Carey, seconded by Mr. Salters and bore the written approval of Mayor Speed.

RESOLUTION:PRESENTATION - CITY OF DOVER SILVER MEDAL - MATTHEW LACHAPELLE

Mayor Speed read a proposed Resolution recognizing Senior Airman Matthew Lachapelle for his acts of heroism.

By motion of Mr. Salters, seconded by Mr. Carey, Council, by a unanimous roll call vote (Mr. Pitts absent), adopted the following Resolution:

WHEREAS, on December 30, 2004 a near tragedy occurred during a residential apartment fire in the City of Dover; and

WHEREAS, Senior Airman Matthew Lachapelle, responding to cries for help from a teenage girl, bravely entered the burning apartment residence with only a fire extinguisher in hand and brought the blaze under control; and

WHEREAS, Senior Airman Matthew Lachapelle's actions and bravery portray his high regard for the lives of others without consideration for his own personal safety; and

WHEREAS, the courageous actions of Senior Airman Matthew Lachapelle , in averting what could have been a tragic loss to family, friends, and community, were acts of heroism which deserve special recognition by the governing body of this City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That the Mayor and Council recognize that Senior Airman Matthew Lachapelle risked his own life to save the life of a fellow person.

2. In recognition of his heroic action, the Mayor and Council award Senior Airman Matthew Lachapelle with a City of Dover Silver Medal, and direct the City Clerk to make this Resolution a part of the permanent records of the City of Dover.

ADOPTED: SEPTEMBER 26, 2005

Mayor Speed presented Senior Airman Lachapelle with the Resolution and a City of Dover Silver Medal.

PROCLAMATION - FIRE PREVENTION WEEK (OCTOBER 9-15, 2005)

The City Clerk read the following proclamation into the record:

WHEREAS, the City of Dover is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, the National Fire Protection Association (NFPA) has documented through its research a significant increase in home candle fires, even as most other causes of home fires have steadily declined; and

WHEREAS, Dover's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, taking proper care with candles will have a positive effect on the home fire problem; and

WHEREAS, each candle fire that is prevented in Dover is an opportunity to prevent painful injury and costly property damage; and

WHEREAS, the 2005 Fire Prevention Week theme, "Use Candles with Care", effectively serves to remind us all of the simple actions we can take to stay safe during Fire Prevention Week and year-round.

NOW, THEREFORE, I, STEPHEN R. SPEED, MAYOR, OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 9-15, 2005 as **Fire Prevention Week** and urge all citizens to heed the important safety message of Fire Prevention Week 2005, and to support the efforts of our fire and emergency services.

PROPOSED RESOLUTION - UNITED NATIONS MONTH

The City Clerk read a proposed Resolution recognizing October 2005 as United Nations Month.

By motion of Mr. Salters, seconded by Mr. Carey, Council, by a unanimous roll call vote (Mr. Pitts absent), adopted the following Resolution:

WHEREAS, the United Nations charter came into force on October 24, 1945; and

WHEREAS, the United Nations has grown from 51 member nations to 191 presently; and

WHEREAS, the UN Security Council has authorized 59 peacekeeping operations around the world since 1948, including 16 current missions; and

WHEREAS, the UN Commission on Human Rights was established under the Economic and Social Council to monitor the observance of human rights around the globe; and

WHEREAS, the UN International Court of Justice decides disputes between countries; and

WHEREAS, the UN Educational, Scientific and Cultural Organization and other specialized agencies have promoted greater tolerance and understanding between peoples and nations; and

WHEREAS, the mission of the Dover Human Relations Commission is consistent with the UN's commitment to preserving peace and achieving justice through cooperation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dover, Delaware that the month of October 2005 shall be recognized as **United Nations Month** and all citizens are urged to support the UN's goals of greater tolerance and understanding between peoples and nations, and the promotion of mutual understanding and respect.

ADOPTED: SEPTEMBER 26, 2005

PROPOSED RESOLUTION - DEDICATION/NAMING OF THE WEST SIDE RECREATION FACILITY - JOHN W. PITTS CENTER

The City Clerk read a Resolution proposing that the West Side Recreation Center be named the "John W. Pitts Center".

Mr. Sadusky moved for adoption of the resolution as read, seconded by Mr. Salters.

Mr. Ritter stated that, although he has nothing against Mr. Pitts, he could not support the resolution due to a similar recreation center being defeated by a vote of two to one at referendum, inadequate funding, and escalating material costs.

Mr. Salters stated that, while he respected Mr. Ritter's comments, the issue before them was the naming of the recreation center, the building of which has been approved by Council.

Mr. Carey moved to amend the Resolution to include the word "Recreation" and name the new West Side Recreation Facility as the "John W. Pitts Recreation Center". The motion was seconded by Mr. Salters and unanimously carried.

The motion to adopt the Resolution, as amended, was carried by a roll call vote of seven (7) yes, one (1) no (Mr. Ritter) and one absent (Mr. Pitts), as follows:

WHEREAS, John W. Pitts has served the citizens of the City of Dover as a resident, educational sports instructor, coach, a member of City Council, and friend for many years; and

WHEREAS, when first elected to City Council in May 1990, John W. Pitts was appointed to serve as a member of the Parks, Recreation and Community Enhancement Committee, having done so for 13 years, seven (7) of which he served as Chairman; and

WHEREAS, the development of recreational facilities has been a topic of concern in the City of Dover since 1987, and many studies have concluded that an overwhelming need exists for the construction of an indoor recreational facility; and

WHEREAS, John W. Pitts has proven to be a leader with determination and perseverance and an extraordinary devotion in promoting a healthy environment for our youth, teens, young adults, and seniors to participate in recreational activities designed especially for them.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Dover hereby honors the commitment and vision of John W. Pitts by dedicating and naming the new West Side Recreation Facility to be known as the **"JOHN W. PITTS RECREATION CENTER"**

BE IT FURTHER RESOLVED that appropriate signs of identification be prepared and installed so designating the facility as "JOHN W. PITTS RECREATION CENTER" and that once the construction of the facility is complete, an appropriate date and time shall be set for a program of dedication and invitations sent to John W. Pitts and family, the Mayor and Members of City Council, friends, and citizens requesting their presence during the dedication ceremony.

ADOPTED: SEPTEMBER 26, 2005

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 29 SOUTH GOVERNORS AVENUE (KEVIN T. WAYMAN, JR.)

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 29 South Governors Avenue, owned by Kevin T. Wayman, Jr. Mr. Grant Pritchard, Planning and Inspections, stated that the property was declared dangerous on May 19, 2003 and that it has been abandoned for more than three (3) months. Deterioration of the building is being accelerated by weather and lack of maintenance. The property consists of a two story wood frame structure w/detached garage. He indicated that there are six (6) liens or mortgages on the property. Mr. Pritchard showed slides depicting the condition of the structure.

Staff recommended that City Council: 1) declare the property dangerous; 2) order the property repaired or demolished by October 28, 2005 by the owner or equitable owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structure if not completed by the owner or equity owner within the ten (10) days of the date set by Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or to be recovered in a suit at law against the owner.

Mr. Pritchard provided an estimated demolition cost of $10,000 to $12,000.

Council President Williams declared the public hearing open.

There being no one present wishing to speak during the public hearing, Council President Williams declared the public hearing closed.

Mr. Salters moved that the structure located at 29 South Governors Avenue be declared a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mr. Ritter and carried by a unanimous roll call vote (Mr. Pitts absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 12, 2005

The Legislative, Finance, and Administration Committee met on September 12, 2005 with Chairman Salters presiding.

Revenue Forecasting - Mock Report

During their Regular Meeting of August 8, 2005, the committee considered Revenue Forecasting and opportunities for improving forecasting for revenues. Members suggested that staff provide quarterly Revenue Forecast Reports to be reviewed by members of Council during their first Meetings in the months of October, January, April, May, and June. For the first three meetings, the reports would contain information on the previous quarter and then be reviewed on a monthly basis just prior to and during the budget review. The reports would be presented directly to Council and would provide members the opportunity to give staff direction for developing the next year's revenue projections. Prior to scheduling the presentation of the reports to Council, members requested that staff develop a mocked up report based on the committee discussions, utilizing real time figures, to be presented to the committee at their next meeting. It was suggested that staff include footnotes giving explanations for any increases or decreases for further clarification.

Mrs. Mitchell, Finance Director, reviewed with members the Mock Revenue Forecasting Report.

The committee took no further action. *(City Clerk's Office Note: These reports will be scheduled to be presented to members of City Council during their first meetings in the months of October, January, April, May, and June).*

Code Review - Chapters 1-5 - Amendments

Members began a Comprehensive Review of the City Code of Ordinances. The City Clerk, Mrs. Green, explained that the process for the reviews will include members of City Council, committee members, department and division heads, as well as secretaries/administrative assistants. The City Clerk will provide Sections of the Code for their review and recommendations in advance of the committee meeting to allow for one document, to be inclusive of all recommendation and comments to be provided to members for their review. Once the committee has conducted their review and has made recommendations, the City Clerk's Office will prepare the necessary ordinance amendments which will be presented as attachments to the committee minutes when reported to City Council for their approval. The ordinances would then be presented to Council for a First Reading, and then forwarded for the Final Reading and adoption.

The City Clerk provided recommendations for amending Chapters 1-5 of the Dover Code. After consulting with the Finance Director/Treasurer, Mrs. Mitchell, Mrs. Green requested that the recommendation to delete Division 4 - Finance Director, of Chapter 2 - Administration, Article IV - Officers and Employees, be removed. Staff recommended approval of the Proposed Amendments to Chapters 1-5 of the Dover Code, as amended.

There was much discussion regarding the *Model City Charter* and the possibility of its use during the review of the Code. It was suggested that staff include the review of proposed amendments to Chapters 1 - 5 with the next scheduled set of amendments to be presented to members for consideration during their next meeting.

The committee recommended deferring action on Chapters 1 - 5 of the Code until the next meeting.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote (Mr. Pitts absent).

By consent agenda, Mr. Carey moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Salters and carried by a unanimous roll call vote (Mr. Pitts absent).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - SEPTEMBER 13, 2005

The Parks, Recreation, and Community Enhancement Committee met on September 13, 2005 with Chairman Hogan presiding.

Neighborhood Open Space - Stratford Place Apartments: Request for Partial Cash-in-Lieu of Recreation Area Construction

In accordance with Article 5, Section 10, Subsection 10.16 of the Zoning Code, all residential developments shall provide recreational areas in a size equal to 275 square feet per dwelling unit, or one-half acre of land, whichever is greater. However, in no case shall the City require more than 10% of the gross area of the development be so dedicated or reserved when the gross area is greater than five (5) acres.

Members reviewed an active recreation plan and a request for cash-in-lieu of recreation area for the Stratford Place Apartments, located on the south side of North Little Creek Road between Acorn Lane and SR1, which consists of three apartment buildings; a total of (72) dwelling units, on $4.7^{+/-}$ acres. Ms. Melson of the Planning and Inspections Department reviewed the Active Recreation Plan, noting that the plan proposes an area of open space totaling 0.2382 acres. The Plan includes a playground structure, swing set, benches, horseshoe pits, and an open lawn area. Due to the space available on the development parcel and the number of units within the apartment complex, the applicant is requesting the opportunity to make a cash donation in lieu of a portion of the required Active Recreation Area. Members reviewed a Summary Appraisal Report for the property at 1462 North Little Creek Road, which identifies the final value estimate of the property to be $101,000 per acre. According to the City Tax Assessor's Office, the property was reassessed at

$75,750.00 per acre. For the .5 acres of land that is required for this area, the request is to provide 0.2382 acres for the Active Recreation Area and offer a cash-in-lieu donation for the remaining 0.2617 acres, which would result in a cash donation in the amount of $26,431.70.

Staff recommended approval of the following for the Active Recreation Plan and Request for Cash-in-Lieu of Recreation Area Construction (woodland, wetland, and stormwater facilities):

1. As related to the recreation area components to be constructed:

    a. Change the placement of at least one of the benches near the horseshoe pits to a location in closer proximity to the sidewalk (accessible path).
    b. Add or relocate evergreen landscape plantings to create a barrier between the west side of the stormwater management facility and the playground area. A fence could also be added to separate these two areas.
    c. Adjust placement of Red Maple trees to create a large open lawn area in the southwest corner of the property. An adjustment in the tree placement could provide increased opportunities for shading of the benches near the playground area and the horseshoe pits area.

2. The applicant should be aware of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

    Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

3. Staff recommended approval of a cash donation of $26,431.70 in lieu of Recreation Area construction for the remaining 0.2617 acres (11,402 S.F.) required to meet the 0.5 acre minimum.

    Article 5 §10.175 Payment of Cash Donation. One hundred (100) percent cash donation provided under this section shall be collected prior to issuing the first building permit for the development.

4. There shall be provisions which insure that the common open space land shall continue as such and be properly managed and maintained. These provisions shall be in a form acceptable to the City of Dover. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

The committee recommended approval of the Neighborhood Open Space - Stratford Place Apartments: Request for partial cash-in-lieu of recreation area construction, as well as the staff recommendations contained in the report.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote (Mr. Pitts absent).

The committee recommended that members be provided a presentation on stormwater management by the Public Works Director at a future meeting.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote (Mr. Pitts absent).

By consent agenda, Mr. Carey moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Salters and carried by a unanimous roll call vote (Mr. Pitts absent).

UTILITY COMMITTEE REPORT - SEPTEMBER 26, 2005

The Utility Committee met on September 26, 2005 with Chairman Carey presiding.

Annexation Request - Property Located at 1325 South State Street - Owned by BF Real Estate Ventures

During the committee meeting held earlier this evening, members reviewed a request for annexation of land located at 1325 South State Street, consisting of $2.3315^{+/-}$ acres. The proposed zoning classification is CPO (Commercial Professional Office). This area has a Category 2 – Lands Desirable for Annexation designation on the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended in May 2005. The property is located on the east side of South State Street immediately south of the right-of-way of the Puncheon Run Connector. This annexation is generally supported by the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended.

The Public Works Director has reviewed the annexation plan and determined that the City has sufficient utility capacity to provide water service to the site. Members were provided an Index Map that depicted the general location of the land to be annexed. In addition, the map identified the surrounding parcels that have been contacted by the City Clerk's Office for additional interest in possible annexation with this application. Mr. Koenig noted that none of the adjacent property owners expressed an interest in annexing at this time. Staff recommended adoption of the proposed Resolution for 1325 South State Street setting the annexation referendum for October 27, 2005.

The committee recommended adoption of the proposed Resolution for 1325 South State Street setting the annexation referendum for October 27, 2005, based on the determination that there are adequate utilities to serve the property.

Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Sadusky and by a unanimous roll call vote (Mr. Pitts absent), Council adopted the following Resolution:

A RESOLUTION PROPOSING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER AND CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE SAID AREA.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area located at ***1325 S. State Street Extended***, which is contiguous to the present City limits, into the limits of the City of Dover and within a zoning classification as recommended by the City of Dover Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That a special election be held for an area located at ***1325 S. State Street Extended*** situated in East Dover Hundred, Kent County, State of Delaware.

2. That the election be held on the ***27th*** day of ***October***, 2005 commencing at the hours of 11:00 a.m. in the City Hall Annex, 15 E. Loockerman Street, Dover, Delaware, for the purpose of submitting the question of annexation of the above area to those persons entitled to vote thereon.

3. That the election be held and conducted pursuant to the provisions of the Charter of the City of Dover as amended.

4. That this resolution be published in accordance with the City of Dover Charter.

ADOPTED: SEPTEMBER 26, 2005

Annexation Request - Property Located at 1196 S. Governors Avenue - Owned by Francis G. and Barbara D. Powell

During the committee meeting held earlier this evening, members reviewed a request for annexation of land located at 1196 South Governors Avenue, consisting of $1.085^{+/-}$ acres. The proposed zoning classification is RM-1 (Medium Density Residential). This area has a Category 1 – Lands Identified for Annexation designation on the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended in May 2005. This parcel is one of several parcels on South Governors Avenue that has remained in the County and represents an infill area. This annexation is supported by the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended.

The Public Works Director has reviewed the annexation plan and determined that the City has sufficient utility capacity to provide water and sewer services to the site. Members were provided an Index Map that depicted the general location of the land to be annexed. In addition, the map identified the surrounding parcels that have been contacted by the City Clerk's office for additional interest in possible annexation with this application. Mr. Koenig noted that none of the adjacent

property owners expressed an interest in annexing at this time. Staff recommended adoption of the proposed Resolution for 1196 South Governors Avenue setting the annexation referendum for October 27, 2005.

The committee recommended adoption of the proposed Resolution for 1196 South Governors Avenue setting the annexation referendum for October 27, 2005, based on the determination that there are adequate utilities to serve the property.

Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Sadusky and by a unanimous roll call vote (Mr. Pitts absent), Council adopted the following Resolution:

A RESOLUTION PROPOSING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER AND CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE SAID AREA.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area located at ***1196 S. Governors Avenue***, which is contiguous to the present City limits, into the limits of the City of Dover and within a zoning classification as recommended by the City of Dover Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That a special election be held for an area located at ***1196 S. Governors Avenue*** situated in East Dover Hundred, Kent County, State of Delaware.

2. That the election be held on the ***27th*** day of ***October***, 2005 commencing at the hours of 11:00 a.m. in the City Hall Annex, 15 E. Loockerman Street, Dover, Delaware, for the purpose of submitting the question of annexation of the above area to those persons entitled to vote thereon.

3. That the election be held and conducted pursuant to the provisions of the Charter of the City of Dover as amended.

4. That this resolution be published in accordance with the City of Dover Charter.

ADOPTED: SEPTEMBER 26, 2005

Mr. Carey moved for acceptance of the Utility Committee Report, seconded by Mr. Salters and unanimously carried.

MONTHLY REPORTS - AUGUST 2005

By motion of Mr. Carey, seconded by Mr. Salters, the following monthly reports were accepted by consent agenda:

Chief of Police Report
City Assessor Report
City Manager's Report
Mayor's Report
Planning and Inspections Report
Robbins Hose Company No. 1 Report (July and August)

Referring to pages 2 of 5 of the July and August Budget Reports, Mr. Ritter noted that the receipts and expenditures were not the same and; therefore, there were excess receipts or expenditures. He noted that the proposed budget should have a zero balance between receipts and expenditures. Mrs. Mitchell advised members that she would look into the discrepancies. *(City Clerk's Office Note: Revised Budget Reports for July and August will be presented for approval during the Regular Council Meeting of October 10, 2005).*

Mr. Ritter moved to accept the Budget Reports for July and August, seconded by Mr. Carey and unanimously carried.

Mrs. Green, City Clerk, advised members that the recently adopted Charter eliminated the Alderman Court/position. She noted that the City Clerk/Alderman Report (Fines) is actually the Alderman's Report and the Budget Report provided by the Finance Department includes the same fines as they are received and deposited. Mrs. Green requested guidance on whether she should continue providing the City Clerk/Alderman Report.

Responding to Mr. Ruane, Mrs. Green stated that the section of the Charter requiring the Alderman's Report has been removed.

Mr. Ruane moved that the Clerk no longer be compelled to provide a City Clerk/Alderman Report as part of the Monthly Reports since those receipts are already included in the Finance Director's Report, seconded by Mr. Salters and unanimously carried.

Mr. Ritter moved to request the City Clerk to provide a monthly one page report on the status of current Council projects and the major projects for the Clerk's Office. The motion failed for the lack of a second.

EVALUATION OF BIDS - STREET SWEEPER

The Department of Public Works is requesting to purchase a Diesel Powered Municipal Street Sweeper. Bids were received as follows:

Mid-Atlantic Waste Systems	Easton, MD	Base Bid -	$120,974.00
		Unit with Options -	$125,047.12
Atlantic Machinery Inc.	Silver Spring, MD	Base Bid -	$122,461.00
		Unit with Options -	$123,017.00

Staff recommended awarding a purchase order to Atlantic Machinery, Inc. in the amount of $123,017.00 for the purchase of one (1) Diesel Powered Municipal Street Sweeper and authorizing staff to transfer $4,362.00 in savings from the vehicle purchase in the Sanitation Division to offset part of the funding gap, as well as transfer funds from Program Expenses in the Streets Division to cover the referenced funding gap and to insure line item compliance with this purchase.

Mr. Carey moved for approval of staff's recommendation, seconded by Mr. Sadusky and carried by a unanimous roll call vote (Mr. Pitts absent).

ANNEXATION/REZONING REQUEST/FIRST READING - 1325 SOUTH STATE STREET, OWNED BY BF REAL ESTATE VENTURES

A request was received for annexation and rezoning of property located at 1325 South State Street, owned by BF Real Estate Ventures. The property is currently zoned RS-1 - Single Family Residential (Kent County) and the requested zoning is C/PO - Commercial/Professional Office (City of Dover). Staff recommended that the request be referred to the Planning Commission and that a public hearing be set for November 14, 2005 at 7:30 p.m. *City Clerk's Office Note: The referendum was set earlier in the meeting resulting from the Utility Committee's recommendation.*

Mr. Hogan moved for approval of staff's recommendation and to acknowledge the First Reading of the rezoning ordinance by title only. The motion was seconded by Mr. Salters and unanimously carried.

In accordance with Section 1-6 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendments as read by the City Clerk, by title only, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1325 SOUTH STATE STREET.

ANNEXATION/REZONING REQUEST/FIRST READING - 1196 SOUTH GOVERNORS AVENUE, OWNED BY FRANCIS G. AND BARBARA D. POWELL

A request was received for annexation and rezoning of property located at 1196 South Governors Avenue, owned by Francis G. and Barbara D. Powell. The property is currently zoned RS-1 - Single Family Residential (Kent County) and the requested zoning is RM-1 - Medium Density Residence (City of Dover). Staff recommended that the request be referred to the Planning Commission and that a public hearing be set for November 14, 2005 at 7:30 p.m. *City Clerk's Office Note: The referendum was set earlier in the meeting resulting from the Utility Committee's recommendation.*

Mr. Hogan moved for approval of staff's recommendation and to acknowledge the First Reading of the rezoning ordinance by title only. The motion was seconded by Mr. Sadusky and unanimously carried.

In accordance with Section 1-6 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendments as read by the City Clerk, by title only, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1196 SOUTH GOVERNORS AVENUE.

COUNCIL MEMBER COMMENTS

With regard to non-binding referendums, Mr. Sadusky stated that the U.S. has a Republic Representative form of government whereby the people are represented by the elected officials who make decisions on behalf of the people after exercising their right to vote. They leave the day to day passing of laws and functions of government in the hands of their elected representatives. At this point, the representatives do not constantly return to the people to see how they would vote before exercising the representative vote. A government may institute a binding referendum for what they may think is a justified reason, but what is the practical reason for having a non-binding referendum other than to pursue the majority by way of politicizing to change their vote.

Mr. Sadusky stated that he believes that a non-binding referendum undermines the City's form of government. He also advised members that the charter specifies that a "qualified voter" in a referendum shall mean every natural person who is a resident or a nonresident taxable of the city, of the age of 18 years or upwards. Each qualified voter shall be eligible to vote and shall have one vote. In a Municipal Election, every resident of the City of Dover who shall have reached the age of 18 years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. Mr. Sadusky noted that each referendum or election costs approximately $10,000.

Mr. Ritter responded that the citizens voted two to one against the Schutte Center and he felt that Council should get a measurement of how the constituents feel about a smaller version of the Schutte Center.

Mr. Ritter reminded members that Article II, Section 12 - Compensation and expenses--Mayor and council and other elected or appointed officials - states that "The council shall determine the annual salary and emoluments of the mayor and council and other elected or appointed officials by ordinance. Members of the council, the mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy." He also noted that Article II, Section 32 - Council to determine salaries of city appointees and employees - states "The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and collective bargaining agreements as amended." Mr. Ritter stated that salary increases for Council appointed officials have all been set by the Council President the past two (2) years and she has not given Council an opportunity to vote, by ordinance, onthe salaries of the Council appointed officials, as has been done in the past. He feels this is collusion on the part of the Council President by not allowing the Council to vote on the salaries and giving hefty salary increases, in excess of 13 - 20% to the top appointed officials in the last two (2) years. Mr. Ritter feels that this problem needs to be rectified immediately with a proposed ordinance on the salaries and that there should be a full investigation into how it was done and remedy it from happening in the future.

Mr. Hogan reminded members that the Safety Advisory and Transportation Committee would be meeting tomorrow night at 5:00 p.m. in the Council Chambers. He noted that Department of Transportation Secretary Hayward would be attending to discuss transportation projects in the City.

Mr. Salters advised members that Magistrate C. P. Houston passed away and his funeral would be held tomorrow at Whatcoat United Methodist Church. He also stated that Mrs. Franklin, one of the co-founders of DAPI, passed away and her funeral would be held Thursday at Bennie Smiths Funeral Home.

Mr. Salters congratulated the Police Department on successfully moving the race weekend traffic. He noted that the planning and hard work was very evident.

Mr. Carey moved for adjournment, seconded by Mr. Sadusky and unanimously carried.

Meeting Adjourned at 8:30 P.M.

JANICE C. GREEN
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of September 26, 2005, are hereby approved.

STEPHEN R. SPEED
MAYOR

/JG

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Richard Schneider Correspondence
Exhibit #2 - Comments of Cecil Wilson

PROCLAMATION

WHEREAS, *the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family going from door to door in their neighborhood, displaying their costumes, and gathering treats; and*

WHEREAS, *parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and*

WHEREAS, *residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted; and*

WHEREAS, *the Mayor of the City of Dover has deemed it advisable to observe the celebration of Halloween Trick-or-Treat on Monday, October 31, 2005 between the hours of 6:00 p.m. and 8:00 p.m.*

NOW, THEREFORE, I, STEPHEN R. SPEED, MAYOR OF THE CITY OF DOVER, do hereby proclaim that the Halloween Trick-or-Treat observance be held on the 31st day of October 2005, between the hours of 6:00 P.M. and 8:00 P.M. in the City of Dover and urge all residents, both young and old, to make this a happy and safe occasion for our children.

STEPHEN R. SPEED
Mayor

PETITION TO AMEND ZONING DISTRICT
Before The City of Dover City Council
October 10, 2005

Applicants/Owners Frank R. Moore, Paul T. Moore, Paul T. Moore, Jr. Trustee, Aiko Moore Trustees

Property Address Parcel #1 700-708 Forrest Street; Parcel #2 12-16 Lincoln Street

Tax Parcel ID #: ED 05-076.12-01-28.00-000 & ED 05-076.12-02-38.00-000

Size: Parcel #1: 0.165 acres; Parcel #2: 3.1 Acres

Application Date: July 29, 2005

Present Zoning: I/O (Institutional and Office) permitting business, professional, and governmental offices, public and institutional uses, and restaurants. Conditionally permitting planned senior housing developments, fire arm ranges, correctional facilities, and public incinerators.

Proposed Zoning: C-3 (Service Commercial) permitting service establishments, wholesale and warehousing, bowling alleys, animal hospitals, motor vehicle service stations subject to conditions, manufacturing with less than 25 employees, and printing establishments. Conditionally permitting planned senior housing developments.

Present Use: Automotive Repair, Warehousing, Church

Proposed Use: Same

Comprehensive Plan: Downtown Mixed Use

File Number: Z-05-05

Surrounding Land Uses:
To the north and across Forest Street is are mini-warehouses zoned C-3 Service Commercial, to the east and south east are a variety of buildings, some vacant, and some used for contractor yards, and service commercial uses zoned C-3 Service Commercial and I-O Institutional and Office, to the South is vacant land zoned RG-1 General Residential, and to west are residential properties also zoned RG-1 General Residential.

Comprehensive Plan:
The Comprehensive Plan designated this area for Downtown Mixed Use.

Other Considerations:
The subject property was recently rezoned to I/O from C-3 as part to the Comprehensive Rezoning that occurred at the May 17, 2005 Special City Council Meeting. This area was recommended by the staff and the Planning Commission for I/O rezoning in anticipation of future re-development of the area within the context of the Westside Redevelopment Plan.

At the May 17, 2005 two adjacent property owners to the subject property whose property was also zoned C-3 and was being recommended for rezoning to I/O appeared and protested the rezoning. They generally felt that the I/O zoning was too premature and that the non-conforming status would impede their ability to continue the existing uses particular in the event that something catastrophe would happen to the buildings. City Council noted that the C-3 zoning does not necessarily conflict with the comprehensive plan, and that when future development was more evident the existing or future owners could come in for a rezoning. City Council then acted to leave the adjacent properties C-3. It should also be noted that the City Planner advised that the Moore family felt the same as the adjacent owners but were not present to state their case.

On July 16, 2005 the City of Dover received the attached letter from Mark Dunkle on behalf of the Moore family advising of his client's intent to contest the City Council action in Court of Chancery if the City did not take its own action to remedy the situation. A meeting was held to discuss the matter with the Assistant City Solicitor who advised that had the Moore's attended the meeting and spoke it would have been likely City Council would have not rezoned the property, hence the action could be construed as arbitrary. He advised that we should give the City Council an opportunity to reverse the action taken to avoid litigation.

Recommendation of the Planning Commission:
Because the rezoning would not conflict with the mixed uses proposed by the Comprehensive Plan, and because the City Council left similar properties zoned C-3 Service Commercial, the Planning Commission recommend approval of the rezoning. (9 Yes, 0 No)

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FINAL READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 700-708 FOREST STREET AND 12-16 LINCOLN STREET

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from IO (Institutional and Office) to C-3 (Service Commercial)

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from IO to C-3 on that property located at 700-708 Forest Street and 12-16 Lincoln Street, owned by Frank R. Moore, Paul T. Moore, Paul T. Moore, Jr., Paul T. Moore Trustee, and Aiko Moore Trustee.

ADOPTED: *

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UTILITY COMMITTEE

The Utility Committee Meeting was held on September 26, 2005, at 5:45 p.m. with Chairman Carey presiding. Members present were Mr. Ruane, Mr. Sadusky, and Mr. Snaman. Mr. Cregar was absent. Members of Council present were Mr. Slavin, Mr. Ritter, and Mr. Hogan. Mayor Speed was also present (arrived at 6:00 p.m.).

AGENDA ADDITIONS/DELETIONS

Mr. Ruane moved for approval of the agenda, seconded by Mr. Sadusky and unanimously carried.

Annexation Request - Property Located at 1325 South State Street - Owned by BF Real Estate Ventures

Members reviewed a request for annexation of land located at 1325 South State Street, consisting of $2.3315^{+/-}$ acres. The proposed zoning classification is CPO (Commercial Professional Office). This area has a Category 2 – Lands Desirable for Annexation designation on the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended in May 2005. The property is located on the east side of South State Street immediately south of the right-of-way of the Puncheon Run Connector. This annexation is generally supported by the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended.

The Public Works Director has reviewed the annexation plan and determined that the City has sufficient utility capacity to provide water service to the site. This property is currently served by the City of Dover Electric Department. Currently, this parcel is part of the Kent County Sanitary Sewer District 1, Isaac's Branch Area; however, it is not currently connected to public sewer nor has the infrastructure been extended to this site as of this date. The Director of Public Works, Mr. Koenig, contacted the Kent County Director of Public Works, Mr. Medlarz, and it has been determined that the County infrastructure can be extended to this parcel to offer public sewer service; however, this parcel would not become a city sewer customer if annexed. All costs to extend utility service to this site will be the responsibility of the owner/developer of the site.

Members were provided an Index Map that depicted the general location of the land to be annexed. In addition, the map identified the surrounding parcels that have been contacted by the City Clerk's Office for additional interest in possible annexation with this application. Mr. Koenig noted that none of the adjacent property owners expressed an interest in annexing at this time.

Staff recommended adoption of the proposed Resolution for 1325 South State Street setting the annexation referendum for October 27, 2005.

Mr. Snaman moved to recommend adoption of the proposed Resolution for 1325 South State Street *(Attachment #1)* setting the annexation referendum for October 27, 2005, based on the determination that there are adequate utilities to serve the property. The motion was seconded by Mr. Sadusky and unanimously carried. *Due to time constraints, the committee's recommendation will be considered by Council during their meeting later this evening.*

Annexation Request - Property Located at 1196 S. Governors Avenue - Owned by Francis G. and Barbara D. Powell

Members reviewed a request for annexation of land located at 1196 South Governors Avenue, consisting of $1.085^{+/-}$ acres. The proposed zoning classification is RM-1 (Medium Density Residential). This area has a Category 1 – Lands Identified for Annexation designation on the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended in May 2005. This parcel is one of several parcels on South Governors Avenue that has remained in the County and represents an infill area. This annexation is supported by the Growth and Annexation Plan Map of the 2003 Comprehensive Plan Update as amended.

The Public Works Director has reviewed the annexation plan and determined that the City has sufficient utility capacity to provide water and sewer services to the site. All costs to extend utility service to this site will be the responsibility of the owner/developer of the site. Members were provided an Index Map that depicted the general location of the land to be annexed. In addition, the map identified the surrounding parcels that have been contacted by the City Clerk's office for additional interest in possible annexation with this application. Mr. Koenig noted that none of the adjacent property owners expressed an interest in annexing at this time.

Staff recommended adoption of the proposed Resolution for 1196 South Governors Avenue setting the annexation referendum for October 27, 2005.

Mr. Snaman moved to recommend adoption of the proposed Resolution for 1196 South Governors Avenue *(Attachment #2)* setting the annexation referendum for October 27, 2005, based on the determination that there are adequate utilities to serve the property. The motion was seconded by Mr. Sadusky and unanimously carried. *Due to time constraints, the committee's recommendation will be considered by Council during their meeting later this evening.*

Briefing by Public Works Director - Wastewater Infiltration Issue

Mr. Koenig, Public Works Director, provided a presentation on the Wastewater Inflow and Infiltration (I & I) problem, including the current status and related expenses, perceived causes, possible remedies and future costs to remedy, and a strategy and implementation plan for remediation ***(Attachment #3)***.

Mr. Koenig noted that inflow occurs when rainwater is misdirected into the sanitary sewer system instead of the storm sewers. He stated that a significant percentage of inflow comes from rain leaders and sump pumps that are improperly connected to the sanitary sewer system. Mr. Koenig advised members that infiltration occurs when ground water seeps into the sanitary sewer system through cracks or leaks in sewer pipes, which can be caused by age related deterioration, loose joints, damage, or root infiltration. Mr. Koenig stated that the City's fees paid to Kent County for wastewater treatment amounted to 32% more flow than what customers were billed.

Mr. Koenig recommended a 7-Point Plan of Action which included enacting a sanitary sewer ordinance, smoke and dye testing, televising sewer lines, home-to-home inspections, manhole inspections, repair and replacement of infrastructure, and notifying and educating the public.

Responding to Mr. Ruane, Mr. Koenig stated that in FY05, staff budgeted $75,000 for I & I work. He noted that between $8,000 and $9,000 had been spent on consulting work to begin the

preparation of contracts for televising the lines and smoke testing. He noted that the FY06 budget also contains $75,000 for I & I. The FY07 budget will include replacement of the camera equipment and a small van to transport the equipment. Mrs. Mitchell, Finance Director, advised members that the I & I issue will have a serious impact on the budget if it is not corrected. Mr. Ritter suggested that staff may be able to obtain a State or Federal grant for the cameras and/or smoke testing.

Mr. Ruane requested staff to include a time-frame for remediation, performance measures, and more detail of the overall Inflow and Infiltration challenge in their next update.

The committee took no action.

Mr. Snaman moved for adjournment, seconded by Mr. Sadusky and unanimously carried.

Meeting Adjourned at 6:52 P.M.

Respectfully submitted,

Carleton E. Carey, Sr.
Chairman

CEC/tm
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Attachments
Attachment #1 - Proposed Resolution - 1325 South State Street Annexation Referendum
Attachment #2 - Proposed Resolution - 1196 South Governors Avenue Annexation Referendum
Attachment #3 - Presentation - Inflow/Infiltration Briefing

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on September 27, 2005, at 5:00 p.m. with Chairman Hogan presiding. Members present were Mr. Carey, Mr. Ritter, Mr. Link, and Mr. Lakeman (arrived at 5:08 p.m.). Members of Council present were Council President Williams (arrived at 5:11 p.m.), Mr. Salters, Mr. Ruane, Mr. Slavin, and Mr. Sadusky. Mayor Speed (arrived at 5:11 p.m.) was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Carey moved for approval of the agenda, seconded by Mr. Ritter and unanimously carried.

Discussions with Secretary Hayward - *City of Dover Transportation Projects*

During their Regular Meeting of August 23, 2005, members approved a letter inviting Secretary Hayward to attend the September 27, 2005 Safety Advisory and Transportation Committee Meeting to discuss the City's prioritization projects, their status, timetable, and how the City may assist in achieving results.

Secretary Hayward provided an in-depth explanation of the financial situation that the Department of Transportation now finds itself in, as provided in his July 18, 2005 letter to municipalities. He advised members that Delaware's rapid growth, along with construction costs escalating at a rate much higher than the consumer price index and traditional funding sources, has strained the State's resources. Secretary Hayward also advised members that DelDOT has not yet received anticipated federal highway funds, which is typically $125M.

Secretary Hayward stated that he advised the General Assembly of the need to replenish the Transportation Trust Fund, which is funded through gas taxes, tolls, motor vehicle fees, and federal grants, in order to continue transportation projects. The Administration and the General Assembly compiled a list of projects that were affordable this year with the existing revenue and a one-time General Fund appropriation. They then added construction based on increases in various sources of revenue, including a toll increase on I-95, which was approved by the General Assembly.

The task force created by the Governor to look into DelDOT's financial situation has concluded that, at a minimum, the department will need approximately $150M in new revenue beginning next fiscal year and the revenue will have to increase over time to recognize the diminished value of the purchasing dollar. DelDOT has temporarily delayed over $280M in projects due to lack of funding.

Responding to Mr. Hogan, Secretary Hayward stated that safety is his primary concern when determining which projects should move forward. He noted that the decision is ultimately made by the General Assembly.

Mr. Link noted that the operating cost of $211M has ballooned in the past few years. Secretary Hayward stated that the Paratransit costs for the current year is approximately $74M. The balance goes towards personnel, maintenance and fuel, and $100M of debt service.

Responding to Council President Williams, Secretary Hayward stated that the Bond Bill Committee appropriated funds for the purchase of the Garrison Golf Course property and also directed DelDOT to form a working group of citizens and officials to examine the options for the property and make recommendations.

Mr. Ruane requested a project list specific to the City of Dover, including projects which were originally appropriated, what had been encumbered, and the status of that specific project. He noted that, although the signalization project was authorized in June 2004 for FY05 and materials have been purchased, it has been delayed until FY07. Secretary Hayward noted that the signalization project was delayed since it was still in the design phase. If a contract had been signed, the work would have proceeded. He noted that the Governor's Avenue project and the signalization project would be on the list for recommendation to the General Assembly. Secretary Hayward stated that the re-alignment of Wyoming Avenue will include a right-of-way donation by the project developer, as well as cash, which will hopefully qualify for matching Federal funds and enable completion of the project.

Mr. Hogan requested suggestions for ways the Safety Advisory and Transportation Committee could assist in having the City's priorities addressed. Secretary Hayward suggested reviewing the City of Dover project list to determine the authorization amounts, amount encumbered, and determine a new estimated cost of completion. Once that is done, the list should be prioritized. He also suggested that members impress upon the members of the General Assembly the importance of the problem and the need for action. Mr. Hogan stated that he would work with Mr. Laing on the project list.

Representative Nancy Wagner agreed that DelDOT is in financial trouble. She noted that the General Assembly was not made aware of the situation until the end of the session. Representative Wagner advised members that, had they known the seriousness of the problem, they may not have voted for a reduction of gross receipts tax. She also stated that she relies upon the Department of Transportation for guidance on what needs to be done and the General Assembly needs clear cut information in a timely manner in order to make decisions.

Representative Wagner stated that The Indian River Bridge is a safety concern for all; however, many members of the House of Representatives would like the project scaled back. She noted that the three (3) counties were not given equal funding due to the safety perspective of each project. Representative Wagner stated that she discovered a week before the end of the General Assembly that Kent County would not receive funding for any projects and she was not made aware of the signalization project delay. She advised members that she would do whatever she could to work with the City and relay its concerns to the General Assembly.

Mr. Hogan stated that it would be the goal of the Safety Advisory and Transportation Committee to make the State aware of the City's transportation concerns and priorities in a timely manner.

Proposed Ordinance Amending Chapter 106 - Traffic and Vehicles, Section 106-17-Truck Routes

In conjunction with the July 12, 2004 adoption of an ordinance prohibiting trucks from utilizing engine compression brakes in the limits of the City of Dover, the City Manager, Mr. DePrima, requested the Police Department to begin the process of posting advisory signs on those truck routes entering the City and appropriately advising the public, particularly trucking firms located in Dover.

Staff worked with DelDOT, who offered two (2) options, as follows: 1) Order and purchase signs at expense to the City and subsequently have Dover Public Works place the signs and be responsible for maintaining them; or 2) Follow the lead of Smyrna and Seaford and have an Engineering Study done by DelDOT, followed by enacting a City of Dover ordinance establishing truck routes in Dover, followed by a State Resolution. This would enable DelDOT to purchase the signs, and erect them just outside the City at the designated truck routes. DelDOT would also be responsible for maintaining the signs.

Members reviewed a proposed ordinance, prepared by Deputy City Solicitor, William Pepper, amending Chapter 106 - Traffic and Vehicles - by adding a new section 106-17 - Truck Routes. Staff recommended adoption of the proposed ordinance.

Mr. Ritter expressed concern that State Street was a proposed designated truck route since parts of the street are brick-faced. It was his feeling that truck traffic would damage the bricks. Mr. Ritter also noted that Governors Avenue could serve as the truck route with State Street being for local delivery only. He suggested striking (b)(8) State Street. Mr. Koenig advised members that State Street was included on the list since it is designated as State Alternate Route 113.

Mr. Ritter moved to recommend adoption of the ordinance amending Chapter 106 - Traffic and Vehicles - by adding a new section 106-17 - Truck Routes, as amended by striking "State Street", *(Attachment #1)*, noting that State Street could be added to the list if staff finds it to be necessary. The motion was seconded by Mr. Carey and unanimously carried.

Mr. Carey moved for adjournment, seconded by Mr. Lakeman and unanimously carried.

Meeting Adjourned at 6:43 P.M.

Respectfully submitted,

Kenneth L. Hogan
Chairman

KLH/jcr

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Attachments to Original Minutes and File Copy:

Attachment #1 - Chapter 106 - Traffic and Vehicles, Section 106-17 - Truck Routes

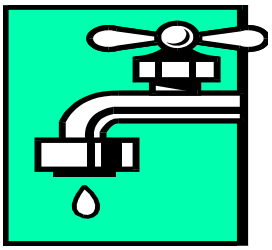
CITY OF DOVER

FINANCE DEPARTMENT

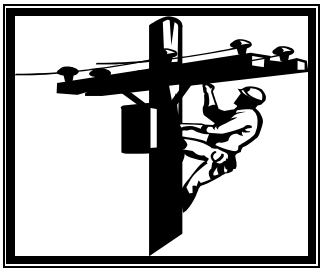
JULY 2005

AMENDED MONTHLY BUDGET REPORT









PREPARED BY: FINANCE DEPARTMENT
DATE: October 5, 2005

PLEASE NOTE – THIS NEWLY FORMATTED REPORT PROVIDES TOP LINE INFORMATION ON THE THREE MAJOR OPERATING FUNDS. IF YOU WOULD LIKE ADDITIONAL INFORMATION PLEASE FEEL FREE TO CONTACT THE FINANCE DEPARTMENT.

City of Dover
Finance Department
Monthly Report – July, 2005

General Fund Summary

	Original Budget	YTD	Balance	8% of Budget
Receipts				
Property Taxes	$ 8,161,808	$ 8,177,054	$ (15,246)	100.2%
Transfer Taxes	2,400,000	207,307	2,192,693	8.6%
Licenses & Permits	2,146,400	988,808	1,157,592	46.1%
Fines & Police Revenues	1,169,740	55,377	1,114,363	4.7%
Sanitation Revenues	1,250,560	82,247	1,168,313	6.6%
Library & Recreation Revenues	516,950	6,566	510,384	1.3%
Franchise Fees	360,000	-	360,000	0.0%
Court of Chancery Fees	540,000	-	540,000	0.0%
Intrafund Services	5,099,571	345,660	4,753,911	6.8%
Grants	260,000	4,500	255,500	1.7%
Transfers-In from Grants & Utilities				
Electric Fund	5,716,956	-	5,716,956	0.0%
Water/Wastewater Fund	535,785	-	535,785	0.0%
Civil Traffic Penalties Fund	500,000	-	500,000	0.0%
Municipal Street Aid Fund	792,000	-	792,000	0.0%
Other Miscellaneous Revenues	242,863	7,037	235,826	2.9%
Total	$ 29,692,633	$ 9,874,556	$ 19,818,077	33.3%
Expenditures				
City Clerk & Council	$ 489,511	$ 21,512	$ 467,999	4.4%
Mayor, City Manager & Human Resources	896,558	63,437	833,121	7.1%
Police & Police Extra Duty	11,210,074	513,629	10,696,445	4.6%
Public Works	5,302,014	286,997	5,015,017	5.4%
Central Services	2,478,052	117,589	2,360,463	4.7%
Planning & Inspections	1,279,287	51,331	1,227,956	4.0%
Finance, I/T & Administrative Services	2,760,116	110,903	2,649,213	4.0%
Library & Recreation	1,656,257	112,930	1,543,327	6.8%
Fire	969,254	24,752	944,502	2.6%
Assessor	168,400	22,774	145,626	13.5%
Debt Service	435,247	388,596	46,651	89.3%
Insurance	465,980	-	465,980	0.0%
Retiree's Health Care	732,555	59,355	673,200	8.1%
Street Lights	533,000	45,768	487,232	8.6%
Appropriation to Post-Retirement Benefits Fund	150,000	-	150,000	0.0%
Transfers Out - Contingency Reserve	34,000	-	34,000	0.0%
Transfers Out - Capital Asset Reserve	150,000	-	150,000	0.0%
Provision for Uncollectibles	10,000	-	10,000	0.0%
I/T Emergency Preparedness Plan	100,000	-	100,000	0.0%
Total	$ 29,820,305	$ 1,819,573	$ 28,000,732	6.1%
Excess Receipts/(Expenditures)	$ (127,672)	$ 8,054,983	$ (8,182,655)	
Working Capital & Reserve Balances-Unaudited				
Working Capital - Budget Balance		$ 2,466,681		
Contingency		$ 605,795		
Capital Asset Replacement		$ 319,918		
Parkland/Recreation		$ 982,141		

City of Dover
Finance Department
Monthly Report – July, 2005

Water/Wastewater Fund Summary

	Original Budget	YTD	Balance	8% of Budget
Revenue				
Water Fees & Water Tank Leases	$ 4,423,930	$ 403,669	$ 4,020,261	9.1%
Wastewater Fees & Impact Fees	3,856,760	315,236	3,541,524	8.2%
Kent County Treatment Fees	3,047,178	263,090	2,784,088	8.6%
Transfer to KCSA from Wastewater	643,770	-	643,770	0.0%
Miscellaneous	81,950	16,658	65,292	20.3%
Total	$ 12,053,588	$ 998,653	$ 11,054,935	8.3%
Expenses				
Water & Water Treatment Plant	$ 1,576,873	$ 89,786	$ 1,487,087	5.7%
Wastewater	797,329	35,277	762,052	4.4%
Water Meter Reading	56,816	2,884	53,932	5.1%
Construction & Inspection	538,366	26,783	511,583	5.0%
Kent County Treatment Fees	3,834,000	319,500	3,514,500	8.3%
Retiree's Health Care	142,983	11,165	131,818	7.8%
Debt Service	1,604,166	133,680	1,470,486	8.3%
Intrafund Services	1,101,076	76,406	1,024,670	6.9%
Transfers Out				
General Fund	535,785	-	535,785	0.0%
Capital Asset Reserve	600,000	-	600,000	0.0%
Water/Wastewater I & E Fund	1,083,167	-	1,083,167	0.0%
Kent County Chg from Wastewater	643,770	-	643,770	0.0%
Post-Retirement Benefit Fund	50,000	-	50,000	0.0%
Total	$ 12,564,331	$ 1,906,801	$ 10,657,530	15.2%
Excess Revenues/(Expenses)	$ (510,743)	$ (908,148)	$ 397,405	
Working Capital & Reserve Balances - Unaudited				
Working Capital - Budget Balance - Water		$ 1,853,993		
Working Capital - Budget Balance - WW		$ 892,225		
Working Capital - Budget Balance - KSA		$ (1,554,468)		
Contingency-Water		$ 294,220		
Contingency-Wastewater		$ 306,435		
Capital Asset Replacement		$ 602,440		
Impact Fee Reserve		$ 2,082,539		
Bond Coverage Ratio (Covenant 1.20)	1.73	3.27 *		

* Greater than budget due to timing of Transfers-out.

City of Dover
Finance Department
Monthly Report – July, 2005

Electric Revenue Fund Summary

	Original Budget	YTD	Balance	8% of Budget
Revenue				
Sales to Customers	$ 57,157,712	$ 5,630,769	$ 51,526,943	9.9%
Purchase Power Adjustment	6,561,106	631,883	5,929,223	9.6%
Utility Tax	1,245,946	109,086	1,136,860	8.8%
Weyandt Hall Rents	170,885	18,147	152,738	10.6%
Miscellaneous Revenues	601,000	37,913	563,087	6.3%
Total	$ 65,736,649	$ 6,427,798	$ 59,308,851	9.8%
Expenses				
Purchased Power	$ 42,636,070	$ 4,167,000	$ 38,469,070	9.8%
Electric Operating Divisions	6,026,808	287,235	5,739,573	4.8%
Utility Tax	1,245,946	103,838	1,142,108	8.3%
Interest on Deposits	25,000	3,035	21,965	12.1%
Retirees Health Care	527,487	44,122	483,365	8.4%
Accounts Receivable Write-Offs	125,000	-	125,000	0.0%
Debt Service & Arbitrage	2,640,257	220,021	2,420,236	8.3%
Intrafund Services	3,998,495	269,254	3,729,241	6.7%
Transfers Out				
Improvement & Extension	2,829,840	1,000,000	1,829,840	35.3%
General Fund	5,716,956	-	5,716,956	0.0%
Post-Retirement Benefit Fund	100,000	-	100,000	0.0%
Total	$ 65,871,859	$ 7,729,484	$ 58,142,375	11.7%
Excess Revenues/(Expenses)	$ (135,210)	$ (1,301,686)	$ 1,166,476	
Working Capital & Reserve Balances - Unaudited				
Working Capital - Budget Balance		$ 3,342,459		
Contingency Reserve		$ 1,156,239		
Insurance Reserve		$ 242,508		
Rate Stabilization Reserve		$ 2,565,850		
Depreciation Reserve		$ 15,909,467		
Future Capacity Reserve		$ 8,680,019		
Bond Coverage Ratio (Covenant 1.25)	2.02	7.08 *		

* Greater than budget due to timing of Transfers-out.

City of Dover
Finance Department
Monthly Report – July, 2005
Major CIP Projects to be Completed

		Original Budget			YTD		Balance	Project #
Greenway Grant - Fund 709								
Silver Lake Park Bridge Replacement	$	100,000	*	$	32,175	$	67,825	PR0506
Community Transportation - Fund 317, 318, & 319								
Dover High School Ditch - 318	$	-	*	$	9,392	$	(9,392)	ST0232
Street and Alley Program- 06- 318	$	250,000	*	$	-	$	250,000	ST0601
Generic Subdivision Signs - 318	$	-	*	$	9,990	$	(9,990)	ST0505
General Fund								
Mayfair Park Enhancement	$	20,000	*	$	-	$	20,000	PR0505
Playground Equipment Rep Prog 06	$	50,000		$	-	$	50,000	PR0601
Building Access Control System	$	77,340		$	-	$	77,340	PD0601
Develop Strategy/Implement Citywide GIS	$	57,000		$	-	$	57,000	---
Upgrade H T E to Naviline Version	$	103,080		$	-	$	103,080	---
Police Second Floor Expansion	$	-		$	139	$	(139)	PD0603
Concrete Program 06	$	40,000		$	661	$	39,339	ST0602
Handicapped Access Program 06	$	39,200		$	-	$	39,200	FM0601
City Fiber Phone Program	$	130,000		$	-	$	130,000	CS0601
Pear Street Warehouse Renovation	$	25,000		$	-	$	25,000	SP0001
IT Emergency Preparedness Plan	$	100,000	*	$	-	$	100,000	IT0504
Water/Wastewater Fund								
Meter Reading Technology Upgrade 06	$	60,000		$	11,425	$	48,575	WS0603
Elev Storage Tank Program 06	$	70,130		$	-	$	70,130	WS0604
Wellhead Redevelopment Program 06	$	35,000		$	95	$	34,905	WS0606
SE Water Loop	$	80,000		$	-	$	80,000	WD0003
Water Quality Evaluation	$	-		$	3,117	$	(3,117)	WD0504
Scarborough Rd. Intercon	$	50,000		$	-	$	50,000	WD0601
Cast Iron Main Rep/Lining	$	100,000		$	-	$	100,000	WS0502
Misc. Distribution System Improvements 06	$	50,000		$	-	$	50,000	WS0602
Inflow/Infiltration Removal	$	75,000	*	$	7	$	74,993	WS0501
Misc. Sewer System Improvements Program 06	$	60,000		$	-	$	60,000	WS0605
Garrison Oak Pump Station	$	724,000	*	$	-	$	724,000	WW0304
White Oak Farm P S Force Main	$	160,000	*	$	930	$	159,070	WW0501
Puncheon Run Int. Sewer Extension	$	75,000	*	$	12,390	$	62,610	WW0505
Mifflin Road Sewer Ext	$	-		$	16,000	$	(16,000)	WW0506
Kings Highway Sewer Diversion	$	60,000		$	-	$	60,000	WW0602
Electric Revenue Fund								
New Developments Upgrade Program	$	410,000		$	20,173	$	389,827	EE0606
Emerald Point	$	50,000	*	$	3,662	$	46,338	EE0515
Cannon Mill	$	60,000		$	-	$	60,000	EE0608
Radio Read Meter Change Out Program	$	545,000		$	5,390	$	539,610	ET0501
Pole Inventory System	$	160,000		$	-	$	160,000	EE0503
Outage Reporting System	$	76,500	*	$	-	$	76,500	EE0504
Cartanza Substation & Lines	$	187,000	*	$	-	$	187,000	ES0103
College Road Capacitor	$	155,000		$	-	$	155,000	EE0604
Mayfair to Mid-City 69kv	$	723,200	*	$	36,331	$	686,869	ET0502
69kv Feeders 3 and 4	$	190,000		$	-	$	190,000	EE0601
Kesselring Feeder	$	135,879		$	-	$	135,879	EE0602
Governors Avenue Rebuild	$	1,268,450		$	-	$	1,268,450	EE0603
Lighting Projects and Rehabs 06	$	50,000		$	-	$	50,000	EE0605
Heart Start ADS- Defibrillators	$	27,000		$	-	$	27,000	---
Meter Testing Bench	$	23,000		$	-	$	23,000	---
Replace 69 kv Breakers	$	150,000		$	-	$	150,000	ES0105
System Ops Radio Replacement	$	30,000		$	-	$	30,000	---
Distribution Upgrade Programs 06	$	300,000		$	12,616	$	287,384	EU0601

* Denotes project carried forward from prior fiscal year(s).

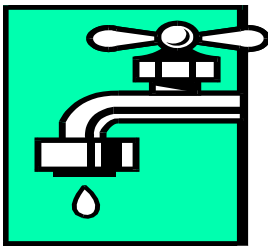
CITY OF DOVER

FINANCE DEPARTMENT

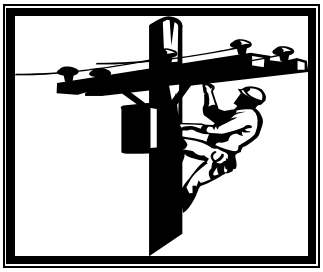
AUGUST 2005

AMENDED MONTHLY BUDGET REPORT









PREPARED BY: FINANCE DEPARTMENT
DATE: October 5, 2005

PLEASE NOTE – THIS NEWLY FORMATTED REPORT PROVIDES TOP LINE INFORMATION ON THE THREE MAJOR OPERATING FUNDS. IF YOU WOULD LIKE ADDITIONAL INFORMATION PLEASE FEEL FREE TO CONTACT THE FINANCE DEPARTMENT.

City of Dover
Finance Department
Monthly Report – August, 2005

General Fund Summary

	Original Budget	YTD	Balance	16% of Budget
Receipts				
Property Taxes	$ 8,161,808	$ 8,194,290	$ (32,482)	100.4%
Transfer Taxes	2,400,000	604,821	1,795,179	25.2%
Licenses & Permits	2,146,400	1,289,433	856,967	60.1%
Fines & Police Revenues	1,169,740	121,342	1,048,398	10.4%
Sanitation Revenues	1,250,560	338,107	912,453	27.0%
Library & Recreation Revenues	516,950	24,375	492,575	4.7%
Franchise Fees	360,000	-	360,000	0.0%
Court of Chancery Fees	540,000	58,500	481,500	10.8%
Intrafund Services	5,099,571	832,684	4,266,887	16.3%
Grants	260,000	19,857	240,143	7.6%
Transfers-In from Grants & Utilities				
Electric Fund	5,716,956	-	5,716,956	0.0%
Water/Wastewater Fund	535,785	-	535,785	0.0%
Civil Traffic Penalties Fund	500,000	-	500,000	0.0%
Municipal Street Aid Fund	792,000	-	792,000	0.0%
Other Miscellaneous Revenues	242,863	20,957	221,906	8.6%
Total	$ 29,692,633	$ 11,504,366	$ 18,188,267	38.7%
Expenditures				
City Clerk & Council	$ 489,511	$ 66,254	$ 423,257	13.5%
Mayor, City Manager & Human Resources	896,558	166,288	730,270	18.5%
Police & Police Extra Duty	11,210,074	1,608,650	9,601,424	14.4%
Public Works	5,302,014	774,392	4,527,622	14.6%
Central Services	2,478,052	354,525	2,123,527	14.3%
Planning & Inspections	1,279,287	173,813	1,105,474	13.6%
Finance, I/T & Administrative Services	2,760,116	395,100	2,365,016	14.3%
Library & Recreation	1,656,257	333,745	1,322,512	20.2%
Fire	969,254	440,081	529,173	45.4%
Assessor	168,400	50,666	117,734	30.1%
Debt Service	435,247	388,596	46,651	89.3%
Insurance	465,980	71,990	393,990	15.4%
Retiree's Health Care	732,555	114,326	618,229	15.6%
Street Lights	533,000	92,040	440,960	17.3%
Appropriation to Post-Retirement Benefits Fund	150,000	150,000	-	100.0%
Transfers Out - Contingency Reserve	34,000	-	34,000	0.0%
Transfers Out - Capital Asset Reserve	150,000	150,000	-	100.0%
Provision for Uncollectibles	10,000	10,000	-	100.0%
I/T Emergency Preparedness Plan	100,000	-	100,000	0.0%
Total	$ 29,820,305	$ 5,340,466	$ 24,479,839	17.9%
Excess Receipts/(Expenditures)	$ (127,672)	$ 6,163,900	$ (6,291,572)	
Working Capital & Reserve Balances-Unaudited				
Working Capital - Budget Balance		$ 2,466,681		
Contingency		$ 605,795		
Capital Asset Replacement		$ 319,918		
Parkland/Recreation		$ 982,141		

City of Dover
Finance Department
Monthly Report – August, 2005

Water/Wastewater Fund Summary

	Original Budget	YTD	Balance	16% of Budget
Revenue				
Water Fees & Water Tank Leases	$ 4,423,930	$ 850,145	$ 3,573,785	19.2%
Wastewater Fees & Impact Fees	3,856,760	858,814	2,997,946	22.3%
Kent County Treatment Fees	3,047,178	546,096	2,501,082	17.9%
Transfer to KCSA from Wastewater	643,770	-	643,770	0.0%
Miscellaneous	81,950	41,391	40,559	50.5%
Total	$ 12,053,588	$ 2,296,446	$ 9,757,142	19.1%
Expenses				
Water & Water Treatment Plant	$ 1,576,873	$ 240,685	$ 1,336,188	15.3%
Wastewater	797,329	134,713	662,616	16.9%
Water Meter Reading	56,816	10,634	46,182	18.7%
Construction & Inspection	538,366	90,610	447,756	16.8%
Kent County Treatment Fees	3,834,000	628,043	3,205,957	16.4%
Retiree's Health Care	142,983	20,269	122,714	14.2%
Debt Service	1,604,166	267,360	1,336,806	16.7%
Intrafund Services	1,101,076	185,986	915,090	16.9%
Transfers Out				
General Fund	535,785	-	535,785	0.0%
Capital Asset Reserve	600,000	600,000	-	100.0%
Water/Wastewater I & E Fund	1,083,167	-	1,083,167	0.0%
Kent County Chg from Wastewater	643,770	-	643,770	0.0%
Post-Retirement Benefit Fund	50,000	50,000	-	100.0%
Total	$ 12,564,331	$ 2,228,300	$ 10,336,031	17.7%
Excess Revenues/(Expenses)	$ (510,743)	$ 68,146	$ (578,889)	
Working Capital & Reserve Balances - Unaudited				
Working Capital - Budget Balance - Water		$ 1,853,993		
Working Capital - Budget Balance - WW		$ 892,225		
Working Capital - Budget Balance - KSA		$ (1,554,468)		
Contingency-Water		$ 294,220		
Contingency-Wastewater		$ 306,435		
Capital Asset Replacement		$ 602,440		
Impact Fee Reserve		$ 2,082,539		
Bond Coverage Ratio (Covenant 1.20)	1.73	3.50 *		

* Greater than budget due to timing of Transfers-out.

City of Dover
Finance Department
Monthly Report – August, 2005

Electric Revenue Fund Summary

	Original Budget	YTD	Balance	16% of Budget
Revenue				
Sales to Customers	$ 57,157,712	$ 12,280,478	$ 44,877,234	21.5%
Purchase Power Adjustment	6,561,106	1,395,635	5,165,471	21.3%
Utility Tax	1,245,946	231,308	1,014,638	18.6%
Weyandt Hall Rents	170,885	32,570	138,315	19.1%
Miscellaneous Revenues	601,000	101,541	499,459	16.9%
Total	$ 65,736,649	$ 14,041,532	$ 51,695,117	21.4%
Expenses				
Purchased Power	$ 42,636,070	$ 8,480,040	$ 34,156,030	19.9%
Electric Operating Divisions	6,026,808	871,067	5,155,741	14.5%
Utility Tax	1,245,946	212,914	1,033,032	17.1%
Interest on Deposits	25,000	5,886	19,114	23.5%
Retirees Health Care	527,487	81,106	446,381	15.4%
Accounts Receivable Write-Offs	125,000	125,000	-	100.0%
Debt Service & Arbitrage	2,640,257	440,042	2,200,215	16.7%
Intrafund Services	3,998,495	646,698	3,351,797	16.2%
Transfers Out				
Improvement & Extension	2,829,840	1,000,000	1,829,840	35.3%
General Fund	5,716,956	-	5,716,956	0.0%
Post-Retirement Benefit Fund	100,000	100,000	-	0.0%
Total	$ 65,871,859	$ 11,962,753	$ 53,909,106	18.2%
Excess Revenues/(Expenses)	$ (135,210)	$ 2,078,779	$ (2,213,989)	
Working Capital & Reserve Balances - Unaudited				
Working Capital - Budget Balance		$ 3,342,459		
Contingency Reserve		$ 1,156,239		
Insurance Reserve		$ 242,508		
Rate Stabilization Reserve		$ 2,565,850		
Depreciation Reserve		$ 15,909,467		
Future Capacity Reserve		$ 8,680,019		
Bond Coverage Ratio (Covenant 1.25)	2.02	8.02 *		

* Greater than budget due to timing of Transfers-out.

City of Dover
Finance Department
Monthly Report – August, 2005
Major CIP Projects to be Completed

		Original Budget		YTD	Balance	Project #
Greenway Grant - Fund 709						
Silver Lake Park Bridge Replacement	$	100,000	*	$ 36,765	$ 63,235	PR0506
Community Transportation - Fund 317, 318, & 319						
Dover High School Ditch - 318	$	-	*	$ 35,022	$ (35,022)	ST0232
Street and Alley Program- 06- 318	$	250,000	*	$ 211	$ 249,789	ST0601
Generic Subdivision Signs - 318	$	-	*	$ 9,990	$ (9,990)	ST0505
Street and Alley Program- 05- 318	$	-	*	$ 48,597	$ (48,597)	ST0501
Garrison Oak Technology Park - 319	$	-	*	$ 31,117	$ (31,117)	WW0304
General Fund						
Dover Park Enhancement	$	60,000		$ -	$ 60,000	PR0504
Mayfair Park Enhancement	$	20,000	*	$ -	$ 20,000	PR0505
Playground Equipment Rep Prog 06	$	50,000		$ -	$ 50,000	PR0601
Building Access Control System	$	77,340			$ 77,340	PD0601
Develop Strategy/Implement Citywide GIS	$	57,000		$ -	$ 57,000	---
Upgrade H T E to Naviline Version	$	103,080		$ -	$ 103,080	---
Police Second Floor Expansion	$	-		$ 13,480	$ (13,480)	PD0603
Concrete Program 06	$	40,000		$ 23,081	$ 16,919	ST0602
Handicapped Access Program 06	$	39,200		$ -	$ 39,200	FM0601
City Fiber Phone Program	$	130,000		$ -	$ 130,000	CS0601
Pear Street Warehouse Renovation	$	25,000		$ -	$ 25,000	SP0001
IT Emergency Preparedness Plan	$	100,000	*	$ -	$ 100,000	IT0504
Water/Wastewater Fund						
Meter Reading Technology Upgrade 06	$	60,000		$ 16,039	$ 43,961	WS0603
Elev Storage Tank Program 06	$	70,130		$ -	$ 70,130	WS0604
Wellhead Redevelopment Program 06	$	35,000		$ 328	$ 34,672	WS0606
SE Water Loop	$	80,000		$ -	$ 80,000	WD0003
Water Quality Evaluation	$	-		$ 3,117	$ (3,117)	WD0504
Scarborough Rd. Intercon	$	50,000		$ -	$ 50,000	WD0601
Cast Iron Main Rep/Lining	$	100,000		$ -	$ 100,000	WS0502
Misc. Distribution System Improvements 06	$	50,000		$ -	$ 50,000	WS0602
Inflow/Infiltration Removal	$	75,000	*	$ 7	$ 74,993	WS0501
Misc. Sewer System Improvements Program 06	$	60,000		$ 876	$ 59,124	WS0605
Garrison Oak Pump Station	$	724,000	*	$ -	$ 724,000	WW0304
White Oak Farm P S Force Main	$	160,000	*	$ 930	$ 159,070	WW0501
Puncheon Run Int. Sewer Extension	$	75,000	*	$ 15,550	$ 59,450	WW0505
Mifflin Road Sewer Ext	$	-		$ 16,000	$ (16,000)	WW0506
Kings Highway Sewer Diversion	$	60,000		$ -	$ 60,000	WW0602
Electric Revenue Fund						
New Developments Upgrade Program	$	410,000		$ 116,321	$ 293,679	EE0606
Emerald Point	$	50,000	*	$ 34,598	$ 15,402	EE0515
Cannon Mill	$	60,000		$ -	$ 60,000	EE0608
Radio Read Meter Change Out Program	$	545,000		$ 8,207	$ 536,793	ET0501
Pole Inventory System	$	160,000		$ 14,288	$ 145,712	EE0503
Outage Reporting System	$	76,500	*	$ -	$ 76,500	EE0504
4kv to 12 kv Upgrades	$	-	*	$ 320	$ (320)	ED0501
Cartanza Substation & Lines	$	187,000	*	$ 233,862	$ (46,862)	ES0103
College Road Capacitor	$	155,000		$ -	$ 155,000	EE0604
Mayfair to Mid-City 69kv	$	723,200	*	$ 47,651	$ 675,549	ET0502
69kv Feeders 3 and 4	$	190,000		$ 993	$ 189,007	EE0601
Kesselring Feeder	$	135,879		$ 23,885	$ 111,994	EE0602
Governors Avenue Rebuild	$	1,268,450		$ -	$ 1,268,450	EE0603
Lighting Projects and Rehabs 06	$	50,000		$ -	$ 50,000	EE0605
Heart Start ADS- Defibrillators	$	27,000		$ -	$ 27,000	---
Meter Testing Bench	$	23,000		$ -	$ 23,000	---
Replace 69 kv Breakers	$	150,000		$ -	$ 150,000	ES0105
System Ops Radio Replacement	$	30,000		$ -	$ 30,000	---
Distribution Upgrade Programs 06	$	300,000		$ 12,616	$ 287,384	EU0601

* Denotes project carried forward from prior fiscal year(s).

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.: 10/10/05 – 8A**
DEPARTMENT OF ORIGIN: Parks, Recreation, & Library	**DATE SUBMITTED: 09/29/05**
PREPARED BY: Zachery Carter	
SUBJECT: Playground Equipment Replacement Program	
REFERENCE: N/A	
RELATED PROJECT: NA	
APPROVALS: City Manager, Finance Director	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $ 49,961.47 **AMOUNT BUDGETED**: $50,000 (PR0601) **FUNDING SOURCE (Dept./Page in CIP & Budget)**: General Fund - 110-1500-525 (40.31) CIP page 138	
TIMETABLE: Begin work in October 2005 and finish by November 2005.	
RECOMMENDED ACTION: Award bid to **GameTime c/o West Recreation, Inc**., PO Box 487, Queenstown, MD 21658 for purchase and installation of equipment/safety surfacing in the amount of $ 49,961.47.	

BACKGROUND AND ANALYSIS

As part of the City of Dover Parks & Recreation Department's Capital Investments Plan this year, we are replacing the playground equipment in Williams Park and will install a unit for two-five year olds in The Hamlet Park. This equipment purchase is part of the Playground Equipment Replacement Program that the Department has been implementing over the past three years. The equipment being purchased was put out for bid using the purchasing policy (3.3J), which permits the Department to use other government contracts to purchase materials. For this project, the Department is using the US Communities bid information for evaluation of playground equipment.

Mr. Zach Carter has reviewed the bid information and recommends that the proposals (Quote #:USC050595R5 and Quote #:USC050592R) from GameTime c/o West Recreation, Inc. in the amount of $ 49,961.47 be approved for the Williams Park and The Hamlet Park playgrounds.

COUNCIL ACTION FORM

PROCEEDING: Council	**AGENDA ITEM**: 10/10/05 – 8B
DEPARTMENT OF ORIGIN: Central Services	**DATE SUBMITTED**: 10/3/05
PREPARED BY: Ed Baker, Central Services Director & Frank Szyjka, Human Resources Director	
SUBJECT: City Hall Security Management and Employee Identification System	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Finance Director	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $89,925.00 **AMOUNT BUDGETED BEFORE GRANT AWARD (Dept./Page in CIP & Budget)**: $25,000 for Security budget in Central Services General Fund budget pages 124 & 266, and $5,000 for Employee Identification System page 286. **GRANT FUNDING SOURCE**: Homeland Security Grant in the Amount of $90,633.54	
TIMETABLE: Contract for purchase and installation upon Council's approval, encumber funds by October 30, 2005	
RECOMMENDED ACTION: Staff recommends entering into a contract with ADVANTECH, Inc. to purchase the City Hall Security Management and Employee Identification System with an 18-month maintenance contract for $89,925.00.	

BACKGROUND AND ANALYSIS

The City in its 2005/06 Budget had anticipated security improvements to City Hall as well as a new employee identification card system. While $30,000 was set aside in the General Fund, we had applied for full Homeland Security Grant Funds from the State of Delaware for the proposed program and an expanded program. In late July, we were notified that we were awarded a total of $90,633.54--some of these funds from an FY 03 & FY 04 appropriation which requires an expedited expenditure by October 30, 2005 and November 30, 2005 respectively.

This proposal and the grant funding is to provide and install all components to allow for the implementation of a Security Management and Employee Identification System. This system will provide for:

- Configuration of three exterior doors and twelve interior doors for access control;
- A card reader for the front double doors, portico door and the rear exterior door;
- Installation of a card reader, an electric strike and a request to exit motion detector on 13 interior doors (City Manager's Office, hallway door, Public Works Office, Human Resources Office, City Clerk's Office, Council Room, Finance door, (3) Inspections & Planning doors and (3) additional doors of the City's choice;

- Installation of a remote control panel upstairs in second floor closet;
- Installation of a Security Management Badging System to allow customization of each employee's identification card;
- "Smart Cards" to serve as actual Access Control cards to allow governing and restricting of pedestrian traffic;
- A digital camera, tripod, and all necessary cabling (supplied by ADVANTECH).
- Installation of an Access Control server with software allowing for two concurrent users--one badging and 96 reader licenses.
- Upgrading of current security system by installing a 16-channel Honeywell Fusion Digital Video Recorder and 17" LCD monitor.
- Installation of eight exterior and two interior day/night cameras to provide 13 camera views and leave room for three new cameras for future expansion.
- A service agreement covering all parts and labor for the first 18 months after installation completion.

To accommodate the need to expedite this expenditure, the City began a search for vendors who were already contracted with the City or other governments in Delaware. We found that ADVANTECH had already been serving the City. Prior to 1998, the City of Dover contracted with ADVANTECH to provide the security system for the Police Department. In 1998, ADVANTECH was again the low bidder to provide the security system for Administrative Services at Weyandt Hall. In November of 1999, ADVANTECH installed the current security system in City Hall. In April of 2000, it installed the system in use in the Police Communication Center. Lastly, the Police Department had ADVANTECH provide the security system for its warehouse evidence storage. In addition to other City of Dover facilities, ADVANTECH has the following other customers: Port of Wilmington. DEMA (Delaware Emergency Management Agency), DTI (Delaware Department of Technology and Information), DMV (Delaware Department of Motor Vehicles), DART First State, and Kent County Emergency Operations Center.

Therefore, to expedite the purchase, bids were not solicited; and a contract was negotiated as provided under Section 3.16 (C) of the City's Purchasing Policy. The rationale for doing a negotiated contract with ADVANTECH is as follows:

1. ADVANTECH has 32 different government/educational and ten private business customers within Delaware.

2. The City of Dover has ADVANTECH systems operational in four buildings.

3. ADVANTECH can utilize the equipment currently in place in City Hall to help keep the cost down.

4. Purchasing from ADVANTECH will provide continuity and integration of all security systems, including parts and maintenance, within City buildings.

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:** 10-10-05 – 8C
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 09-30-05
PREPARED BY: Scott D. Koenig, Director of Public Works	
SUBJECT: Evaluation of Bids – Trailer Mounted Generator	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Finance Director	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $42,000.00	**AMOUNT BUDGETED**: $ 0.00
FUNDING SOURCE (Dept./Page in CIP & Budget): FY-2004 Homeland Security Grant Funds. This purchase was not part of the original FY-2006 spending plan for the Department of Public Works.	
TIMETABLE: Issue award letter on Tuesday, October 11, 2005, pending Council approval. Delivery expected no later than 10 weeks from receipt of the purchase order by the vendor.	
RECOMMENDED ACTION: Award a purchase order to Fidelity Engineering Corp. in the amount of $42,000.00 for the purchase of one (1) trailer mounted generator (200 kW).	

BACKGROUND AND ANALYSIS

The City of Dover Department of Public Works has secured grant funding for the purchase of one (1) trailer mounted generator that could power segments of the water production system during periods of extended power outages should they occur. Originally, this purchase was intended to be part of a state-wide generator purchase through DEMA; however, it was recently determined that the sub-grant process should be used to facilitate this purchase. Once the sub-grant application and award was completed, the Department of Public Works prepared a bid package and solicited sealed bids through the City's Purchasing Agent.

Bids were opened on Monday, September 26, 2005, at 2:00 p.m. The following vendors submitted bids:

Vendor	Location	Amount
Fidelity Engineering Corp.	Sparks, MD	$42,000.00
Cummins Power Systems, Inc.	Glen Burnie, MD	$45,000.00
O.A. Newton	Bridgeville, DE	$46,699.00
Industrial Diesel Power, Inc.	Croydon, PA	$54,700.00
U.S.Tech Incorporated	Franklin Lakes, NJ	$54,722.22
Tri-Supply Equipment	New Castle, DE 19720	$60,443.00

Based on a review of the bids, the Department of Public Works is recommending award of a purchase order to Fidelity Engineering, Corp. in the amount of $42,000.00 for the purchase of one (1) trailer mounted generator. The City of Dover must purchase this equipment using City funds and will be reimbursed by DEMA in accordance with the grant guidelines. Funds should be reimbursed to the City of Dover within four-six weeks from the date of delivery of the equipment.

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement ("Agreement") is entered into this __ day of October, 2005 by Overland Contracting Inc. ("OCI"), a Delaware corporation, and the City of Dover, Delaware ("Dover"), a municipality, (collectively referred to as "Parties").

1. Purpose and Subject Matter of the Agreement

The purpose of this Agreement is to settle all claims arising out of the Agreement for Engineering, Procurement and Construction dated June 27, 2003, and the amendments and change orders thereto. (The Agreement, as amended, and the change orders will be referred to together hereinafter as the "EPC Contract".)

2. Release of Claims

A. Release of OCI by Dover: Dover, on behalf of itself, its officers, city council members, employees, agents, representatives, assigns, and successors, hereby fully releases, acquits, and discharges OCI and its parents, subsidiaries, affiliates, directors, officers, trustees, agents, employees, assigns, and successors, from any and all liability, suits, damages, judgments, claims, demands, and causes of action, known or unknown, whether arising in law or equity, that it has or may have against OCI arising from, or related to, OCI's performance of the EPC Contract, provided, however, that Dover does not release OCI and its parents, subsidiaries, affiliates, directors, officers, trustees, agents, employees, assigns, and successors, from any liability, suits, damages, judgments, claims, demands, and causes of action, arising out of, or related to OCI's obligations under the indemnity provisions of the EPC Contract. OCI acknowledges the continuing applicability of the EPC Contract according to its terms, including without limitation, the indemnification provisions.

B. Release of the City of Dover, Delaware by Overland Contracting Inc.: OCI, on behalf of itself, its shareholders, officers, directors, employees, agents, representatives, and successors, hereby fully releases, acquits, and discharges Dover and its officers, city council members, employees, agents, representatives, employees, assigns, and successors, from any and all liability, suits, damages, judgments, claims demands, and causes of action, known or unknown, whether arising in law or equity, that it has or may have against Dover arising from, or related to, Dover's performance of the EPC Contract, provided, however, that OCI does not release Dover and its officers, city council members, employees, agents, representatives, assigns, and successors, from any liability, suits, damages, judgments, claims, demands, and causes of action, arising out of or related to Dover's obligations under the indemnity provisions of the EPC Contract. Dover acknowledges the continuing applicability of the EPC Contract according to its terms, including without limitation, the indemnification provisions.

3. <u>Payment and Other Consideration</u>

Dover shall pay OCI the sum of Two Hundred Seventy Five Thousand Dollars U.S. ($ 275,000.00). Dover shall make such payment within ten (10) days following execution of this Agreement by both Parties.

Within ten (10) days after its receipt of said payment, OCI shall deliver to Dover a full lien release for any work performed by OCI, or on its behalf by any contractors or subcontractors, arising out of the EPC Contract.

4. **Miscellaneous**

A. Successors & Assigns: This Agreement is binding upon the Parties hereto and their respective successors and assigns. Each Party represents that the undersigned has the legal capacity to execute this Agreement on its behalf.

B. Amendments: No modification of this Agreement shall be effective unless made in writing and signed by the Parties.

C. No Third Party Beneficiary: Except as expressly stated herein, neither this Agreement nor any term herein is made or intended for the benefit of any third person or entity and shall not create or give to any third person or entity, including but not limited to any insurance carrier, any right, claim, benefit, defense or cause of action against any party hereto.

D. Entire Agreement: This Agreement is the entire agreement among the Parties relating to the subject matter hereof and supersedes any and all prior negotiations, statements, representations or agreements relating to the subject matter hereof, whether oral, written, express or implied.

E. No Admission of Fault: Nothing contained in this Agreement, or any payment made or obligation hereunder is intended to constitute any implication of or admission of fault, liability, or responsibility of either Party.

F. Severability: If any term or provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portion of the Agreement will continue to be valid and will be performed, construed and enforced to the fullest extent of the law.

G. Signature in Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

BY EXECUTING THIS AGREEMENT, A PARTY ACKNOWLEDGES THAT IT HAS COMPLETELY READ THIS AGREEMENT, THAT IT HAS CONSULTED WITH LEGAL COUNSEL REGARDING THIS AGREEMENT, AND THAT IT FULLY UNDERSTANDS ALL OF THE PROVISIONS CONTAINED HEREIN AND THE CONSEQUENCES THEREOF.

Approved as to form:

_____
Date
Counsel for Dover

The City of Dover, Delaware

_____
Anthony DePrima Date
City Manager

Approved as to form:

_____
Date
Counsel for Overland Contracting Inc.

Overland Contracting Inc.

_____
Richard N. Crowdis Date
Project Executive & Vice President

City of Dover

BEVERLY C. WILLIAMS
Councilwoman - First District
Council President

20 Gleneagles Court
Dover, DE 19904
(302) 734-9944 - Home
(302) 736-7006 - City Office

October 3, 2005

Mr. Cecil C. Wilson
130 Brandywine Drive
Dover, DE 19904

Dear Mr. Wilson:

Thank you for speaking during the Open Forum Segment of the Regular Council Meeting on September 26, 2005 regarding your concerns of the Dover Human Relations Commission (DHRC) and African American City employees and citizens.

After having the opportunity to further review your concerns, as well as the copy of the complaint you provided, dated September 8, 2005, that was submitted to the Delaware State Human Relations Commission Director and Members, I offer the following responses in the order in which your concerns were presented:

- ✓ To respond to an investigation of the DHRC, I am confident that scrutiny by the Delaware State Human Relations Commission will reveal that there has been no miscarriage and I actually welcome the review by that body.

- ✓ To respond to your concerns about African Americans employed by the City of Dover, I would request further information, specific by example, to understand your concern.

- ✓ To respond to your comment that our former City Assessor was not evaluated properly, please be advised that this employee was evaluated the same as all other Council Appointed employees. As you may already know, all members of Council are provided with periodic evaluations for each Council appointed position and all Council members are asked to include their comments and a rating for each category.

- ✓ To respond to your accusation that the City of Dover has created an internal hiring job description for an internal city employee in order to fill the new Assessor position, this could not be farther from the truth. There is only one job description for the City Assessor which was originally developed by the Public Administration Service (PAS) and approved by City Council in 2003. Recently, there was an amendment made to that job description, which included the following: *"Requires an IAAO (International Association of Assessing Officers) accreditation or ability to acquire that accreditation within 1 year (or an equivalent documented accreditation or certification)"*. This clearly

does not provide for a current city employee to be hired as the new City Assessor because no city employee holds that accreditation or equivalent. As a result, Council initiated a regional/national search, effective August 19, 2005. Assessment services continue to be provided by a consulting firm while the search for an Assessor with proper accreditation continues.

✓ To respond to your comments about the City of Dover Police Department, there has been no devaluing of the requirements and/or standards to permit African American police officers to be promoted without merit. Nothing has changed in this area, nor do I believe that these officers would engage in the behavior that you have suggested in your comments. These officers are deserving and have been duly promoted based on their performance as members of law enforcement for our City. I, therefore, on their behalf, request an apology because it is my belief that your comments about the City's policing efforts are inaccurate and even worse, inconsiderate and insensitive to the work and dedication provided by these officers. Again, I welcome an investigation, if deemed necessary.

✓ To respond to the "inappropriate communication of our police officers", I simply do not know what you are talking about and therefore request further clarification with specific examples in order to understand what you are saying.

In summary, Mr. Wilson, it is evident that most certainly there is a lack of communication and understanding. Your remarks regarding the DHRC, the treatment of African American employees, the evaluation of our previous City Assessor, the job description for a new City Assessor, and the promotion of African American police officers are simply not accurate. The fact that you are considering or believe that they are true only reinforces my belief that we do, indeed, need to sit down and talk. If this is not suitable for you, then again, I welcome a review of any of your concerns about the City of Dover and look forward to the presentation and distribution of the results to all our citizens.

Please feel free to contact me should you wish to discuss these or any other matters further.

Sincerely,

Beverly C. Williams
Council President

BCW/jg
S:\ClerksOffice\Correspondence\Council President\WILLIAMS\Wilson-09-26-2005 Open Forum Complaint.wpd

cc: Mayor and Council
Chief Horvath
Mr. DePrima

City of Dover

October 6, 2005

Robert G. Ritter, Jr.
3rd District Councilman
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Councilman Ritter:

To accuse a career public servant of collusion is a serious matter that should not be given or taken lightly. For over four years since you first won your Council seat, I have silently taken your unwarranted and baseless accusations about my performance and integrity. I have also silently watched you bully others. However, there comes a time when an employee must defend himself--a time when falsehoods must be revealed--a time when an accuser's lack of knowledge must be exposed. For me that time has come. When referring to Senator McCarthy's baseless accusations, Edward R. Murrow said, "No one can terrorize a whole nation, unless we are all his accomplices." My silence is no longer going to be your accomplice in terrorizing this city's workforce.

You accused me and Council President Williams of collusive practices resulting in hidden salary increases. Had you thoroughly reviewed the draft budget, you would have seen that pay for performance had its own section, and the percentages for proposed salary increases were clearly presented on page 164. As you know, the draft budget was *publicly discussed* over four nights. During one of those nights, I also *publicly discussed* the City's pay-for-performance policy through a PowerPoint presentation devoted solely to this policy

You accused the Council President and me of changing the past system of voting on salary increases so that they would be hidden. City Council never acted on individual salaries except those of the five Council Appointees, and there was no consistency in how increases were awarded to the appointees. The pay-for-performance system is the first system uniformly applied to all non-bargaining employees and this, too, was discussed in open session.

You accused the Council President of giving me "carte blanche" over salary increases. You know that:

1. the pay-for-performance system ties salary increases to evaluation scores;

2. City Council does evaluations for the five Council Appointees, and the Mayor evaluates the Police Chief; and

3. each supervisor does their subordinates' evaluations.

Therefore, how can you possibly state that I and the Council President have control over salaries? Out of 80 non-bargaining employee increases, I have responsibility for eight.

You stated that the pay-for-performance system is not working. As evidence, you stated that salaries are increasing exponentially. Where is your proof? In fact, the information provided to you by Donna Mitchell showed that the overall salary costs changed 3.44%, 5.72% and 4.92% over the past three years including promotions. The fact is that any non-bargaining employee who had a below-market salary and increased his/her evaluation score would appear to have an exponential growth because of improved performance and a greater differential given to below-market employees this fiscal year. All of this was clearly presented in the budget. There is also no truth to your statement that the pay for performance policy has allowed 13%-20% increases for some employees. Only five out of 80 employees received raises in that amount, and they were all due to promotions to jobs with more responsibility.

You stated that the pay-for-performance system is not working. As evidence, you stated that people in the "buddy system" and "higher ups" are getting bigger increases than others. You used my increase as an example. In reality, I was one of 30 employees to receive the 4.75% increase and one of seven employees to receive 7%. The percentage increase I received is the same percentage all non-bargaining employees with commendable evaluation scores received if their salaries were below market. My score was derived by those City Council members who participated in my evaluation. You chose not to participate. My salary is below market and is still less than the former City Manager was paid five years ago. In 2006, salary increases for the 13 department heads averaged 5.23%. The 13 least paid non-bargaining employees received 4.78%--less than one-half of a percent difference. So, where is your evidence that people in the "buddy system" and "higher ups" are getting bigger increases? You failed to point out that total non-bargaining salary expenses dropped by 4.38%.

What evidence do you have of secret meetings? Annual evaluations of the five Council Appointees was and always has been legally done in executive session. During these meetings, performance is discussed; salary is not. Conducting a performance review is one of the most important jobs of a City Council member. You did not participate this year. By not participating in this process, you failed the system; the system itself, is not a failure—it is a success.

Talk of secret meetings, collusion and hidden salary increases does nothing but demoralizes employees, insults City Council and falsely raises suspicion among well-served citizens. Council President Williams and I deserve an apology for your accusations of deception and collusion. City Council members are owed an apology for your implication that they are not doing their jobs. Finally, for not actively participating in budget hearings or the pay for performance evaluation process and then maligning both through slanderous, unjustifiable remarks, your constituents are also owed an apology.

Sincerely,

ANTHONY J. DEPRIMA, AICP
City Manager

AJC/clc

cc: Mayor and Council

c:/Tony/City Manager/Ritter Response

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 106 - Traffic and Vehicles - of the Dover Code be amended by adding a new section 106-17, to read as follows:

(a) Except as hereinafter provided, no commercial vehicle having three (3) or more axles shall be operated on any street in the City of Dover except on a "truck route."

(b) The following roads are designated as "truck routes" within the City of Dover:

(1) U.S. Route 13
(2) Bay Road
(3) Governors Avenue
(4) Saulsbury Road
(5) Dover-Kenton Road
(6) Persimmon Tree Lane
(7) Delaware Route 1
~~(8) State Street~~
(9) Scarborough Road
(10) McKee Road
(11) South Little Creek Road
(12) Leipsic Road
(13) Denny's Road
(14) Delaware Route 8
(15) North Street
(16) New Burton Road
(17) White Oak Road

(c) This section shall not apply to any commercial vehicle with three (3) or more axles:

(1) Making a local delivery to or a pickup from a place in the City of Dover incapable of being directly accessed from a designated "truck route." The driver must have available proof of intended place of delivery or pickup and:

(a) If entering the City limits, the driver shall use the most direct practical route from a designated truck route to and from the delivery or pickup, and

(b) If originating from within the City limits, the driver shall use the most direct practical route to and from the place of delivery or pickup within the City and/or the most direct practical route to a designated

"truck route" if going outside the City limits.

(2) Owned by or leased to the City or any volunteer fire company or emergency response organization when engaged in official business, including, by way of example, those vehicles of any fire department, or any police department or agency, or to any town or state public works department or agency.

(3) Owned by, leased to, or operated by any public utility company (or its subcontractor) while engaged in public utility operations.

(4) Garbage and solid waste haulers in the course of their business operations.

(5) Operated on any City street officially designated as a detour route where such vehicle could otherwise be lawfully operated upon the street for which such detour is established.