UTILITY COMMITTEE
A G E N D A

JUNE 23, 2014 - 5:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Proposed Ordinance #2014-15 Amending Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units and Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units** (Sponsors: Bonar/Hutchison/Koenig)
   (Staff recommends adoption of Proposed Ordinance #2014-15)

2. **Adjournment by 5:55 p.m.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: City Manager's Office	**DATE SUBMITTED**: 06-16-2014
PREPARED BY: Scott D. Koenig, P.E., City Manager	
SUBJECT: Amendment to Chapter 110 – Utilities, Articles III & IV	
RELATED PROJECT: N/A	
APPROVALS: City Manager , Controller	
EXHIBITS: Exhibit A – Draft Ordinance #2014-15	
EXPENDITURE REQUIRED: **N/A**	**AMOUNT BUDGETED: N/A**
FUNDING SOURCE (Dept./Page in CIP & Budget): **N/A**	
TIMETABLE: Proposed 6-23-2014 – Utility Committee; 07-14-2014 – First Reading; 07-28-2014 – Final Reading	
RECOMMENDED ACTION: Recommend consideration of Ordinance 2014-15 which amends Chapter 110 – Utilities, Articles III & IV of the Dover Code of Ordinances.	

BACKGROUND AND ANALYSIS

Currently, Chapter 110 – Utilities, Articles III & IV has a maximum cap of 100 Equivalent Dwelling Units (E.D.U.'s) per certificate of occupancy. The maximum cap was intended to encourage business expansion; however, recent examples such as the Garrison Energy Center (Calpine) have placed the City at a negotiating disadvantage due to the existing prescriptive cap in the code.

The proposed changes will give City Council the ability to reduce the maximum number of E.D.U.'s for large development projects; however, the applicant must demonstrate their economic benefit to the City before City Council will reduce the maximum number of E.D.U.'s to as low as 100 E.D.U.'s .

CITY OF DOVER PROPOSED ORDINANCE #2014-15

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

That Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 110-207. Establishment of equivalent dwelling units.

(a) Determination for residential dwellings. Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, an EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

(b) Determination for nonresidential establishments. Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined in the same manner as wastewater collection charges or fees and using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. When users propose water usage under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 250 GPD.

(c) Minimum assignment. A minimum of one EDU will be assigned to each establishment connecting to the system. No fractional parts of EDUs will be assigned. The number of EDUs shall be rounded up to the nearest whole number of EDUs.

(d) No assignment. If an establishment does not have any physical facilities which result in a water demand on the city's water system, then the number of EDUs assigned to it shall be zero.

(e) Maximum assignment. ~~**The city shall in no case charge an impact fee based on more than 100 EDUs per certificate of occupancy.**~~ **For large development projects that have a significant impact on the City and/or the utility, City Council may consider a maximum assignment of EDUs per certificate of occupancy or project. A large development project is any project or connection that will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs. Any request that will contribute less than 100 EDUs cannot be considered a large development project and therefore would not be eligible for consideration of a reduction.**

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BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 110-282. Establishment of equivalent dwelling units.

(a) Determination for residential dwellings. Whenever by ordinance or by contract the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, an EDU shall be determined as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

(b) Determination for nonresidential establishments. Whenever the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. When users propose to discharge wastewater under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 300 GPD.

(c) Minimum assignment. A minimum of one EDU will be assigned to each establishment connecting to the system. No fractional parts of EDUs will be assigned. The number of EDUs shall be rounded up to the nearest whole number of EDUs.

(d) No assignment. If an establishment does not have any physical facilities which have a load producing an effect on the city's wastewater collection and transmission system, then the number of EDUs assigned to it shall be zero.

(e) Maximum assignment. ~~**The city shall in no case charge an impact fee based on more than 100 EDUs per certificate of occupancy.**~~ **For large development projects that have a significant impact on the City and/or the utility, City Council may consider a maximum assignment of EDUs per certificate of occupancy or project. A large development project is any project or connection that will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs. Any request that will contribute less than 100 EDUs cannot be considered a large development project and therefore would not be eligible for consideration of a reduction.**

ADOPTED: *

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SYNOPSIS

The proposed amendment would remove the current impact fee cap of 100 EDUs per certificate of occupancy. Developers of projects equal to or in excess of 100 EDU's that can demonstrate their economic benefit to the City of Dover may request City Council to reduce the number of assigned EDUs to as low as 100 EDUs.

(SPONSORS: BONAR, HUTCHISON, AND KOENIG)

Actions History

06/23/2014 - Scheduled for Introduction at Utility Committee

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