REGULAR COUNCIL MEETING
A G E N D A

REVISED TO INCLUDE THE RECOMMENDATIONS FOR ITEM #6A. - #6A.I

MAY 27, 2014 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 p.m.)
The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda as a public hearing is prohibited during the Open Forum as an opportunity will be provided during consideration of that item. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY REVEREND THEODORE HENDERSON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN PERZA

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**
Those items on the Council Agenda which are considered routine and non-controversial are 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 - Annual Council Meeting of May 12, 2014**

2. Public Hearings - Violation of Dangerous Building Ordinance

A. Property located at 45 South New Street, Owned by House of Pride

(Staff recommends: 1. Declaring this building and all accessory structures on this property dangerous; 2. Ordering the property repaired or demolished by June 26, 2014 by the owner or equity owner at their own risk; 3. Ordering the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4. Ordering 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, or to be recovered in a suit at law against the owner.)

2. Public Hearings - Violation of Dangerous Building Ordinance (Continued)

B. Property located at 110 South New Street, Owned by House of Pride

(Staff recommends: 1. Declaring this building and all accessory structures on this property dangerous; 2. Ordering the property repaired or demolished by June 26, 2014 by the owner or equity owner at their own risk; 3. Ordering the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4. Ordering 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, or to be recovered in a suit at law against the owner.)

* **3. Special Safety Advisory and Transportation Committee Report - May 12, 2014**

A. Concerns Related to Permit Parking In Front of Wesley Pre-School and Education Building

(Committee recommended that the matter be remanded back to staff to meet with Wesley Church to consider the needs and assessments that need to be factored in regarding the Church, its school, and its mission and that staff be authorized to proceed with intermediate permit spot adjustments)

B. Discussion - Traffic Concerns on College Road (Request of Westminster Village)

(Committee action not required)

C. Update - Dover High School Construction

(Committee action not required)

* **4. Parks, Recreation, and Community Enhancement Committee Report - May 12, 2014**

A. Proposed Ordinance #2014-08 - Amending Appendix B - Zoning - Article 3 - District Regulations - Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning Commission; and Article 12 - Definitions (See Item #12)

(On April 14, 2014, the Committee referred the ordinance back to staff to make recommended changes and to clarify language for the Committee's consideration during their meeting of May 12, 2014)(Committee recommended adoption of Proposed Ordinance #2014-08, as drafted by the Planning Department)

B. Updates

(Committee action not required)

* **5. Utility Committee Report - May 12, 2014**

A. Capital School District Request to Transfer Equivalent Dwelling Unit (EDU) Credits (Dover High School)

(Committee recommended approval of the transfer of Equivalent Dwelling Unit (EDU) credits for the Capital School District from 1 Pat Lynn Drive to 1 Dover High Drive)

B. Annual Review and Approval of Governing Policy For Energy Commodity Risk Management

(Committee recommended approval of the Governing Policy for Energy Commodity Risk Management)

C. Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater)

(Committee action not required)

D. TEA/NAES Report *(March)*

(Committee recommended acceptance of the report)

E. Updates

(Committee action not required)

6. Legislative, Finance, and Administration Committee Report - May 12, 2014

* **A. Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2014/2015**

(Committee recommended approval of the proposed budget and assessment (tax) rates for Fiscal Year 2014/2015)

* **B. Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor**

(Committee to continue discussion of this item following the 2014 Special Mayoral Election)

* **C. Proposed Planning and Inspections Fee Increases**

(Committee deferred consideration of the proposed Planning and Inspections fee increases to allow staff to contact the chamber of commerce and schedule a public hearing)

* **D. Authorization for New Position - Assistant City Manager**

(Committee deferred)

* **E. 2015 Property Revaluation and Reassessment**

(Committee recommended approval to proceed with the 2015 Property Reassessment)

* **F. FY14 Edward Byrne Justice Assistance Grant Program - Police Vehicle Computer and Video Technology Upgrades**

(Committee recommended approval of the grant project)

* **G. Proposed Revenue Policy - Police Extra Duty/Voluntary Overtime**

(Committee recommended adoption of the Revenue Policy - Police Extra Duty/Voluntary Overtime)

6. Legislative, Finance, and Administration Committee Report - May 12, 2014 (Continued)

* **H. Proposed Ordinances**

h-1. #2014-09 Amending Chapter 50 - Floods; Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, (a) International Building Code and International Residential Code Adopted; and Appendix F - Fees and Fines *(Sponsors: Perza and Townshend)***(See Item #13-A)**

(Committee recommended adoption of Proposed Ordinance #2014-09)

h-2. #2014-10 - FY 2014 Budget Amendment *(Sponsors: Hutchison and Mitchell)***(See Item #13-B)**

(Committee recommended adoption of Proposed Ordinance #2014-10)

h-3. #2014-14 Amending Appendix D - Downtown Dover Business Improvement District (DDBID), Article III - Establishment of DDBID, Section 3 - Geographic Boundaries, and Section 5 - Management Company *(Sponsors: Lynn and Townshend)***(See Item #13-C)**

(Committee recommended adoption of Proposed Ordinance #2014-14)

I. Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties

(Committee recommended that staff be requested to prepare an ordinance to reinstate the incentives for tax exempt properties)

7. Set Public Hearing - Electric Fund Budget *(Recommended that a Public Hearing be set for June 9, 2014 at 7:30 p.m.)*

8. Senate Bill No. 226 Amending Title 26 of the Delaware Code Relating to Public Utilities

* **9. Council President Appointments - 2014/2015 Committees (Annual Appointments Deferred During the Meeting of May 12, 2014)**

A. Legislative, Finance, and Administration Committee
B. Parks, Recreation, and Community Enhancement Committee
C. Safety Advisory and Transportation Committee
D. Utility Committee
E. Compensation Commission
F. Construction Code Appeals Committee
G. Other Post-Employment Benefits (OPEB) Trust Fund Board
H. Retirement Committee - General Employee Pension Plan
I. Retirement Committee - Police Pension Plan

* **10. 2014/15 Miscellaneous Appointments - Council President (Annual Appointments Deferred During the Meeting of May 12, 2014)**

A. Chamber of Commerce & Greater Dover Committee Liaison Members
B. City/County Committee (Liaison to Kent County)
C. Kent County Tourism
D. Central Delaware Economic Development Council (CDEDC) Liaison Member/Kent Economic Partnership

* **11. Appointments Recommended by Council President Bonar - City Chaplains (Annual Appointments to Expire May 2015)**

A. Reverend Theodore A. Henderson of Dover Christian Church
B. Bishop Thomas L. Holsey of Bibleway Temple Church of God in Christ

12. First Reading of Proposed Ordinance #2014-08

The First Reading is offered on the Proposed Ordinance. Amendments to Appendix B - Zoning require a Public Hearing. It is recommended for referral to the Planning Commission on June 16, 2014, and that a Public Hearing be set for July 14, 2014 at 7:30 p.m., at which time the Final Reading and Council action will take place. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Amending Appendix B - Zoning, Article 3 - District Regulations, Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning Commission; and Article 12 - Definitions

(Parks, Recreation, and Community Enhancement Committee)

13. First Reading - Proposed Ordinances

The First Reading is offered on the following proposed ordinances. The Final Reading of the ordinances and action by Council will take place on June 9, 2014. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. #2014-09 Amending Chapter 50 - Floods; Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61; and Appendix F - Fees and Fines
B. #2014-10 - FY 2014 Budget Amendment
C. #2014-14 Amending Appendix D - Downtown Dover Business Improvement District (DDBID), Article III - Establishment of DDBID, Section 3 - Geographic Boundaries, and Section 5 - Management Company

14. Proposed Ordinance #2014-05 With Planning Commission Amendment #1 (PC#1) and Council Amendment #1 (C#1)

The Public Hearing and Final Reading of the proposed ordinance were accomplished during the Council meeting of May 12, 2014, at which time it was tabled by Council. Copies are available at the entrance of the Council Chambers.

A. #2014-05 With Planning Commission Amendment #1 (PC#1) and Council Amendment #1 (C#1) Amending Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses

15. Council Members' Announcements

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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.

ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 12, 2014 at 7:30 p.m. with Mayor Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mrs. Williams and unanimously carried.

Mr. Hare moved for approval of the Consent Agenda, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF APRIL 28, 2014

The Minutes of the Regular Council Meeting of April 28, 2014 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Bonar.

PROCLAMATION - COMMUNITY ACTION MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law and, currently, there are approximately one thousand such agencies serving the underprivileged in the United States; and

WHEREAS, First State Community Action Agency has been committed to working with individuals and communities to overcome the challenges of unemployment, homelessness, substandard living conditions, and hunger in Delaware since 1965; and

WHEREAS, First State Community Action Agency has made an essential contribution to individuals and families in Delaware by providing innovative and cost-effective programs that enable them to improve their lives and living conditions; and

WHEREAS, Delaware and the entire country must continue to promote economic security and ensure that all citizens are able to live with dignity by providing support and opportunities for those in need of assistance.

NOW, THEREFORE, I, DAVID L. BONAR, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 2014 as **COMMUNITY ACTION MONTH** in the City of Dover in recognition of the hard work and dedication of First State Community Action Agency.

Mayor Bonar presented the Proclamation to Ms. Bernice Edwards, Executive Director of First State Community Action Agency, and relayed appreciation for the work provided for the betterment of the community.

Ms. Edwards thanked the Mayor and Council for recognizing the First State Community Action Agency and for their continued support.

PROCLAMATION - PUBLIC WORKS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, public works services are an integral part of our community and citizens' everyday lives, and the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as facilities management, fleet maintenance, grounds and parks maintenance, solid waste collection and recycling, street and stormwater management, water production, and water and wastewater operations and maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services and the quality and effectiveness of these facilities and services, as well as their engineering, construction, and inspection, are vitally dependent upon the efforts and efficiency of the qualified and dedicated personnel of the Department of Public Works; and

WHEREAS, The American Public Works Association 2014 National Public Works Week theme "Building for Today, Planning for Tomorrow" represents the classic idea of stewardship embodied by the profession of public works and the professionals that practice it. Focusing on the communities; "building" points out the day to day aspect of public works that is quality of life, while "planning" references the sustainable practices that ensure the quality of life for future generations.

NOW, THEREFORE, I, DAVID L. BONAR, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 18th - 24th, 2014 as Public Works Week in the City of Dover and urge all citizens and organizations to learn more about the details involved in providing public services and to recognize the contributions that our dedicated public works employees make every day to our health, safety, comfort, and quality of life.

Mayor Bonar presented the Proclamation to Mrs. Sharon Duca, Public Works Director, and relayed appreciation for the departments' efforts to assure continued service to the residents of Dover.

Ms. Duca thanked the Mayor and Council for taking the time to recognize the Department of Public Works, as many communities are doing across the country for National Public Works Week. She stated that it is an honor for her to work with so many dedicated and qualified individuals who tirelessly aim to provide key services related to the City's public health and safety.

Mrs. Duca stated that the Department of Public Works consists of 87 staff members who provide sanitation services for approximately 11,000 accounts; maintenance of over 140 miles of streets and storm drains; maintenance of 215 acres of public grounds, design of 47 flowerbeds, and maintenance of thousands of street trees; operation and maintenance of 22 well sites, including a large water plant and 15 micro plants; production of an average 1.5B gallons of potable water per year; maintenance

of over 190 miles of water main; maintenance of over 180 miles of sanitary sewer main and operation and maintenance of 40 wastewater pumping stations; operation and maintenance of 18 principal facilities; maintenance of a fleet of 188; administration of a nearly $10M operating budget; and the engineering and inspection of an annual $4M capital plan. Mrs. Duca thanked the men and women of the Department of Public Works for their efforts and dedication.

REPEALING, RESCINDING, OR AMENDING RESOLUTION NO. 2014-07 APPOINTING THE VICE-MAYOR AS MAYOR UNTIL THE MAYOR'S POSITION IS FILLED AND RATIFYING ACTION ALREADY TAKEN

Mr. Anderson stated that he believed that Council acted in haste when they adopted Resolution No. 2014-07 on April 28, 2014 because the term for the Council President expires during this meeting. In order to have a full choice for the election of the Council President, he suggested repealing the Resolution.

Mr. Anderson moved that Resolution No. 2014-07 be repealed, notwithstanding, all actions that were taken under that Resolution be ratified. The motion was seconded by Mrs. Williams.

Responding to Mr. Lynn, Mr. Bonar stated that he signed proclamations, tributes, financial documents, and the closing documents for the Uzin Utz property, as presented by staff members. He also attended DEMA meetings to determine funding for emergency management resources and various civic functions.

Mr. Lynn asked if a list of actions had been generated for circulation to Council since they were being asked to ratify them. Mr. Bonar stated that he did not recall having been asked to submit a list.

Mr. Lynn stated that he took exception to this (action) for a number of reasons and cautioned members that, pursuant to Section 13 of the City of Dover Charter (*Vacancies; forfeiture of office; filling of vacancies, (b) Forfeiture of office*), a council member shall forfeit that office if the council member: (2) violates any express prohibition of this charter. He stated that the Charter mandates specifically in Section 15 that (The council president and vice-mayor shall retain his/her right to vote as councilman at all times although he/she may be acting as the mayor,) "unless the mayors absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties," (which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as councilman until further action is taken by council.) Mr. Lynn stated that this was a statutory construction matter. Council passed the Resolution making the Vice-Mayor the Mayor because of the indefinite or extended absence of Mayor Carey and the Charter tells them that the only two (2) circumstances within which they may rescind that action are: the Mayor's position is either filled or the Mayor returns to his/her duties. Mr. Lynn noted that neither of those conditions had been met and this action would be in direct contravention of the City Charter. He suggested that this action is expressly prohibited by Robert's Rules of Evidence, which views rescissions of motions or resolutions as an abhorrence. For example, if they vote to paint the barn red and the barn is then painted red, and the next meeting they vote to rescind the action, it cannot be undone. Mr. Lynn stated that they could not undo making the Vice-Mayor the Mayor.

Responding to Mr. Hare, City Solicitor Nicholas H. Rodriguez stated that he and Councilman Lynn had gone back and forth all week and he disagrees with Mr. Lynn's interpretation of the Charter. He noted that a written opinion had been provided to the City Clerk (*as on file in the Office of the City Clerk*), which states that, because the Mayoral election has been set for June 17, 2014 and the newly elected mayor will be sworn into office on June 25, 2014, the absence of the mayor is no longer indefinite and the rescinding action would be permitted. Mr. Rodriguez also noted that the motion to rescind conforms with Robert's Rules of Order (11th Edition), Section 35, which states that you cannot rescind a motion that has caused an action that is impossible to undo, which does not apply in this situation.

A call for the question by Mrs. Williams was carried by a roll call vote of five (5) yes (Dixon, Perza, Williams, Hare, and Hutchison) and three (3) no (Anderson, Lynn, and Slavin).

The motion to repeal Resolution No. 2014-07 failed by a roll call vote of four (4) yes (Anderson, Williams, Hare, and Hutchison) and four (4) no (Dixon, Lynn, Perza, and Slavin).

ELECTION OF COUNCIL PRESIDENT/VICE-MAYOR

Mr. Perza moved that nominations be made from the floor, rather than by ballot. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Perza moved to nominate David L. Bonar to serve as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Hutchison.

Mr. Lynn reminded members that only a sitting member of Council could be nominated for Council President and, since Mr. Bonar had been appointed as the Mayor with adoption of Resolution No. 2014-07, he was not eligible for nomination.

Mr. Lynn moved to nominate Timothy A. Slavin to serve as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Slavin.

Mrs. Williams moved to nominate William F. Hare to serve as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Anderson.

Mr. Hutchison moved to close nominations for Council President/Vice-Mayor, seconded by Mr. Lynn and unanimously carried.

At the request of Mr. Hare, paper election ballots were provided to each member of Council. Mayor Bonar requested that members cast their votes for Council President/Vice-Mayor and place their ballots in the envelope to be submitted to the City Solicitor for the tallying of results. He reminded members that the nominees were Mr. Slavin and Mr. Hare.

Mr. Anderson moved to take a three (3) minute recess, seconded by Mr. Hare and carried by unanimous consent.

Meeting recessed at 7:59 p.m. and reconvened at 8:03 p.m.

Mayor Bonar announced that one (1) ballot had been left unmarked. Mr. Anderson recalled that the Charter provides the right to abstain.

City Solicitor Rodriguez announced that Mr. Hare received four (4) votes and Mr. Slavin received two (2) votes for Council President/Vice-Mayor.

Mayor Bonar announced that he would resign as Mayor, effective immediately, thereby becoming eligible for the Council President/Vice-Mayor election.

Mr. Perza moved to nominate David L. Bonar as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Hutchison.

Mr. Anderson moved to nominate Timothy A. Slavin as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Lynn.

Responding to Mr. Lynn, City Solicitor Rodriguez stated that the resignation of Mr. Bonar as Mayor returns him to his seat on Council and resolves the issue of his eligibility for nomination as Council President/Vice-Mayor.

Mrs. Williams moved to close nominations for Council President/Vice-Mayor, seconded by Mr. Perza and unanimously carried.

Mr. Slavin withdrew his name from nomination.

Mr. Lynn stated that, because Mr. Bonar had resigned as Mayor and the Mayor presides at the Annual Meeting, Mr. Bonar should no longer preside over the meeting. Mr. Slavin noted that the Charter was designed to govern them in all circumstances and the farther they drift away from it, the more trouble they will get themselves into.

Mr. Bonar relinquished the Chair to Mrs. Williams to conduct the election for Council President/Vice-Mayor.

Mr. Slavin moved for a roll call, seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Anderson, Perza, Bonar, Hare, Hutchison and Williams), two (2) no (Lynn and Slavin), and one (1) abstention (Dixon).

By a roll call vote of eight (8) yes (Anderson, Dixon, Perza, Slavin, Bonar, Hare, Hutchison, and Williams) and one (1) abstention (Lynn), David L. Bonar was elected to serve as Council President/Vice-Mayor for 2014/2015.

PROPOSED RESOLUTION NO. 2014-10 APPOINTING THE VICE-MAYOR AS MAYOR UNTIL THE MAYOR'S POSITION IS FILLED

Mr. Slavin suggested that, since the period of time for the Mayor's absence is no longer indefinite and the Council President/Vice-Mayor acts as Mayor during the vacancy, the adoption of the Resolution was not necessary. City Solicitor Rodriguez concurred and no action was taken.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCES AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS

A public hearing was duly advertised for this time and place to consider proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses, and Section 17 - Shopping Center Development (Permitted Uses) of the Dover Code.

Mr. Hare moved that the Final Reading of the proposed ordinances be acknowledged by title only, seconded by Mr. Dixon and unanimously carried. *(The First Reading of the ordinances was accomplished during the Council Meeting of March 24, 2014.)*

Proposed Ordinance #2014-05 With Planning Commission Amendment #1 (PC#1) Amending Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments would allow for professional offices as a conditional use within the General Residence Zones, with very strict criteria, on State Street and Governors Avenue between Mary and Water Streets and on the entirety of Route 8. She noted that the Planning Commission unanimously recommended adoption of the ordinance with two (2) amendments: 1. Reduce the maximum number of employees from six to four; and 2. Limit the applicability of the proposed ordinance to Route 8 only.

Council President Bonar declared the hearing open.

Mr. Joseph D'Urso, 305 North State Street, requested clarification of the area affected by the ordinance amendment. Responding, Mrs. Townshend stated that, if the Planning Commission's proposed amendments are adopted, it would only be applicable to Route 8.

Mrs. Yvonne Hall, 228 North State Street, stated that she did not believe four (4) parking spaces would be enough for a business. She felt that the people parking on the streets would suffer because of the maximum proposed parking. Mrs. Townshend responded that this would be a very small operation with no more than four (4) employees.

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

Mr. Hutchison moved for adoption of Planning Commission Amendment #1 (PC#1) to Proposed Ordinance #2014-05, seconded by Mrs. Williams.

Mr. Anderson stated that he was opposed to PC#1 because it was limited to Route 8. He felt that the City should encourage the micro-businesses that will not be disruptive.

The motion for adoption of Planning Commission Amendment #1 to Proposed Ordinance #2014-05 failed by a roll call vote of five (5) no (Anderson, Dixon, Lynn, Perza, and Hare) and four (4) yes (Slavin, Williams, Hutchison, and Bonar).

Mr. Slavin moved to table action on Proposed Ordinance #2014-05, seconded by Mr. Lynn.

Mr. Slavin noted that he has heard from numerous constituents who did not want this extended to the residential area of North State Street. He noted that he worked very hard to ensure that they attended the Planning Commission to have their concerns heard. Mr. Slavin suggested that they deliberate with those residents before proceeding.

The motion to table action on Proposed Ordinance #2014-05 was carried by a roll call vote of eight (8) yes (Dixon, Lynn, Perza, Slavin, Williams, Hare, Hutchison, and Bonar) and one (1) no (Anderson).

Proposed Ordinance #2014-06 With Planning Commission Amendment #1 (PC#1) Amending Section 17 - Shopping Center Development (Permitted Uses)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments originally proposed would have added new uses to the Shopping Center Development (SC-1, SC-2, and S-C3) zones and the Community Shopping Center (SC-2) zone. She noted that, during the Planning Commission meeting, the applicant requesting to allow apartments as part of a mixed use development withdrew the request. As a result, the Planning Commission proposed amendments to remove the language related to that request from the ordinance amendment.

Council President Bonar declared the hearing open and, with no one present wishing to speak, the public hearing was closed.

Mr. Hare moved for adoption of Planning Commission Amendment #1 (PC#1) to Proposed Ordinance #2014-06. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.

Mr. Slavin moved for adoption of the ordinance, as amended. The motion was seconded by Mr. Dixon and, by a unanimous roll call vote, Council adopted Ordinance #2014-06, as follows:

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.32 be amended by adding a new paragraph 6 to read as follows:

6. Light motor vehicle service accessory to a permitted use, provided that all work is completed inside a building and that no automobiles are stored outside.

ADOPTED: MAY 12, 2014

AUTHORIZATION TO EXECUTE SETTLEMENT AGREEMENTS RELATED TO EMPLOYEE GRIEVANCES

Council President Bonar read the following statement into the record:

"During the first week of March, James Hosfelt, who was serving as the City's Chief of Police, announced his retirement. Under the City's Charter, the Mayor is responsible for selecting a new Chief of Police when the position becomes vacant. In light of Chief Hosfelt's retirement, and the Charter provision addressing the selection of the Chief of Police, former Mayor Carlton Carey began to consider candidates to serve as the City's next Chief of Police.

On March 25, former Mayor Carey announced that he had selected then-Deputy Chief Paul Bernat to serve as the next Chief of Police, and he further announced that the appointment would become effective on April 4.

The newly appointed Chief of Police Bernat, who has the authority under Department
policy to select the Deputy Chief of Police, announced that Lieutenant Marvin Mailey would serve as the new Deputy Chief of Police.

During the period of time between April 4, when Chief Bernat's selection became effective, and April 8, five employee grievances were filed by high-ranking officers in the Police Department. The officers who filed the grievances included two captains (Captain Robert Scott and Captain Tim Stump), and three lieutenants (Lieutenant Dan McKeown, Lieutenant Jason Pires, and Lieutenant J. Eric Richardson).

In his grievance, Captain Scott alleged that:

> *The way in which the selection of the Deputy Chief occurred was in contravention of the customs, policies, and practices of the City of Dover and the City of Dover Police Department. This selection also was in direct violation of the City of Dover's Equal Employment Opportunity and Affirmative Action policy as well as the federal and Delaware State laws prohibiting race discrimination in employment decisions, including promotions.*

Captain Scott further alleged that although he expressed an interest in being promoted, he "was not selected due to [his] race, Caucasian" and that "the candidate selected for Deputy Chief was chosen because of his race, African-American."

In each of their individual grievances, Captain Stump, and Lieutenants McKeown, Pires, and Richardson alleged:

I feel that Mayor Carey being involved and/or insisting that Marvin Mailey be promoted to Major is unprecedented and completely contrary to the past promotional patterns established by the Dover Police Department.

In his individual grievance, Captain Stump stated that he is "a white male" and alleged that "based upon [his] race and color, [his] opportunity to be promoted to the ranks of Deputy Chief and/or Chief of Police was adversely affected."

In his individual grievance, Lieutenant McKeown alleged that he "was unfairly prevented from advancing to the rank of Captain/Major due solely to [his] race which is Caucasian."

In his individual grievance, Lieutenant Pires alleged that he "believe[s] that due to [his] ethnicity and that [sic] fact that [he is] bi-racial [he] was discriminated against and the opportunity to be promoted was not afforded to [him] for those reasons."

In his individual grievance, Lieutenant Richardson alleged that "due to [his] race and
color of [his] skin [he] was discriminated against and the opportunity to be promoted was not available to [him] for those reasons."

When the grievances were advanced to Police Chief Bernat, he conferred with City Council to determine if the grievances could be resolved. City Council reviewed the grievances and the facts and circumstances leading up to the selection of the new Chief of Police and the new Deputy Chief of Police. That review raised serious questions about whether the former Mayor—in contravention of the Police Department's promotion policy—exceeded his authority and orchestrated a series of events to ensure then-Lieutenant Marvin Mailey would be elevated to the position of Deputy Chief of Police. Mayor Carey denied these allegations.

In view of the allegations made in the grievances, the potential exposure to the City if the allegations were proven to be true, and City Council's concern over actions alleged to have been taken by then-Mayor Carey, City Council requested that the Mayor resign from his public office.

Without conceding the veracity of the allegations that had been made against him, less than two days after being asked, former Mayor Carey submitted a letter of resignation to City Council.

With the five grievances still pending, the City's attorneys and management team entered into settlement negotiations with the officers and their Fraternal Order of Police affiliated representative. With the authorization of City Council by its May 12 formal vote, the five grievances have been resolved through an agreement to make monetary payments from the City to each of the officers in amounts totaling three hundred thousand dollars ($300,000).

If true, the alleged actions taken by former Mayor Carey demonstrate employment practices rejected by the City of Dover and its management. While the City embraces diversification, and equal opportunity in the workplace, discriminatory acts—even if the result is well intentioned—are unacceptable.

Having received and accepted the resignation of former Mayor Carey and having resolved the police officer grievances, City Council looks forward to brighter moments for our City. Chief of Police Paul Bernat and Deputy Chief of Police Marvin Mailey have the full support and confidence of City Council as they move the Police Department past these unfortunate and difficult events, and lead the Police Department in a way that maintains its distinction as one of the top police departments in the entire Country."

Mr. Slavin noted that this was an unsettling issue for all involved; however, in the best interest of the City, and based upon the advice they received, this is the most economical resolution.

Mr. Anderson stated that, based on the advice of counsel, the cost to defend this number of suits separately would exceed the amount of the settlement and this is probably the least worst option available to them.

Mrs. Williams moved for approval of the settlement agreement (*as on file in the Office of the City Clerk*)**, seconded by Mr. Dixon and carried by a roll call vote of eight (8) yes (Anderson, Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar) and one (1) no (Perza).**

Mrs. Williams moved to authorize Council President/Vice-Mayor Acting Bonar to execute the settlement agreement. The motion was seconded by Mr. Hutchison and carried by a roll call vote of eight (8) yes (Anderson, Dixon, Perza, Slavin, Williams, Hare, Hutchison, and Bonar) and one (1) no (Lynn).

STATE OF THE CITY MESSAGE

Mayor David L. Bonar presented the State of the City Message ***(Exhibit #1)***.

MONTHLY REPORTS - MARCH 2014

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

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report
Police Chief's Report *(February and March)*

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (JANUARY, FEBRUARY, AND MARCH)

Members were provided a Project Tracking Report, as of March 31, 2014, for the Capital Investment Plan (CIP).

By consent agenda, Mr. Hare moved for acceptance of the Quarterly CIP Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

2014/15 STAFF APPOINTMENTS - CITY COUNCIL

Mr. Hutchison moved for approval of the Staff Appointments for 2014/2015, seconded by Mr. Hare and, by a unanimous roll call vote, the following appointments were made:

City Assessor	-	Cheryl A. Russell
Building Inspector	-	Ann Marie Townshend
City Clerk	-	Traci A. McDowell
Assistant City Clerk	-	Denise L. Devine
Controller/Treasurer	-	Donna S. Mitchell
Assistant Finance Director	-	Vacant
Assistant Treasurers	-	Traci A. McDowell
	-	Denise L. Devine
Interim Fire Marshal	-	Timothy P. Mullaney, Jr.
City Planner	-	Ann Marie Townshend
City Solicitor	-	Nicholas H. Rodriguez
Deputy City Solicitor	-	William W. Pepper, Sr.

2014/15 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT

Council President Bonar requested that the 2014/2015 Council President Committee Appointments be deferred.

Mr. Anderson moved to defer the Council President Committee Appointments for 2014/2015 until the next Regular Council Meeting, seconded by Mr. Hare and carried by a unanimous roll call vote.

MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT

Council President Bonar requested that the 2014/2015 Council President Miscellaneous Appointments be deferred.

Mr. Perza moved to defer the Council President Miscellaneous Appointments for 2014/2015 until the next Regular Council Meeting, seconded by Mr. Anderson and carried by a unanimous roll call vote.

COMMITTEE APPOINTMENTS - MAYOR

Mr. Slavin moved to defer the Mayor's Committee Appointments for 2014/2015 until the newly elected Mayor is sworn in. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

PROPOSED RESOLUTION NO. 2014-08 APPROVING THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

By consent agenda, Mr. Hare moved for adoption of Resolution No. 2014-08 Approving the 2014 Community Development Block Grant (CDBG) Action Plan, seconded by Mr. Hutchison, and by a unanimous roll call vote, Council adopted Resolution No. 2014-08, as follows:

A RESOLUTION PROPOSING APPROVAL OF THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

WHEREAS, the City of Dover is entitled to $226,472 through the United States Department of Housing and Urban Development Community Development Block Grant program; and

WHEREAS, the City of Dover has prepared the 2014 Action Plan, in accordance with the United States Department of Housing and Urban Development guidelines, that serve as the primary planning document for identifying and meeting the housing and community development needs for the low and moderate-income residents of Dover; and

WHEREAS, the City of Dover is in favor of utilizing the Community Development Block Grant funds for the community development purposes in accordance with the National Community Development objectives of benefitting low and moderate income families, eliminating slums and blight, and meeting other community development objectives; and

WHEREAS, the United States Department of Housing and Urban Development requires the City of Dover to submit a Consolidated Plan and an Action Plan for Application for Federal Assistance including the proposed use of funds and including certain certifications and policies to obtain its $226,472 entitlement; and use of $8,554 in program income for eligible activities; and

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Council of the City of Dover approve the 2014 Community Development Block Grant Action Plan and application for Federal Assistance included in the Action Plan, along with certifications and policies attached and authorize its forwarding to the United States Department of Housing and Urban Development for consideration.

ADOPTED: May 12, 2014

PROPOSED RESOLUTION NO. 2014-09 AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE - CONTROLLER/TREASURER AND ASSISTANT TREASURERS

By consent agenda, Mr. Hare moved for adoption of the Proposed Resolution, seconded by Mr. Hutchison, and by a unanimous roll call vote, Council adopted Resolution No. 2014-09, as follows:

A RESOLUTION AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE

WHEREAS, the City of Dover's investment policy includes the investment of funds up to $100,000 per banking institution, investments in the State of Delaware Investment Pool, and the purchase and sale of U.S. Treasury and agency securities; and

WHEREAS, the banking institutions, brokerage firms, trust companies, and other various financial institutions require an Authorizing Resolution for the opening of accounts, and for purchasing, selling, transferring, assigning, and handling securities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dover, that the Controller/Treasurer and Assistant Treasurers are hereby authorized to open accounts with banking institutions and purchase, sell, transfer, assign, and handle securities and that they are authorized to sign all related forms;

BE IT FURTHER RESOLVED that the transactions in these accounts be carried out with any one signature; and

That the following are the office holders authorized for these purposes, until further notice:

Donna S. Mitchell	-	Controller/Treasurer
Traci A. McDowell	-	Assistant Treasurer
Denise L. Devine	-	Assistant Treasurer

ADOPTED: MAY 12, 2014

EVALUATION OF BIDS - VANSANT CAPACITY IMPROVEMENT EQUIPMENT SUPPLY PROCUREMENT

Mr. Vincent Scire, PE l Plant Manager with NAES Corporation, advised members that the major part of the VanSant Capacity Increase CIP scope of work is the procurement of an engineered wet compression system and the startup commissioning of that equipment. This proposed contract addresses the engineering design, equipment supply, and installation support activities associated with the wet compression system. He noted that this system installation will increase the capacity of the VanSant combustion turbine generator by 6 megawatts from its current rated capacity of 39 megawatts. This contract work represents a significant portion of the work to be performed on this project. The remaining major portion of the scope to include the installation of the system and testing will be managed by NAES using a combination of support personnel and contractors. At this time staff is confident this project will be under budget.

A Request for Proposal package was advertised according to the City purchasing policy and NAES purchasing policy. A mandatory Pre-bid meeting was also advertised and three (3) potential respondents attended this meeting; two (2) bids were received; one (1) declined to bid. The proposals were evaluated using cost, experience, completeness of bid, and guaranteed capacity increase and emissions limits. Of the two bids received, one Bidder (Wood Group) did not provide guarantee of

emissions and their bid was deemed to be non- conforming. Only one bidder, Mee Industries, Inc. met criteria for capacity increase and provided an emissions guarantee. That bidder also provided the lowest evaluated bid.

Based upon the evaluation prepared by consultant McHale Performance, the City Manager and Controller recommended awarding the contract to Mee Industries, Inc. for $294,435.00 for Option 2. NAES will perform the remaining work at a cost of $113,306 bringing the total cost of this portion of the project in at $407,741.

Mrs. Williams moved for approval of Staff's recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote.

EVALUATION OF PROPOSALS - WELLHEAD REDEVELOPMENT PROGRAM CONTRACT

Mr. Scott Koenig, City Manager, reminded members that this item was deferred by City Council on April 28, 2014 to allow him an opportunity to discuss the 10% per year escalator with the low bidder, A.C. Schultes of Delaware, Inc. He advised members that they have agreed to reduce the annual escalator to 3.5%.

The Department of Public Works maintains multiyear contracts with potential contractors to ensure that the bidding rules are adhered to for any contractors that might be hired to perform work for the Department. These contracts are priced as a "time, equipment, and material" contract and may exceed $25,000 annually. This contract will provide for the rehabilitation and repair of twenty (20) production wells in an effort to maintain operations and/or increase the yield of each well as it relates to the permitted allocation. The recommended contractor will perform flow testing of each well and provide a report detailing testing results as well as recommendations. Upon reviewing information provided by the contractor, the City of Dover will plan for and/or schedule further repairs as needed based upon the prices provided.

A Request for Proposal (RFP) was advertised according to the City purchasing policy by the City's Purchasing Agent under RFP #14-0034PW. One (1) contractor submitted a qualified proposal. The proposals were evaluated using the following criteria: demonstrated experience with similar projects including a history of achieving highest and best results among its peers; cost; previous projects in the City of Dover; and availability to perform duties. Staff reviewed the proposal from A.C. Schultes and concluded that the pricing was fair and the proposal was complete. Originally, A.C. Schultes of Delaware, Inc included a 10% annual escalator, after further discussion they have agreed to reduce the annual escalator to 3.5%.

A.C. Schultes of Delaware, Inc. submitted all of the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement that were all found to be adequate. In conclusion, staff recommends awarding a three (3) year agreement, with the City option of two (2), one (1) year extensions, for the Wellhead Redevelopment Multiyear Contract to A.C. Schultes of Delaware, Inc.

Staff recommended awarding a three (3) year agreement, with the City option of two (2), one (1) year extensions, for the Wellhead Redevelopment Multiyear Contract to A.C. Schultes of Delaware, Inc. as per the pricing included in the bid submittal.

Mrs. Williams moved for approval of staff's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote.

Responding to Mr. Slavin, Mr. Koenig stated that only one (1) bid was originally received; therefore, it was not necessary to rebid in order to negotiate the adjustment to the escalator.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hutchison announced that Master Corporal Keith Hester is being recognized as an outstanding resource officer for the Capital School District.

Council President Bonar stated that he would not be seeking re-election to City Council, nor any other political office, once his term expires. He noted that it has been a very trying couple of weeks, being especially hard on the Police Department. Mr. Bonar noted that Carleton Carey served the public for more than 50 years and he deserves our respect as the former Mayor and a member of the community.

By unanimous consent, the Meeting Adjourned at 9:08 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Annual Meeting of May 12, 2014, are hereby approved.

DAVID L. BONAR
COUNCIL PRESIDENT/
VICE-MAYOR ACTING

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2014\05-12-2014 ANNUAL.wpd

Exhibit
Exhibit #1 - State of the City Message

Madam President, my colleagues on Council, Mr. Koenig, employees of the City of Dover, members of our community and the media, I would like to take a moment to reflect on where we were this past year and the vision I hope most of us share as we move forward through the rest of 2014 and into 2015.

It is my pleasure to speak to you all serving as the mayor of the great city of Dover. We have seen some changes recently, however before I continue I also owe a debt of gratitude to my wife for being understanding and supportive as I have accepted a few more responsibilities in the recent weeks, and for Council President Beverly Williams for also stepping in to serve as Council President.

I want to recognize our city employees who put forth a valiant effort daily to try to keep costs down to a minimum for all of our constituents. We have seen a slight increase over the past couple of years for example to cover the costs of trash and recycling pickups, due to increased landfill expenses. We have economized our operations through identifications of efficiencies and stream lining processes. We are “going green” for our customers, requesting them to sign up for e-billing for their utilities and taxes. A customer can now receive an email notification, and have the option to view and pay their bill directly online. We

have changed it so our customers using a credit/debit or e-check are not paying a fee, making it affordable and easy for everyone to access.

We are also fortunate that we continue to see growth in our community as many places are not as prosperous. We have the new Dover High School being finished and opening this fall, we have the growth at the Garrison Oak Technical Park with Calpine and most recently with Uzin Utz; U-Floor Systems that will be breaking ground this month. Philipp Utz, President of Uzin Utz Manufacturing North America Inc. has stated on more than one occasion that his company (and I quote) "could have built their manufacturing plant anywhere on the east coast, but chose Dover because of the hard work and commitment of city staff to make it happen and the business friendly environment created by the partnership between the City of Dover, State of Delaware and Kent County." This is the type of partner building that makes for a successful Economic Development Office and for successful growth in our community. Last March, the DDP hired a full time Executive Director, which allowed the Economic Development Manager to focus on city wide initiatives. This proved very timely as we attracted two manufacturing facilities; we also sent out to bid and awarded the infrastructure improvements. The city has been able to work with Kent County in developing a future food innovation district in Dover, although still in the planning stages, it has

great potential for future job growth. Our primary focus will remain to attract new businesses while aiding existing businesses in being successful.

The Planning and Inspections Department has continued to respond to the challenges of the economic recession, while also responding to the signs of strong economic growth. In 2013, Grottos, Dick's Sporting Goods, Royal Farms, Redners, and Green Turtle all opened after either new construction or extensive renovation in the City. Additionally, the planning and construction of the new Dover High School has been a continuing priority. The City has provided leadership to ensure that sidewalks and a safe crossing of Route 8 are in place when the school opens in August. The cooperation and leadership of DelDOT has also been instrumental in keeping this project on track. Code Enforcement staff has continued to stay busy with vacant and dangerous buildings, as well as daily property maintenance enforcement. The City demolished 13 dangerous buildings in 2013. Another six were demolished by property owners and five were repaired by property owners due to the City's enforcement. At the end of 2013, the city has 303 registered vacant buildings.

The Parks & Recreation Department has worked to expand programming and provide flexibility to meet the varying needs of our customer base. The addition

of early morning fitness classes, the implementation of a flexible fitness pass program, and the expansion of our summer day camp offerings have all helped to meet the diversity of City residents and residents of the surrounding area. In a cost saving measure, our news print program has been replaced with school flyers, Facebook and e-mail blasts. In the next year, we hope to expand our social media presence. We will also be rolling out our on-line registration in the next couple of months and look forward to the feedback from the recreation needs assessment to continue to improve our offerings.

The Dover Public Library is approaching its second anniversary of life in the new building. Our mission states: *Delaware libraries are leaders in connecting and inspiring a lifetime of discovery. The mission of the Dover Public Library is to connect people to a variety of resources and services that inform, educate and entertain.* We are a quality of life entity and we believe that cultural and educational enrichment and information is the key to a successful and balanced life for our citizens.

With our creative and committed staff and in our new facility, we are working towards fulfilling that mission. The community is responding; and it is a very busy

place. Statewide we continue to have the highest computer usage (in-house and wireless); and we rank within the top five of busiest circulation libraries.

Our staff understands and is committed to the philosophy that we serve all people. And our services must be diverse enough to meet a variety of needs and interests. Daily we scan the horizon for developing library services and technology that enhances our work and the peoples' access to information.

We have endured many changes including some outside of our control with the rigid temperatures and substantial amounts of precipitation this past winter, it proved to me that all the work our electric department has put in to improving our system reliability has really paid off as there were very few issues in continuous supply of electric to our community. Our Public Works Department Crews worked many overnight hours trying to keep the roads clear, and maintain services to our constituents. As the Public Works Department moves towards accreditation ensuring we continue to meet and exceed the national standards and practices, they continue to look for efficiencies in their operations while providing outstanding service throughout the community. Department of Public Works is committed to protecting the health, safety, and welfare of the public. Our staff is equally committed to improving our operations, maintenance,

rehabilitation, and replacement of our city public infrastructure. As the stewards of the cities physical infrastructure the department is committed to putting forth the effort to provide a sustainable environment and infrastructure for generations to come.

For the 6th year in a row, our Electric Department earned the RP3 Platinum Designation which is earned by the American Public Power Association. The RP3 program recognizes utilities that demonstrate high proficiency in reliability, safety, work force development and system improvement. The new LED street lighting was installed in the Woodcrest Subdivision and on Rt. 13 to promote the "Going Green" campaign, while the infrastructure was completed for the new Dover high School and the Calpine Project. The construction rebuild has started at the Horsepond Substation increasing the Southeast Dover area electric reliability and the 69 line will begin in FY 15 to increase the protection of lines that will aid in decreasing the size of an area affected should an issue occur in the system. I am proud of the work accomplished by our Departments and look forward to the improvements coming.

Still, we continue to move forward trying to keep everything as budget friendly for our community while providing the level of service all of you appreciate and expect.

This year through our Assessor's office we had 382 senior citizens and 39 disabled citizens benefit from our Property Reduction Program. There was a .36% increase in value from last year due to building permit activity, annexations and new construction. The taxable valuation for FY 2014 was $3,164,734,200 (this amount does not reflect the reduction in value for those who benefitted from the Property Reduction Program.) Our current tax rate is .3378 cents per $100 and our values are based on the last reassessment conducted in 2010. Staff continues to actively review property data to ensure accuracy for the next citywide reassessment.

Dover Police Department said a fond farewell to Chief James Hosfelt and we welcomed Captain Paul Bernat as our new Chief. In 2013, the Dover Police Department handled 380 less complaints than 2012 and Group A and Violent Crimes were down for the 3rd straight year. The Dover Police Department cleared 68.2% of robberies and 58.1% of burglaries which greatly exceeds the national averages for these types of crimes. The Drugs, Vice and Organized Crime Section

(D.V.O.C.) accounted for 1,663 proactive arrests involving drugs, prostitution and counterfeit merchandise. As a result of these arrests, the D.V.O.C. were able to seize 42,987 grams of marijuana, 1,095 grams of cocaine, 308 grams of heroin, 1,398 prescription pills and $128,307.00 in currency. Along with illegal drugs and money, the D.V.O.C. also seized and removed from our streets, 77 handguns, 21 rifles, 8 shotguns and over 10,000 rounds of ammunition. The number of traffic arrests increased by 13% as compared to the 2012. Traffic crashes increased slightly by 3%. The use of social media has proven to be a valuable tool for Dover PD. It has aided in the arrest and conviction of several criminals, and the feedback received from the community is outstanding.

While striving to maintain quality services, city departments have come up with many innovative ways to find efficiencies, assisting in workloads of other departments and maintain a positive helpful attitude as they take great pride in serving all of you.

My hope is that we continue to move forward in a positive direction, that we embrace the changes, accept the challenges and work together as a team. One saying I use often in conversation and is included at the end of each email is "Don't tell me the reasons it won't work, tell me the one reason it will." That is

what this city council and the employees have embraced. They accepted the challenge to find solutions, to streamline processes to reduce expenses where they can. Now it comes to the point where working with the City Manager, and the Finance Director conversations will continue as we look at any additional areas where we can reduce in order to save without cutting the services that we all appreciate, expect and rely upon.

My hope continues that each person who resides in the City of Dover feels they have a voice, feels they have support and a clear understanding of what we do and why, and that we all continue to work together on solving the problems and issues that arise, building unity and forming a strong front.

So I will leave you once again with my final thought…Don't tell me the reasons it won't work, tell me the one reason it will.

Thank you and good night.

ACTION FORM

PROCEEDING: City Council

DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: May 16, 2014

PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development

SUBJECT: 45 S New Street, Dover, Delaware – Violation of Dangerous Building Ordinance

REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case #13-1216 & 10-2358

RELATED PROJECT: N/A

APPROVALS: N/A

EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.

EXPENDITURE REQUIRED: Preliminary estimate is $15,000 - $20,000.

AMOUNT BUDGETED: $247,000.00 Budgeted for all demolitions Citywide in the FY-2014 Budget, with $38,456.14 remaining.

FUNDING SOURCE (Dept./Page in CIP & Budget): 110-1600-534-30-33.

TIMETABLE: As soon as possible.

RECOMMENDED ACTION:

1. Declare this building and all accessory structures on this property dangerous.
2. Order the property repaired or demolished by **June 26, 2014** by the owner or equity owner at their own risk.
3. Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
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, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

The property is owned by The House of Pride. The home is a two-story wood framed structure. The property was condemned on March 7, 1999, as unfit for human occupancy due to fire damage that occurred earlier that morning. The property has had minimal utility usage from 1999 to 2014. In January of 2004, the House of Pride established utility service but has used no water. On May 6, 2014, the House of Pride applied for a building permit (#14-535), but as the building has been damaged by fire, with no attempts to make repairs since 1999, has had longstanding code violations for use as storage, and has been vacant for many years, the information submitted was insufficient to issue the building permit, as a structural report is required. The Department of Planning and Inspections issued a letter on April 29, 2014, notifying the House of Pride of violations of the Dangerous Building Ordinance. House of Pride sent a letter dated May 5, 2014, appealing this notice to City Council. Both letters are attached. Currently the home is registered by the City as a vacant building.

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

SENT VIA CERTIFIED & REGULAR MAIL
PHYSICALLY POSTED ON PREMISES

April 29, 2014

House of Pride
C/O Bishop Marion Lott
105 S New Street
Dover, DE 19904

First National Bank of Wyoming
120 W Camden Wyoming Ave
Wyoming, DE 19934

COPY

RE: 45 S New St, Dover, DE 19904
Parcel #ED05-077.05-03-050.000
Cases #13-1216 & 10-2358

Dear Bishop Lott:

The Department of Planning and Inspections for the City of Dover inspected the exterior of the dwelling located at 45 New Street on April 23, 2014. The building was found to be in violation of the Dangerous Building Ordinance of the City.

Presently the home is registered as a vacant building and is being unlawfully be used as storage space which is not permitted by its zoning classification. This has been an on-going violation for several years with the Fire Marshal's office as the storage does not comply with fire code requirements. There are exterior and interior code violations. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This letter is to notify you that this structure must be repaired and brought into code compliance by May 11, 2014, or staff will report your non-compliance to City Council. The Council will then set a date and time for a public hearing to afford you the opportunity to appear and show cause why this building should or should not be demolished.

The person or entity receiving notice by the Building Inspector shall have the right to appeal his decision directly to Council and have a hearing conducted in accordance with the provisions of Section 22-385 before Council, provided that the notice of appeal is filed with the City Clerk no later than five (5) days after receiving notice from the Building Inspector.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Bishop Marion L. Lott
Director



Received

MAY 06 2014

Planning & Inspections

Hoppride@aol.com

Dover, Delaware 19904

May 5, 2014

Ann Marie Townsend, AICP
Director of Planning & Community Development
City of Dover

COPY

Re: Appeal to letter regarding 45 S. New St.

Please consider our request for a formal hearing regarding the actions described in the letter dated April 29, 2014 (ref: RE: Follow-Up Inspections of April 23, 2014 Regarding Order to demolish 45 South New Street) and to show cause pursuant to Article 22 – 385 (1) and Section 104 of IEDC, and we further request that any action by the City be stayed pending a hearing.

Sincerely,

Bishop Marion Lott
Executive Director
House of Pride, Inc.

House of Pride
Our Foundation is Built on Pride
105 South New Street
(302) 677-0116
Fax (302) –677-0234

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: May 16, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 110 S New Street, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case #12-3504, 12-2047 & 12-711
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $20,000 - $25,000. **AMOUNT BUDGETED**: $247,000.00 Budgeted for all demolitions Citywide in the FY-2014 Budget, with $38,456.14 remaining. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building and all accessory structures on this property dangerous. 2. Order the property repaired or demolished by **June 26, 2014** by the owner or equity owner at their own risk. 3. Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**. 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, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

The property is owned by The House of Pride. The home is a three-story wood framed structure. The property was closed by the City on July 23, 2012 due to numerous repeated violations of the Dangerous Building Ordinance, including not having a viable safety plan for the occupants of the building. This was appealed to Council, and Staff's actions were upheld by Council following a hearing on August 27, 2012. Since the City required that the structure be vacated, no actions have been taken by the House of Pride to resolve the deficiencies and to obtain a Certificate of Occupancy. On April 29, 2014, the Department of Planning and Inspections issued a letter notifying the House of Pride of violations of the Dangerous Building Ordinance. House of Pride sent a letter dated May 5, 2014, appealing this notice to City Council. Both letters are attached. Presently the home has no utilities, is registered as a vacant building and is condemned as unfit for human occupancy.

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

SENT VIA CERTIFIED & REGULAR MAIL
PHYSICALLY POSTED ON PREMISES

April 29, 2014

House of Pride
C/O Bishop Marion Lott
105 S New Street
Dover, DE 19904

First National Bank of Wyoming
120 W Camden Wyoming Ave
Wyoming, DE 19934

COPY

RE: 110 S New St, Dover, DE 19904
Parcel #ED05-077.09-01-310.000
Cases #12-3504, 12-2047 & 12-711

Dear Bishop Lott:

The Department of Planning and Inspections for the City of Dover inspected the exterior of the dwelling located at 110 S New Street on April 23, 2014. The building was found to be in violation of the Dangerous Building Ordinance of the City.

Presently the home has no utilities, is registered as a vacant building, and is condemned as unfit for human occupancy. There are exterior and interior code violations that have not been corrected, including not having a viable safety plan. The building was closed by the City on July 23, 2012 due to violations of the Dangerous Building Ordinance. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This letter is to notify you that this structure must be repaired and brought into code compliance by May 11, 2014, or staff will report your non-compliance to City Council. The Council will then set a date and time for a public hearing to afford you the opportunity to appear and show cause why this building should or should not be demolished.

The person or entity receiving notice by the Building Inspector shall have the right to appeal his decision directly to Council and have a hearing conducted in accordance with the provisions of Section 22-385 before Council, provided that the notice of appeal is filed with the City Clerk no later than five (5) days after receiving notice from the Building Inspector.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Bishop Marion L. Lott
Director



Received
MAY 06 2014
Planning & Inspections

Hoppride@aol.com

Dover, Delaware 19904

May 5, 2014

Ann Marie Townsend, AICP
Director of Planning & Community Development
City of Dover



Re: Appeal to letter regarding 110 S. New St.

Please consider our request for a formal hearing regarding the actions described in the letter dated April 29, 2014 (ref: RE: Follow-Up Inspections of April 23, 2014 Regarding Order to demolish 110 South New Street) and to show cause pursuant to Article 22 – 385 (1) and Section 104 of IEDC, and we further request that any action by the City be stayed pending a hearing.

Sincerely,

Bishop Marion Lott
Executive Director
House of Pride, Inc.

House of Pride
Our Foundation is Built on Pride
105 South New Street
(302) 677-0116
Fax (302) –677-0234

SPECIAL SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

A Special Safety Advisory and Transportation Committee Meeting was held on May 12, 2014 at 2:01 p.m. with Chairman Hutchison presiding. Members present were Mr. Dixon (arrived at 2:17 p.m.), Mr. Perza (arrived at 2:06 p.m., departed at 2:36 p.m., returned at 2:42 p.m.), and Mr. Keller. Councilman Anderson was also present.

AGENDA ADDITIONS/DELETIONS

Once a quorum was present, Mr. Keller moved for approval of the agenda, seconded by Mr. Dixon and unanimously carried.

Concerns Related to Permit Parking In Front of Wesley Pre-School and Education Building

Members were advised that the Downtown Dover Partnership (DDP) acquired and renovated the property located at 22-24 W. Loockerman Street. A lease was negotiated with Transcore, the State of Delaware's vendor for E-ZPass, and E-ZPass opened at this location in early March. In order to accommodate E-ZPass employees' parking needs, the DDP included the guarantee of 85 parking spaces in the North Street and Bradford Street parking lots for use by E-ZPass employees. This allocation of parking permits caused the City and DDP to work together to reallocate permit, metered, and free two (2) hour parking within the existing municipal lots managed by the DDP. To balance the need for customer parking with employee parking, the City Manager and City Planner jointly decided to convert 13 parking spaces in what is known as "A-Street Lot" from free two (2) hour parking to permit parking. Without making this change, there would be insufficient parking in the Bradford Street Lot to accommodate both employees and visitors.

The A-Street Lot was utilized for City employee parking for approximately 18 months during the construction of the Dover Public Library. During this time, the City received no complaints and observed no operational issues with this allocation of parking. Prior to, and since designating 13 permit spaces in this area on March 1, 2014, staff continued to monitor this area and regularly observed open parking among the two (2) hour spaces.

Tenants of the Wesley Church Education Building and the Wesley Pre-School expressed concern with the allocation of permit parking in this area, which was previously free two (2) hour parking. No other municipal lot in the area could accommodate the 13 permits. Staff recommended that the permit parking remain as currently configured. If the Committee and Council wished to reconfigure parking in response to the concerns, staff recommended consideration of the following options:

1. Move the mailbox from the current location to the library parking lot near the post office.
2. Remove large holly trees from the landscape island to allow better access to parallel parking spaces on either side of the island. Plant landscaping that has less conflict with vegetation.
3. Move permit parking from the angled parking spaces to the parallel parking spaces on either side of the island. Some permit spaces would still be necessary in the angled parking area.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that there were a total of 24 parking spaces in the area being discussed: 20 parking spaces in the A-Street Lot (13 designated for permit parking, six (6) for two (2) hour free parking, and one (1) for handicapped parking) and four (4) additional two (2) hour free parallel spots on the Loockerman Street side of the median. She noted that if the holly trees located on the median are not trimmed well, inconvenience is caused for those parking in three (3) of the spaces on the south side of the median. She noted that placement of the drive-through mailbox took away one (1) parking space on the south side of the median.

Mrs. Townshend advised members that when the parking needs and availability of the larger area were examined, there was a need to move 13 permit spots from the Barros, McNamara, Malkiewicz and Taylor, PA law firm (located on the corner of Loockerman and State Streets) to the A-Street Lot because they could not be absorbed in the lots on the west side of State Street. Staff talked to the Wesley United Methodist Church a couple of weeks prior to implementing this change and looked at other options; however, they were unable to come up with anything that would resolve the issue.

Mrs. Townshend suggested that members hear what the public has to say regarding this topic and that the matter be referred to staff to determine if other configurations would address the specific problems. She stated that, in order to address the issue, staff needed to understand better the actual concerns to determine if parking was not available or if parking spots were not convenient.

Mr. Hutchison stated his understanding that Wesley United Methodist Church was looking for a compromise whereby three (3) to five (5) parking spaces could be made available. He questioned if the post office box could be placed in an alternative location and if there was some flexibility to provide spaces for the church. He reminded members that the Church had been at its location for well over 100 years, had made contributions to the community, and that the Church also brought business downtown.

Mr. Scott Koenig, City Manager, stated that staff had tried to keep all the permit parking spots adjacent to each other to avoid multiple conflicting messages in terms of signage. He noted that re-striping had been discussed; however, he felt that significant re-striping would likely involve consultation with the Delaware Department of Transportation (DelDOT). Mr. Koenig stated that staff had not looked at alternative sites for the mailbox. He indicated that the site plan for the Dover Public Library anticipated that the mailbox would be put in a spot similar to its previous location; however, this entrance/exit was very congested. He suggested that there may be better alternative locations.

Mr. Anderson expressed his opinion that taking all of the slots in front of the church had caused "angst" and inquired if a few slots could be open to the church and others reserved for permit parking. Responding, Mr. Koenig reiterated that splitting parking designations could cause a need for additional parking signage and difficulties with adherence. He felt the current method provided the easiest, clearest message, but this could be altered if it was Council's wish.

Mr. Perza advised members that he had attended the Wesley Preschool as a child and his daughter now attends the school; therefore he was familiar with the purpose of this portion of the parking lot and the spots used to drop off children. He indicated that he did not see the link between these spots and the parking situation on Loockerman Street two (2) to three (3) blocks west. He felt that the situation should be fixed so as not to disrupt the historic use of Wesley Church and the preschool and stated his desire to find a solution to accomplish this.

Mr. Dave Casto, 8 Gregory Court, Chair of Trustees, Wesley United Methodist Church, explained that he understood what the City was going through and this was one of the reasons that the Church had been willing to compromise from the beginning. However, he felt that perhaps compromising rather than stating that the Church did not want parking permits in this area at all had been a mistake. He asked members to imagine a business or private, non-profit, enterprise that offered many programs suddenly having 10 parking spots in front of their building taken, noting that he was unaware of any other location in the City where this had occurred. Mr. Casto indicated that this came as a shock to the Church, as they were not involved in the planning processes or informed of what was going on. He stated that one (1) meeting was held the morning that related signs were put up, after the signs were erected. Mr. Casto advised members that a number of individuals utilize the building for different programs and that some of these programs would be expanding. He stated that the availability of two (2) hour parking would allow the church to serve the developmentally disabled and to operate its Clothing Closet. He explained that, at times, parking is not available in close proximity to the church. Mr. Casto expressed his opinion that the Barros, McNamara, Malkiewicz, and Taylor, PA law firm should have made arrangements for their own parking when they moved across the street, rather than having parking spots taken from the Church. He advised members that the Church had always been a good partner with the City, allowing use of their parking for Dover Days, the Schwartz Center, etc.

Dr. Joyce Denman, Supervisor of Special Education, Capital School District, explained that the District's Student Transition to Adult Readiness (STAR) program was started during the previous year to serve students aged 18-21 with significant disabilities who are eligible for public school services. Since being in a school facility with students aged 14-18 was deemed inappropriate for these students, the Wesley Education Building site was selected due to its location near the Dover Public Library and close proximity to community events. The first complete successful year for the program had concluded and parents, teachers, and paraprofessionals were pleased with the setting. Dr. Denman stated that service personnel, including a psychologist, speech language pathologist, physical therapist, occupational therapists, and administrators, come to the site for short visits every day to provide services. These individuals are on very tight schedules because they work at several sites and convenient parking is important to allow them to complete 30-minute sessions and go to their next assignment. In addition, food service providers deliver breakfast, and subsequently lunch, at this location each day.

Mr. Alex Vaughan, 509 Dyke Branch Road, Trustee, Wesley United Methodist Church, requested clarification regarding the path that brought those present to the current meeting and what led to the "path that was taken last December" (parking changes that were made in the A-Street Lot). Responding, Mr. Hutchison stated that the City was considering parking spaces needed in the downtown area. He stated that this included Wesley United Methodist Church and that parking was being discussed in this context.

Mr. Vaughan stated that, as a trustee, his interest was from an administrative standpoint. He stated he was aware that the parking spaces had something to do with the Barros, McNamara, Malkiewicz and Taylor, PA law firm, but was also led to believe that it had something to do with the new E-ZPass offices on Loockerman Street. He stated his belief that the history of this parking situation went back many years to when the DDP had facilitated acquiring the former Woolworth's building that now houses E-ZPass. Mr. Vaughan did not understand why the parking concerns being discussed were not addressed at the time this project was undertaken.

Mr. Hutchison stated that the City of Dover and DDP had made a commitment to work with E-ZPass to bring new jobs downtown and to work with the State of Delaware to accomplish this. He expressed his hope that the City could work with Wesley United Methodist Church to get the situation resolved.

Mr. Vaughan hoped this would be the result, but stated concern that the Church was not brought into the conversation in December 2013 when staff began addressing the parking concerns. He felt that the parking issues that caused the reallocation of these spaces began several years ago and that leaving the Church out of the discussion was not good neighborhood relations.

In response, Mr. Hutchison stated that he had discussed this matter earlier in the day with Mrs. Townshend and Mr. Koenig, and they were well on the way to addressing the concerns expressed. Mr. Vaughan stated that the Church was looking forward to being part of the process.

Mr. David Evans, Co-Lay Leader of Wesley United Methodist Church, 388 Clark Farm Road, Smyrna, advised members that approximately 95-96% of the Church's service is work for those less fortunate and this work is done out of the Wesley Education Building. He noted that the Clothing Closet serves hundreds of needy people who do not have clothes and likely do not have cars; therefore, they must be driven to the Clothes Closet where it is difficult to find a parking spot. In addition, he estimated that 20 people come to the building every Tuesday at 7:00 a.m. for a Bible study, noting that, at 68 years old, he is one of the youngest attendees. Mr. Evans advised members that he had pulled a gentleman from the holly bushes referred to previously because he stumbled getting out of his car. He felt that it might not have become an issue and Church representatives would not be attending the meeting if someone had approached them first regarding this matter instead of assuming that the parking spots were not being used, and if the church had explained that 95% of their outreach to needy people was done out of this building. However, he stated that parking was now an issue and a critical need for the individuals who need these services the most.

Mr. Jack Royston, 44 Philchrist Drive, expressed concurrence with the comments of the previous speakers, including the need for better communication "with our friends and neighbors." He stated appreciation for the City taking the time to look into the problem and expressed his hope that it would be resolved in an amicable way.

Reverend Amy Yarnall, 140 Hazel Road, indicated that her views had been expressed and stated her appreciation for the City's consideration of this issue.

Mr. Keller stated that he sympathized with the Church and advised those present that the City would do its very best.

Mr. Hutchison recommended a 45-day delay on the current issue, which would give Mr. Koenig and Mrs. Townshend an opportunity to come back to members with a proposal.

Responding to Mr. Perza regarding the reason for the 45-day time period, Mrs. Townshend stated that the Committee's current special meeting was being held at the beginning of the month rather than the normal meeting date on the fourth Monday of the month. It was planned to bring the issue back to the Committee at the end of June so that staff could sort through possible scenarios.

Mr. Hutchison inquired if something could be done to assist the church in addressing their immediate issues before 45 days. He noted that the correspondence he received regarding this issue indicated a need for three (3) to five (5) parking spaces.

Mrs. Townshend stated that there were on-street parking spaces further west on Loockerman Street adjacent to the building owned by Barros, McNamara, Malkiewicz and Taylor, PA and indicated that some of the permit spaces could be shifted to that area. She stated that five (5) to seven (7), and possibly eight (8) spaces could be accommodated if this area were designated for permit parking. Mr. Koenig stated that this could be done; however, he was unsure what the unintended consequences could be.

Reverend Yarnall advised members that the STAR and Wesley Preschool programs would not be operating at full capacity during the summer and wanted everyone to realize this if studies regarding parking would be conducted in the summertime.

Responding to Mr. Keller as to whether the Barros, McNamara, Malkiewicz and Taylor, PA law firm should also be notified, Mrs. Townshend stated that the law firm was well aware of the issues.

Mr. Perza moved that the matter be remanded back to staff to meet with Wesley Church to consider the needs and assessments that need to be factored in regarding the Church, its school, and its mission and that staff be authorized to proceed with intermediate permit spot adjustments, seconded by Mr. Dixon and unanimously carried.

Discussion - Traffic Concerns on College Road (Request of Westminster Village)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that there had been a request from a resident at Westminster Village to signalize the exit from Westminster Village onto College Road that lines up with North Dover Elementary School. This request was sent to the Delaware Department of Transportation (DelDOT) traffic section to determine if this was something that they could look at and to analyze crash data. DelDOT determined that a signal would not have prevented any of the accidents that occurred at this location and did not find that a signal was warranted. Mrs. Townshend advised members that there were continual issues with congestion and speeding on the stretch of College Road extending from the University Courtyard Apartments to the Woodlands of Fox Hall. She recommended reaching out to the DelDOT traffic section and

the Dover/Kent County Metropolitan Planning Organization (MPO) to perform a traffic study in that area to look at traffic counts and measures that could be put in place to help facilitate better flow of traffic. Mrs. Townshend noted that McKee and College Road were both DelDOT roads and that DelDOT would need to implement any changes.

Mr. Hutchison suggested that staff have DelDOT look at the area due to the large number of students walking between the apartments and the University on a daily basis. Mrs. Townshend concurred, stating that pedestrian issues and efficient traffic flow were both concerns in the area.

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the Capital School District (CSD) had been working with the Fire Marshal's Office to complete fire alarm testing so that furniture could be moved into Dover High School later in May. It was hoped that testing would be complete by the end of the current week, and from a building code standpoint, furniture could then be moved in. It was hoped that a temporary Certificate of Occupancy (CO) would be issued in June: however, Mrs. Townshend expressed some concerns, noting that the Department of Natural Resources and Environmental Control (DNREC) would not agree to a temporary CO until stormwater violations were resolved. She stated that monthly coordination meetings were continuing, with some interim meetings being held regarding stormwater. The stormwater outfall under Route 8 was expected to be finished within the next couple of days, with construction on the east entrance to begin shortly after. Mrs. Townshend stated that staff had advised the CSD that the east entrance did not need to be entirely complete for the temporary CO to be issued, but the school could not open for the year without its completion. The temporary CO would be very specific as to moving in, setting up, and getting things in place. She noted that DelDOT was getting ready to move forward on the sidewalks and installation of the High-Intensity Activated CrossWalk (HAWK) signal. All but one (1) property owner had signed the easements needed and a more difficult route must be taken to acquire the construction easement for this owner's property.

Responding to Mr. Hutchison regarding the stormwater requirements, Mrs. Townshend stated that DNREC was the controlling factor in regard to stormwater issues and that going against DNREC would jeopardize the City's status as a regulated community under the stormwater program. Mrs. Townshend stated that staff was working very closely with DRNEC and EDiS to make sure these issues are resolved as quickly as possible. She noted that wet weather and the very cold and snowy winter had made the project difficult.

Noting that the southern segment of Dover High Drive and its connection to Tribbett Road must be completed before school opens in September, Mr. Hutchison questioned if staff had issued a written document to that effect. Responding, Mrs. Townshend stated that this had not been done because stormwater appeared to be the biggest concern. However, she concurred that the City was at the point that issues related to the roadway should be put in writing because the roadway is critical.

Noting the importance of the safety of the children, Mr. Keller questioned if the completion of sidewalk construction and the installation of the HAWK signal would be required for a CO. Mrs. Townshend stated that these aspects were under DelDOT's control, rather than the CSD's;

however, DelDOT was fairly confident that the HAWK signal and the bulk of the sidewalks would be in place by August. She indicated that no plans had been made to bus the children to school if sidewalks were not completed, but if there were not a safe walking route to school, the CSD would have to provide bus transportation.

Responding to Mr. Hutchison, Mrs. Townshend confirmed that the sidewalks under discussion were on the north side of Route 8. It was her belief that, ultimately, sidewalks would be needed on the south side also, as well as on Mifflin Road.

In response to Mr. Keller, Mrs. Townshend stated her recollection that approximately 200 children would be using the HAWK signal, although parents may transport some of these children.

Mr. Perza questioned if the CSD was aware that they would not be permitted to open the school until all requirements were completed, regardless of whether these requirements were the responsibility of DelDOT or other parties. He expressed the desire to ensure that nothing "slips through the cracks" and that the CSD is made aware of all requirements. Responding, Mrs. Townshend indicated that these requirements had been stated at the coordination meetings during the past three (3) months; however, she concurred that putting them in writing would be worthwhile. She stated that EdiS had assured staff that the project would be complete.

Mr. Perza expressed a desire to intervene and to avoid "finger pointing" and stated that the bottom line is that children cannot go into the school until it is safe, regardless of who gets it done. He stated he wished to create a record now in this regard. Concurring, Mrs. Townshend stated that the City could not sign off on the project if it were not safe.

Mr. Perza moved for adjournment, seconded by Mr. Keller and unanimously carried.

Meeting adjourned at 2:52 p.m.

James L. Hutchison, Sr.
Chairman

JLH/JS/dd/tm
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PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on May 12, 2014, at 3:01 p.m. with Chairman Dixon presiding. Members present were Mr. Hutchison, Mr. Perza, Mr. Caldwell, and Mrs. Horsey (arrived at 3:02).

AGENDA ADDITIONS/DELETIONS

Councilman Hutchison moved for approval of the agenda, seconded by Mr. Caldwell and unanimously carried.

Proposed Ordinance #2014-08 - Amending Appendix B - Zoning - Article 3 - District Regulations - Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning Commission; and Article 12 - Definitions

During the Parks, Recreation, and Community Enhancement Committee meeting held on April 14, 2014, members considered Proposed Ordinance #2014-08. After much discussion, members recommended that Proposed Ordinance #2014-08 be referred back to staff for a final read through to make recommended changes and clarify language, and returned to the Parks, Recreation, and Community Enhancement Committee on May 12, 2014. City Council approved the Committee's recommendation during their regular meeting held on April 28, 2014.

During the Parks, Recreation, and Community Enhancement Committee meeting on May 12, 2014, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Proposed Ordinance #2014-08 was before the Committee in its original draft format with no revisions since the previous meeting.

Mrs. Townshend stated that she had met with Councilman Perza regarding this matter to address the concerns he expressed during the previous meeting. Mrs. Townshend explained that, historically, when staff proposed zoning text amendments without involving the regulated community, they were often directed to do so before any action could be taken. As a result, the decision was made to approach the Central Delaware Chamber of Commerce (CDCC), the Kent County Association of Realtors, and other members of the community to review the commercial and office zone ordinances to obtain input before bringing the amendments before Council. A little over a year was spent reviewing the ordinances in great detail and each section was scrutinized in an effort to simplify the zoning ordinance and to broaden specific uses to more general use categories. She stated that another goal was to address consistency from one section to another. Bulk standards were also examined, since experience had shown that these standards were causing good design to be set aside because of setback requirements. It was noted that the Planning Commission had the authority to determine if the circulation on the site did not work well. Thresholds for projects that must be considered by the Planning Commission were also considered.

Mrs. Townshend indicated that more clarification might be needed in Lines 414-420 of the ordinance to make it clear that new buildings would be treated differently than existing buildings.

Mrs. Townshend stated that, to this point, primary discussions had been through the CDCC and the real estate community. Mr. Keith Cooker, Landmark Engineering, and Mr. Bob McLeish, Lighthouse Construction, participated on behalf of homebuilders. She stated that she had spoken with downtown merchants to inform them of the proposed changes. She reminded members that two (2) public hearings would be held regarding the ordinance, one (1) before the Planning Commission and one (1) before City Council; therefore there would be opportunities for the public to share its concerns.

In reference to his original concerns in terms of clarity of some sections of the Proposed Ordinance, particularly Section 2.11(a)-(c), Mr. Perza stated that, after meeting with Mrs. Townshend, reviewing the historic process, and understanding the additional steps that would include opportunities for public input before any changes were made, he withdrew his objection to moving forward to Council with the draft Ordinance as presented.

Mr. Perza moved to recommend adoption of Proposed Ordinance #2014-08, as drafted by the Planning Department, seconded by Mrs. Horsey and unanimously carried.

Updates

Community Development Block Grant (CDBG) Program

Mrs. Tracey Harvey, Planner I, advised the Committee that the staff had met the U. S. Housing and Urban Development (HUD) Department's timeliness standard for expenditure of Community Development Block Grant (CDBG) funds and that all funds were expended 60 days prior to the end of FY 14.

Mrs. Harvey stated that the last Neighborhood Stabilization Program (NSP) home was sold last month, closing this program with a total of 11 homes sold and settlement assistance provided to 10 first time home buyers.

In response to Councilman Hutchison's inquiry as to the level of requests for assistance and support, Mrs. Harvey advised that the number of such requests had increased, and the FY 2014 CDBG budget was increased to support those needs. She noted that the summer tends to be a busier time for the program.

Responding to Mr. Dixon regarding activities related to the Restoring Central Dover Initiative, a planning initiative for the revitalization of central Dover, Mrs. Harvey stated that several related open houses were held during the previous week at Bayard Plaza and they were well attended (approximately 150 people). A successful street fair also took place on May 10, 2014. She indicated that the National Council on Life and Labor Research (NCALL), the lead agency for the Initiative, was the recipient of a related grant from the Wells Fargo Regional Foundation and that completion of an implementation plan for this grant would be the next step for those working on the project.

Recreation Needs Assessment

Mrs. Ann Marie Townshend advised the Committee that staff was approximately six (6) weeks behind where they hoped to be at this point in terms of accomplishing the Recreation Needs Assessment. She stated that it was planned to issue a survey to recreation providers in the area for review and then to distribute the survey to the community within the next two (2) weeks.

In response to Mr. Hutchison regarding the status of demolition of the recreation building at the Dover Park, Mrs. Townshend advised members that demolition bids were due on May 14, 2014. Once Council approves a bidder, staff will move forward with the project. She indicated that an $80,000 placeholder was included in the FY 15 Capital Improvement Plan budget for future use at Dover Park and the planned use of these funds would be determined by the results of the needs assessment.

Mr. Hutchison moved for adjournment, seconded by Mr. Caldwell and unanimously carried.

Meeting adjourned at 3:18 p.m.

Wallace R. Dixon
Chairman

WRD/MK/js/dd/tm
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UTILITY COMMITTEE

The Utility Committee Meeting was held on May 12, 2014 at 4:00 p.m. with Chairwoman Williams presiding. Members present were Mr. Perza (arrived 4:07), Mr. Slavin, Mr. Blakeman, and Mr. Snaman. Councilmen Dixon, Anderson, and Hutchison were also present.

AGENDA ADDITIONS/DELETIONS

Mr. Blakeman moved for approval of the agenda as presented, seconded by Mr. Snaman and unanimously carried.

Capital School District Request to Transfer Equivalent Dwelling Unit (EDU) Credits (Dover High School)

Mr. Scott Koenig, City Manager, reviewed a request from the Capital School District to transfer water and sewer Equivalent Dwelling Units (EDU) from the current Dover High School property located at 1 Pat Lynn Drive to the new school at 1 Dover High Drive. Mr. Koenig explained that, based on calculations made by Mrs. Sharon Duca, Director of Public Works, if the request were approved, the impact fee for the new school would be $18,207, which would include transferred EDUs from the old property in addition to new EDUs created on the new property. If the request were not approved, the impact fee would be $412,692. Mr. Koenig pointed out that although this request is allowable under the City Code, it is only allowed if approved by Council. Members were advised that, per the City of Dover Code of Ordinances, two (2) references are applicable to this request. The first code reference is located in Chapter 110, Article III – Water Service, Division 3 – Water Impact Fees, Section 110-208 (d), and the second code reference is located in Chapter 110, Article IV – Wastewater Service, Division 3 – Wastewater Impact Fees, Section 110-283 (c). Both sections state that "No EDUs shall be transferred from one property to another property, whether or not such properties are owned by the same person, without the approval of city council."

In response to Mrs. Williams' concern regarding the demolition of the gym, cafeteria, etc. at the current facility, Mr. Koenig advised that members of the Capital School District were present to address those questions.

Mr. Sean Sokolowski, Business Manager for Capital School District, advised members that as of May 12, 2014, it was the District's intent to demolish all of the existing facilities at the current location. Responding to Mrs. Williams, Mr. Sokolowski stated that the fields would remain intact and that keeping the gym, cafeteria, etc. were considered; however, the cost to maintain the structures would be prohibitive. He explained that demolishing the entire facility would allow the contractor to perform a complete demolition. If the contractor were asked to preserve certain sections of the facility, this would change the way the demolition was performed, requiring a great deal more work and increased costs to preserve the heating, air conditioning and ventilation (HVAC), electric, etc.

In response to Mr. Slavin, Mr. Sokolowski confirmed that there is a governance from the Department of Education that the building has to be demolished if funds are accepted for the new facility.

Responding to Mrs. Williams, Mr. Sokolowski said that it was not common practice for the Department of Education to require demolition of the existing structure when building a new facility; however, he stated that the Cape Henlopen School District demolished their facility when they built their new high school and the Laurel School District was looking at doing the same. Mr. Sokolowski stated that if the Capital School District wished to maintain the current high school, the Department

of Education would not have provided funds to build the new school and would have had to invest in renovating the current building, which would not have been cost effective. In response to Mrs. Williams concerning other school districts being permitted to keep their existing buildings, Mr. Sokolowski said that this is sometimes allowed but would only be possible if there was enough enrollment to fill the old building and the new building, and the Capital School District did not have this capacity.

In response to Mr. Blakeman, Mr. Sokolowski stated that Capital School District will maintain ownership of the land where the old school is located; however, there were no immediate plans other than to hold on to it for future use, hopefully for another middle school or an elementary school. Mr. Sokolowski noted that when land was being sought for the new high school, there were not many areas within City limits with enough acreage to accommodate the school, grounds for fields, parking lots, etc.; therefore, it did not make sense to let go of the property.

Responding to Mrs. Williams, Mr. Sokolowski stated that the old school property would be accessible to the public, noting that the District continues to keep them in good working order and has rented them out on occasion.

In response to Mr. Slavin regarding the City Manager's recommendation on transferring the EDUs, Mr. Koenig advised members that staff's position was that the request met the technical merits and the decision was up to City Council.

Responding to Mr. Dixon regarding the possibility of retaining the gym and other parts of the facility for youth, Mr. Sokolowski indicated that the gyms at William Henry Middle School and Central Middle School are available; however, funding is not available to do a partial demolition at Dover High School.

Responding to Mr. Perza regarding the City having a basis or a precedent to deny a request for transfer of EDUs, Mr. Koenig stated that such a transfer was approved for Capital School District for their administrative offices; therefore, there was a precedent for approving this type of request, but not for denying it, to his knowledge. In response to Mr. Koenig as to whether he recommended the transfer, Mr. Koenig stated that the Public Works Department indicated that the request met the technical merits and the City Manager's Office recommended approval of the transfer based on those merits.

In response to Mrs. Williams as to whether the gym at the current high school could be left for use as a stand-alone building, Mr. Koenig stated that this was possible; however, the costs associated with doing so would be drastically greater and he did not have authorization to make that recommendation. Additionally, aside from the responsibility and cost associated with maintaining the facility, any agreement that would be established if the gym were to remain would likely include a clause that if the Department of Education wanted to use the property for a school, the City would have to abandon the facility. As a result, it could cost the City millions of dollars to invest in the partial demolition and subsequent maintenance, only to have to abandon the property later. In addition, the certificate that was granted to the Capital School District from the Department of Education specifically stated that the current facility would be demolished.

Responding to Mrs. Williams regarding other issues related to construction of the new high school, Mr. Koenig stated that, at this time, he did not have any additional concerns. He indicated that the Capital School District had committed to building a second entrance, the apartment developer had reinitiated their projects so that the road would be extended and tied into the subdivision, and the additional sidewalks on the north side of Route 8 were progressing. He noted that there was one (1) property that may have to go to condemnation; however, all other property owners had agreed to the easements.

Responding to Mr. Perza as to whether the City should postpone the transfer until after the school is opened to ensure that all outstanding items are completed, Mr. Koenig indicated that impact fees are traditionally paid at the time of occupancy; however, City Council had the option to suspend action on the transfer until all items are complete.

In response to Mr. Blakeman, Mr. Perza advised that if the Capital School District wanted to use the old high school property at a later date, they would have to pay the full impact fees.

Mr. Slavin moved to recommend approval of the transfer of Equivalent Dwelling Unit (EDU) credits for the Capital School District from 1 Pat Lynn Drive to 1 Dover High Drive. The motion was seconded by Mr. Dixon and carried by a vote of four (4) yes (Williams, Slavin, Blakeman, and Slavin) and one (1) no (Perza).

Annual Review and Approval of Governing Policy For Energy Commodity Risk Management

Mr. Scott Koenig, City Manager, reviewed the Governing Policy for Energy Commodity Risk Management **(*Attachment #1*)** and explained that this policy governs how the City trades energy. He stated that the hedge program outlines the rules for good transactions that can be reviewed by the internal committee and lets the public know that the City is following the rules. Mr. Koenig advised members that the changes referenced in the document were basically "housekeeping" changes.

Mr. Blakeman moved to recommend approval of the Governing Policy for Energy Commodity Risk Management, seconded by Mr. Slavin and unanimously carried.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater)

Mr. Scott Koenig, City Manager, reviewed the Capital Investment Plan Project Tracking Report, as of March 31, 2014 which included the financial status of each project, noting some of the projects were complete and some had not been billed yet.

Mr. Koenig provided updates on the Garrison Farm project, stating that the water, sewer, and electric projects had been authorized by Council and were underway, as well as the earth moving component of the storm water aspect. Mr. Koenig advised members that George & Lynch, Inc., the contractor for the sewer project, had mobilized and it was expected that the tower contractor would mobilize shortly.

Mr. Koenig advised members that Community Transportation Fund projects had been reallocated to South Street adjacent to the hospital, however, it continued to appear open on the report because the contractor had not presented the bill to the City yet.

Mr. Koenig indicated that members were starting to catch up on some of the backlog of capital projects, noting that the Horsepond project had made substantial progress and that Council would be considering the extension for services for the Van Sant proposal during their meeting scheduled for later in the evening.

Responding to Mr. Anderson, Mr. Koenig advised members that the cost of the Garrison Oak Technical Park improvements was approximately $14.2M, including the water tower, the sanitary pumping station and force main, improvements including the road, storm sewers, the water main, gravity sewer main, and design drawings for the entire subdivision. Of that amount, approximately $550,000 was for electric improvements. In response to Mr. Anderson regarding the amount of funds that were provided by City taxpayers and how much was bond money, State contributions, and Calpine contributions, Mr. Koenig stated that he did not have the breakdown with him but offered to provide this information. The State of Delaware did not contribute to the portion of the project that he had described; however, State funds went to the gas line extension. He indicated that there was no cash contribution from Calpine; the $14.2M was City funds from General Fund Bonding, the Water/Sewer Fund, and the Electric Fund.

In response to Mr. Slavin, Mr. Koenig advised that the City did not contribute to the gas line and that the total cost was roughly $7M, $2M of which was paid by the state.

Responding to Mr. Anderson, Mr. Koenig advised that the in-ground pipe and elevated storage inside the Garrison Oak Technical Park were designed for the full build-out of the Park; however, if additional wattage is required, it will be necessary to develop additional water resources. Mrs. Williams stated that the Purchase Power Agreement (PPA) and water revenues would be primary resources to recapture costs.

Responding to Mr. Perza, Mr. Koenig stated that it was his plan to resume the Tar Ditch Interceptor project within the next 60 days and he hoped to meet with the property owners to attempt to acquire some of the easements.

TEA/NAES Report *(March)*

The TEA/NAES Monthly Report for March 2014 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Blakeman moved to recommend acceptance of the report, seconded by Mr. Perza and unanimously carried.

Updates

Green Energy Funding and Programming

Members reviewed details regarding Green Energy Funding and Programming.

National Pollution Discharge Elimination System (NPDES)

Mr. Scott Koenig, City Manager, advised members that the City received three (3) notices of violation of the Municipal Separate Storm Sewer System (MS4) permit. One violation was for non-compliance and two (2) violations were related to properties owned by the City: the former Public Works site and the City of Dover warehouse site. Staff was currently working through these notices

of violations and would be making the associated corrections to become compliant. Mr. Koenig advised members that the presentation provided at the Budget Hearings scheduled for the next week would include a request for an Environmental Scientist position to address these issues and remain compliant.

Responding to Mr. Hutchison, Mr. Koenig advised that the violations had not cost the City money to date; however, if the City does not become and remain in compliance, financial penalties could be assessed.

Garrison Oak Technical Park Project Updates

Mr. Scott Koenig, City Manager, provided the following updates:

City Infrastructure

Mr. Koenig advised members that A-Del Construction Company, the City's earth work and road contractor, had begun digging the ponds associated with storm water management. George & Lynch, Inc. was putting in a 16-inch force main on White Oak Road that will extend back from the Garrison Farm under Route 1 to the White Oak Farm pump station. He indicated that as soon as there is a passable drive back to the elevated storage tower site, the earth work associated with the sanitary pump station should begin. Mr. Koenig indicated that the work could begin during the current week. He noted that engineers had been reviewing all of the field drawings to proceed with that portion of the project.

Calpine Energy Center

Mr. Scott Koenig, City Manager, stated that the Calpine Energy Center was heavily under construction. He advised that weekly teleconferences were continuing regarding the right-of-way clearing back to the 230kV tie and work was progressing with Delmarva Power on building the radio line from the 230kV tie back to the Garrison Energy Center. Mr. Koenig also stated that the gas main work was underway and, as of May 12, 2014, was approximately 52% complete. It was hoped that the area around Dover Downs would be cleaned up in advance of the Firefly Festival so that gas line construction would not be taking place in that area during the festival. He noted that the Uzin Utz project was nearing final approval, noting that a ground breaking was scheduled on Tuesday, May 13, 2014 and construction would begin shortly at Calpine. In addition, Mr. Koenig advised that Chesapeake Gas was scheduled to install the gas distribution line through the Garrison Farm infrastructure once the roads are generally laid out. Mr. Koenig stated that the construction was scheduled for substantial completion by the end of 2014 and that projects seemed to be progressing as scheduled in order to receive flows for Calpine and Uzin Utz.

Dover Sun Park

Members reviewed details regarding the Dover Sun Park.

Mr. Snaman moved for adjournment, seconded by Mr. Slavin and unanimously carried. Meeting adjourned at 4:36 p.m.

Beverly C. Williams
Chair

BCW/MK/js/dd/tm
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Attachments
Attachment #1 - Governing Policy for Energy Commodity Risk Management

City of Dover, Delaware

Governing Policy

For

Energy Commodity
Risk Management

Effective: September 10, 2012

Approved by: City of Dover Council

Date: September 10, 2012

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PURPOSE OF THE RISK MANAGEMENT POLICY

A. Introduction

The City of Dover ("**City**") and its customers are routinely exposed to energy price risk, volume variability risk, basis risk and credit risk – herein referred to collectively as energy commodity risk - in the normal conduct of serving its electric load requirements. Volatility of energy commodity prices and volumetric uncertainty (either supply/generation or load obligations) impose a substantial and direct risk to the City's financial and operating performance.

By authority of its charter, the City has responsibility for overseeing the City's electricity operations, including the management of its cost of serving Dover's customers. By agreement dated May 6, 2011 and approved by the City (the "**EMA**"), the City has engaged The Energy Authority, Inc. ("**TEA**") to assist the City with Asset Management and Strategic Planning Services, Risk Management Services, and Energy Management Services.

This Policy for Energy Commodity Risk Management ("**Policy**") is established the explicit understanding that the City has retained and delegated responsibilities to TEA to provide Risk Management Services.

Additionally, the City has issued this Policy for dealing with the philosophy, framework and delegation of responsibilities necessary to govern activities related to Dover's energy commodity risk management. As set forth herein, the City has established an organizational structure, delegated responsibility and established internal controls and procedures to ensure that all transactional and oversight activities are conducted in compliance with this Policy and in accordance with the City's normal reporting, legal, financing and regulatory requirements relating to energy assets and transactions.

B. Scope of Policy

This Policy covers all transactions entered into the by the City of Dover designed to meet the City's electric load requirement and the management of risk related to these transactions.

In the event of conflict between this Policy and the EMA, the Policy shall control. This Policy is separate and distinct from enterprise risk management policies and procedures addressing the City's safe operation of its generating stations and energy

infrastructure, insurance requirements, permit compliance, employee matters regulatory compliance with laws and regulations of the State of Delaware and Federal Agencies such as EPA, FERC, NERC and CFTC or other potential risks to the City beyond the purchase and sale of fuel and electric power and its ancillary products.

C. Objectives and Risk Philosophy

The objectives of the Policy are to identify energy commodity price and credit risk exposures and give the City a framework for the quantification and management of these exposures. The Policy will identify the reports needed to convey how the identified risk exposures can potentially impact the City's overall cost of providing electricity service to its customers and report on the risk management of the transactions associated with City's electric load requirements.

Under the Policy, risk management activities will be conducted consistent with the City's overall objective of appropriate risk mitigation. There are several objectives of the Policy which, when taken and executed together, serve to manage the City's energy commodity price exposures. Specifically, the Policy:

- Establishes framework for developing credit limits for counterparties and quantifies and manages the credit exposures related to potential counterparty abrogation
- Quantifies the impact of the above exposures on City's financial results
- Manages the impact of the above exposures in line with the City's identified level of risk tolerance
- Provides clear delineation of responsibilities and authority, outline a separation of duties, and ensure reporting of risk is timely and accurate.
- Ensures that the impact of any action affecting the City's position is consistently quantified, monitored and authorized.

The City's risk management activities will be conducted consistent with its overall objective of appropriate risk mitigation and never for purposes of speculation.

D. Policy Administration

This Policy has been approved by the Executive Risk Management Committee and The Utility Committee of the Dover City Council. The Utility Committee must approve modifications to the Policy with the exception of the appendix information which can be modified with the approval of the Executive Risk Management Committee.

MANAGEMENT AND CONTROLS

This Policy articulates the management and organization of the City and TEA to serve as a control framework outlining delegation of duties and responsibilities.

A. Utility Committee of The City Council

The Utility Committee of The City Council (The Committee) has a responsibility to provide approval of this Policy. With this approval, The Committee also assumes additional duties. They will understand the risks the City is and could be exposed to due to their energy commodity risk management activities. In this role, the Committee will have a responsibility to also understand the City's policies and procedures, internal controls and systems which are used to help manage the City's energy commodity risks.

The Committee will approve any amendments to the Policy or limits within. The Executive Risk Management Committee will update the Committee periodically regarding the Policy and its functions. It will be the Committee's responsibility to:

- Discuss guidelines and strategic policies that govern the process by which the Energy Risk Management Committee assesses and manages risks
- Review and approve the risk policy at least annually
- Approve new members of the Executive Risk Management Committee
- Acknowledge the risk inherent in transactions covered under this Policy

B. Executive Risk Management Committee

An Executive Risk Management Committee ("**ERMC**") has been formed to provide executive management oversight for the City's energy commodity risk management activities. The ERMC is charged with the creation, amendment and administration of this Policy, including acquiring any approvals required by the Utility Committee, and will ensure that all energy commodity risk management activities of the City are performed consistent with this Policy. The ERMC will meet at least monthly to review compliance and conduct its business as described in this Policy.

The ERMC shall be comprised of the following voting members: The City Manager, The Director of Utility, The City's Controller and TEA's ~~Member~~ Client Service Manager.

The City's ERMC will make decisions following the process outlined in this Policy. TEA's ~~Member~~ Client Services Manager may include representatives from other areas within TEA in the monthly ERMC meetings who will attend in person or by conference call as non-voting advisors. Other City employees and TEA staff may also be asked to

attend meetings from time-to-time, as the ERMC deems necessary. The responsibilities of the ERMC shall include:

- Establish scope and frequency for management reporting to the Utility Committee.
- No less than annually, review the City's Energy Commodity Policies and Procedures for correctness and completeness.
- Review and approve any new risk report or change to an existing risk report provided by TEA to monitor risks outlined in this Policy.
- Understand and approve any models, methodologies, and assumptions used for measuring risks such as volume risk, process risk, counterparty risk and commodity risk.
- Monitor the City's risks and ensure they are within the limits and are being managed according to what is indicated within the City's Policy and associated procedures
- Understand the City's risk management objectives and risk tolerances.
- Review and approve the risk management and trading strategy programs and associated risk. Each program should be reviewed to ensure alignment with Policy objectives and compliance with risk limits within this Policy.
- Periodically review any risk management program approved in light of recent market changes, and ensure continued compliance with its established guidelines
- Review and approve new products, markets, trading counterparties and credit limits
- Review all violations and exceptions to this Policy and report such to the Committee.
- Approve the individuals or companies that engage in the City's commodity transactions and are subject to the limits within this Policy.
- Ensure that the individuals or companies authorized to transact on behalf of the City as well as manage its risks, are appropriately trained and qualified.
- Ensure independence and segregation of duties between front, middle and back office at TEA.

Recommend changes to this Policy to the City's Utility Committee for approval and ensure the Utility Committee understands the City's overall compliance with this Policy and associated procedures

The ERMC will meet at least monthly to review risks identified and reported on by the Policy, this meeting shall be chaired by The City Manager. Minutes of each meeting of the ERMC shall be recorded and reflect any decisions and follow-up action items to be performed. These minutes will be reviewed and approved by the members of the ERMC in a timely manner.

Each member of the ERMC has a unique role as defined below:

1. City Manager

The City Manager is independent of all commercial functions and carries the responsibility of establishment and maintenance of risk management for the City. The City Manager will be a voting member of the ERMC and act as a chair of the ERMC. Other responsibilities include:

- Ensure this Policy is maintained.
- Oversee reviews of the City's energy commodity risks, limits, risk measurement methodologies and models, and programs and recommend changes to the ERMC.
- Ensure potential transactions and their impacts on the City's risks and limits defined within this Policy.
- Develop and monitor the implementation of the Policy, and oversee other risk management processes and procedures established by this Policy or otherwise by the ERMC.

2. Director of the Utility

The Director of the Utility is responsible for all trading, hedging, pricing, structuring, and market and operational risk management activities associated with the City. The Director of the Utility will be a voting member of the ERMC. Other responsibilities include:

- Review the effectiveness of transaction processing systems and procedures relating to risk measurement.
- Recommend operational risk and business risk assessment guidelines.

3. Controller

The Controller is independent of all commercial functions and carries the responsibility of the City's accounting practices. The Controller will be a voting member on the ERMC. Other responsibilities include:

- Perform financial accounting including accounting for hedging and derivatives activities.
- Comply with tax rules and make appropriate tax elections.
- Record realized and unrealized gains and losses.
- Reconcile general ledger, cash transactions and margin accounts.
- Implement tax-hedge accounting policies and other regulatory tax requirements.
- Develop and maintain documentation outlining standard procedures for conducting business.
- Invoice counterparties and resolve billing disputes.
- Perform daily/weekly/monthly transaction checkout with counterparties.

- Develop and maintain documentation outlining standard procedures for conducting business.

4. TEA ~~Member~~ Client Services Manager

The TEA ~~Member~~ Client Service Manager roles and responsibilities are defined exhibit B of the EMA between the City and TEA. The TEA Client ~~Member~~ Service Manager will be a voting member on the ERMC. Other responsibilities include:

- Monitor risk reports between ERMC meetings.
- Report to the Committee and the ERMC on the City's adherence to all limits and functions within this policy.
- Engage the ERMC in discussions regarding events or developments that could expose the company to potential losses.
- Recommend to the ERMC specific risk limits consistent with the City's risk management objectives, risk tolerance, and risk management policy.
- Coordinate and distribute independent market fundamental analysis.
- Provide advisory support and recommendations as specified in Article 5 of the EMA.

DISCUSSION OF RISKS

This Policy covers the management of all material energy market risks faced by the City. A comprehensive list of risks that are or could be relevant to City is shown in Appendix C of the Policy. Among the most critical of these risks are commodity risk, counterparty risk, process risk, volume risk, and budget risk. These risks are measured by the limit structure and controls outlined in the Policy.

Commodity risk represents the potential adverse impacts to the value of the City's portfolio due to changes in the market. Commodity risk encompasses volatility risk, forward price risk, basis risk, correlation risk and liquidity risk.

Counterparty risk represents the potential losses the City could incur due to delivery risk and receivable risk. Delivery risk stems from a supplier or trading counterparty that is unable or unwilling to perform on its commitments including but not limited to delivery or receipt of commodities. Receivable Risk includes the City's risk associated with a counterparty's timeliness of payment for services rendered.

Process risks represents the risks associated with process problems including, but not limited to, inaccurate data capture, untimely trade execution or settlement problems. Controls over process risks are embedded in the organizational structure of TEA through the design processes and operating procedures.

Volume Risk represents the potential for unforeseen changes from projections of excess or shortfall of capacity or energy from the actual needs. When variances are large coupled with large costs to transact and adverse moves in market prices this risk could be realized. In management of this risk, the City must be aware of the fact that unexpected variations in volume are often highly correlated with price movements.

Budget Risk represents the potential to deviate outside of tolerable bounds of the City's budget. Deviations from budget can be caused by forecast error or unforeseeable adverse changes in market prices.

MARKETING AND TRADING PRACTICES

A. Standards of Conduct

Individuals authorized to transact for the City shall not misrepresent, conceal or withhold information regarding energy commodity trading and risk management transactions to any person responsible for the accurate recording and/or reporting of such transactions; participate in any such transaction or similar activity for the benefit of any party other than the City; or hold or be a beneficiary of any financial interest in any entity with which the employee is engaged in trading or other business activity (other than ownership of an interest in a mutual fund managed by another party). Further, no employee authorized to place or execute such transactions may engage in trading power or energy commodities derivative instruments for his or her personal account.

B. Products, Activities and Limitations

Pursuant to achieving the City's core objectives for the purpose of energy commodity risk management, the following limitations shall apply.

- Permissible instruments will be restricted to the products and instruments specified in Appendix A – Approved Products of the Policy;
    - All physical forward transactions shall be governed by the Edison Electrical Institutive (EEI), North American Energy Standards Board (NAESB), or similar agreements with counterparties approved by the City.
    - The City reserves the right to enter into financial hedge transactions to effectuate Policy objectives, but does not authorize TEA to enter into financial hedge transactions on its behalf. Any such financial transactions that the City may enter into shall be governed by ISDA agreements with counterparties as approved by the City.
- The maturity for each permissible instrument will be restricted to the maturity limits specified in the risk limits section of the Policy.

- Transaction volumes for each risk management transaction will be restricted to the amounts specified in the Risk Limits section of the Policy.
- Risk management transactions will be outlined in the ***City of Dover Hedge Program*** which will be approved by the ERMC. Risk management transactions may include the following:
    - Hedging the forward price of purchased power for delivery to the City as needed to meet its electric load requirements.
    - Hedging the forward price of natural gas and fuels as needed to generate power to meet the City's electric load requirements.
    - Unwinding of hedges to accommodate changes in expected load requirements, or for economic reasons subject to explicit constraints set by the ERMC.

C. Contract Documentation and Confirmations

No over-the-counter transaction may be executed until an EEI, NAESB, or similar agreement has been authorized by the City, approved by the ERMC and fully executed by the parties.

Written confirmations will be required from counterparties, as defined in the Master Service Agreement between the City and counterparty, within one business day or such longer time as required by the contract in question for all risk management transactions. Contemporaneous with any commitments and prior to receipt of written confirmations, verbal commitments shall be memorialized internally as to instrument structure, quantity, relevant time horizon, price and any other relevant terms; such internal documentation shall be time stamped and correlated to the ultimate written confirmation to or from the counterparty. Both the internal documentation as well as the written confirmation from the counterparty shall be provided to TEA's Risk Control Group immediately upon receipt for verification.

In the event that there is a material failure to provide timely documentation or confirmations, then at the City Manager's sole discretion, the offending individual's authorization may be suspended. Similarly, if the failure to provide timely documentation or confirmations is due to the failure of counterparty, then at the discretion of the City Manager, a moratorium may be imposed on transactions with that counterparty. In such cases, the City Manager shall notify the ERMC of the issues leading to the suspension or moratorium shall.

Nothing herein shall inhibit the City Manager from bringing control issues to the TEA's ~~Member~~ Client Services Manager prior to a decision on materiality or the imposition of a suspension of trading privileges or counterparty moratorium.

D. Training

The ERMC will ensure that all City employees and/or TEA Staff that will execute transactions on behalf of the City will have appropriate training in the markets in which the transactions occur.

E. New Product Protocol

As required to manage the City's energy commodity risk the ERMC shall approve new products provided the requirements of the ***New Product Approval Procedure*** are met.

RISK LIMITS AND RISK MEASUREMENTS

A. Limits

The limit structure is designed to quantify the types of risk in City's energy commodity portfolio. The City will manage and report on its energy commodity market risk using Volume/Maturity/Value Limits, a Cost of Service Limit and a Hedge Loss Limit.

1. Volume/Maturity/Value Limits

Transaction limits for the Individuals Authorized to execute transactions and the maturity limits for each permissible instrument are listed below. Transactions for amounts in excess of those listed may be executed only upon approval of the ERMC. This limit, maturity and value structure is not intended for use when transacting day-ahead and real time in the PJM market.

Volume/Maturity/Value Limits		**Maximum Daily Notional Limits**	
		Volume	**Value ($000)**
Power (MW) Hourly Limit	Balance of the Month through 12 Months	50	20,000
	Between 13 Months and 24 Months	50	20,000
	Between 25 Months and 36 Months	25	10,000
	Between 37 Months and 48 Months	25	10,000
	Between 49 Months and 60 Months	25	10,000
Natural Gas (MMBtu) Monthly Limit	Balance of the Month through 12 Months	30,000	400
	Between 13 Months and 24 Months	30,000	400
	Between 25 Months and 36 Months	10,000	200
	Between 37 Months and 48 Months	10,000	200
	Between 49 Months and 60 Months	10,000	200
#2/#6 Fuel Oil (Bbl) Monthly Limit	Balance of the Month through 12 Months	6,000	400
	Between 13 Months and 24 Months	6,000	400
	Between 25 Months and 36 Months	3,000	200
	Between 37 Months and 48 Months	3,000	200
	Between 49 Months and 60 Months	3,000	200

The amounts in the table above refer to the maximum volume of orders that can be placed in any one day the individuals authorized to conduct trades for the specified time period. On any one day the maximum transaction volume placed can be for up to 50 MegaWatts per hour for every hour during a single calendar month (including both on-peak and off-peak hours), OR 25,000 MMBtu per month for all months pertinent to the natural gas transaction, OR 6,000 Bbl per month for all months pertinent to the oil transaction.

2. Volume Limits

For no reason should a transaction be executed that exceeds the City's electric load requirements. If there is an adjustment to the City's electric load requirements and the existing transactions greater than 100% of the adjusted electric load requirements the ERMC will review and approve the offsetting strategy deployed in sufficient proportion to mitigate the encroachment.

3. Locational Limits

Non-Commodity Transactions must support the requirement of one of the City's generation units, native load or transaction locations.

B. Stress Testing and Back Testing

The City's positions shall be periodically stress tested and models shall be back tested. The processes around these tests are outlined in the ***Stress Testing and Back Testing Procedure***.

C. Instances of Exceeding Risk Limits

Should the City or TEA enter into a transaction that causes the portfolio to exceed any above mentioned limits the Director of the Utility shall, in addition to notifying the ERMC, also notify the Chair of The Committee as soon as practicable and shall provide periodic reports to the Chair on the status the transactions for as long as the City is exceeding its limits. The ERMC will review and determine whether any liquidation or offsetting of transactions is warranted. The incident will be documented as a Policy Exception by the Director of the Utility.

CREDIT POLICY

Credit Risk is the risk due to the uncertainty in a counterparty's ability to meet its contractual obligations. The primary objective of this credit policy is to mitigate, to the extent commercially reasonable, the credit risks associated with transactions covered in this Policy while still allowing the City to achieve its objectives.

A. Measuring Credit Risk

The status of credit risk will be measured and reported through reports provided by TEA.

The current credit exposure will be reported at the agreement level via a Counterparty Credit Report provided by TEA. This information will be made available in real time to TEA trading personnel so that it can be checked prior to executing transactions for the City. Those responsible for risk oversight at the City and TEA will have access to this information no less frequently than once per day. The ERMC will monitor overall credit utilization and any credit exceptions at least monthly. When measuring the current credit risk, netting will be applied to the exposure if the City's contract with a counterparty includes provisions for netting.

B. Analysis and Extension of Credit Limits

Physical and financial commodity transactions will be executed with counterparties approved by the ERMC with credit available to support the transactions. The creditworthiness of a counterparty will be determined by both qualitative and quantitative factors. Factors shall include, but not limited to:

- A company's debt credit ratings provided by the rating agencies.
- Financial data such as an analysis of the income statement, balance sheet, and cash flow, as well as liquidity and capital structure.
- Subjective factors such as company's fuel diversity, overall size, risk management policy and internal controls, geographic diversity, and market intelligence.

A credit limit is the amount of unsecured credit granted to a counterparty. Unsecured credit exposure includes amounts owed by the counterparty, whether billed or not, and the mark-to-market differences in value of any collateral which the counterparty has provided the City. Any net exposure above the collateral threshold will require the posting of collateral by a counterparty. Further information on the City's procedure for establishing credit is contained in the ***Counterparty & Credit Review Process***.

Collateral thresholds, term limitations and credit exposure limits will be subject to the maximums indicated in Appendix B, based upon the lower of the S&P and Moody's credit ratings.

At no time will the City incur a credit exposure with any counterparty greater than $60,000,000.

C. Instances of Exceeding Credit Limits

The City and TEA are restricted by the credit limits approved by the ERMC. The ERMC can suspend trading with a counterparty, if that counterparty's credit limit has been reached or exceeded. **The City or TEA traders shall not exceed the Counterparty Credit Limit by executing transactions with any counterparty without approval of the ERMC.**

The ERMC will determine when it's appropriate to require additional collateral if a counterparty's credit exposure exceeds its credit limit. Collateral includes standing letter of credit, cash, and prepayments.

All credit exceptions will be documented and reported to the ERMC and the Committee as Policy Exceptions.

REPORTING

A. Risk Reporting

Preparation of timely reports is critical to monitoring risk. TEA will furnish the required reports on a regular frequency for the City in a format acceptable to the ERMC. In addition, the ERMC and its designees will be provided access to the City's risk reports as updated daily via TEA's secure Web Portal.

Reports required on a monthly basis and for periodic meetings of the ERMC include the following:

- **Profit and Loss Report**

The Profit and Loss (P&L) Report shows the daily realization of transactions at either the transaction price or the market price as transaction roll from unrealized to realized. This report should show volumes, transaction prices and market prices of realized physical and financial power and fuel transactions.

- **Mark to Market Report**

The Mark to Market ("MTM") Report conveys the potential transaction exposure if the energy commodity portfolio was liquidated at the most recent market settlement prices. This report should show volumes, transaction prices and market prices of unrealized physical and financial power and fuel transactions.

- **Activity Report**

The Activity Report presents a summary of all energy commodity risk management activities undertaken, including new transactions taken, existing transactions settled/liquidated, and any transactions unwound.

- **Cost of Service Report**

The City's exposure to energy price risk shall be monitored and reported on a Cost-of-Service basis. All calculations are at the wholesale level. The Cost-of-Service recognizes all prior (expired) months within the Power Year on the basis of actual (incurred) costs, and recognizes all forward (pending) months within the Power Year on the basis of expected forward power and fuel prices and expected forward load-following risks. As defined below, the Cost-of-Service is an aggregation of Forward Energy Commodity Portfolio Cost, the Load Following Cost Expectation and the City's Budget Target for Purchase Power Expense.

- The Net Purchased Power Cost shows the net cost of all physical and financial transactions related to the City's anticipated commodity requirements for power and fuel and is based on the price of all hedge transactions plus the forward market price of all unhedged transactions valued at current forward prices for energy commodities, customer-level cost per MWH of all physical and financial transactions related to Dover's actual plus anticipated energy.
- The expected fixed costs defined as load-serving entity (LSE) capacity costs, transmission costs and TEA management fees.
- The Expected Load-Following Cost for a specified power year is defined as the expected cost (or revenue) associated with intra-month load variations due to weather or other events affecting demand. As an interim measure due to lack of necessary market information and the rapid evolution of the PJM RTO market, the ERMC has specified $2.50 per MWH as an estimate of the Load Following Cost to be used for estimating the City's Forward Cost-of-Service Report. The ERMC will update the Expected Load Following estimate while lack of necessary market information persists no less than annually.
- The Budget Target for Purchase Power Expense represents the City's view of expected purchase power expense.

B. Credit Reporting

- **Counterparty Credit Report**

The Counterparty Credit Report conveys the exposure to all counterparties with which the City has credit exposure resulting from its energy commodity risk management activities.

- **CFTC Reporting**

The City understands that transacting over the counter (OTC) swaps carries an additional Commodity Futures Trading Commission (CFTC) reporting function. Once

required by the CFTC, the City will report on how the City generally meets its financial obligations associated with entering into non-cleared swaps in a manner acceptable to the CFTC.

C. Hedge Effectiveness Reporting

If the City's transactions require a hedge effectiveness test, those testing results will be reported to the ERMC no later than one month after the end of the financial reporting period. The report will include a summary of testing methodology, assumptions of the testing and the outcome of results with a pass or fail by transaction.

INFORMATION TECHNOLOGY SYSTEMS

Since information systems play a vital role in The City's trading abilities, the City shall ensure that the information systems and technology used to store all transaction information is maintained and secure. The City's transactions will be stored in TEA's enterprise trading and risk management system. TEA uses the TriplePoint Commodity XL (CXL) system, integrated with Commodity XL for Credit Risk (Credit Risk). TEA has assigned a Database Administrator (DBA) that is charged with the database security and maintenance for the transaction database, CXL.

The following safeguards for data security and backup will be installed:

- Transaction data stored in the system of record will be replicated daily to ensure data redundancy;
- The CXL database will be backed up at least daily after the close of business.

POLICY DISTRIBUTION AND COUNSEL

A. Distribution Outside The City

The City's Policy is restricted to the use of the City and TEA organizations. It shall not be distributed outside these organizations without the consent the ERMC.

B. Designated Counsel

Questions about the interpretation of any matters of this Policy should be referred to ERMC. The ERMC will provide clarification and explanation on any updates to this Policy.

All legal matters stemming from this Policy will be referred to the City's Legal Counsel.

APPENDIX A – Approved Products

The following shall constitute a list of approved forward hedge products to be utilized by TEA to manage the City's energy commodity portfolio:

- ~~Forward~~ Physical Power ~~Peak~~
- ~~Forward Physical Power Off-Peak~~
- ~~Forward Physical Power All Hours~~
- ~~Forward~~ Physical Natural Gas Delivered Dover via Eastern Shore Pipeline
- ~~Forward~~ Physical Residual Fuel Oil (#6) Delivered Dover
- ~~Forward~~ Physical Residual Fuel Oil (#2) Delivered Dover
- Capacity
- ~~Forward~~ Financial Power ~~Peak~~
- ~~Forward Financial Power Off-Peak~~
- ~~Forward Financial Power All Hours~~
- Financial Call Option
- Financial Put Option
- PJM Demand Bids and Generation Offers
- PJM InSchedules
- PJM Transmission Products
  - Financial Transmission Rights
  - Annual Auction Revenue Rights
- PJM Tier 2 Synchronized Reserves

The above instruments can be executed by TEA on behalf of the City of Dover for the current and next two successive Power Years (July to June).

APPENDIX B – Approved Counterparties and Threshold Tables

This Appendix establishes approved counterparties and their Collateral thresholds. Collateral thresholds, term limitations and credit exposure limits that are subject to the following maximums based upon the lower of the S&P and Moody's credit ratings:

Credit Thresholds from Dover Extended to the Counterparty

Constellation Energy

Threshold	S&P	Moody's
$ 60,000,000	AAA	Aaa
$ 50,000,000	AA- to AA+	Aa3 to Aa1
$ 50,000,000	A- to A+	A3 to A1
$ 40,000,000	BBB+	Baa1
$ 30,000,000	BBB	Baa2
$ 20,000,000	BBB-	Baa3
$ -	Below BBB-	Below Baa3

Integrys

Threshold	S&P	Moody's
$ 20,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	Aa3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ 1,000,000	BBB-	Baa3
$ -	Below BBB-	Below Baa3

Sempra Energy

Threshold	S&P	Moody's
$ 20,000,000	A or above	A2 or above
$ 20,000,000	A- to A+	A3
$ 15,000,000	BBB+	Baa1
$ 10,000,000	BBB	Baa2
$ -	BBB- or lower	Baa3 or lower

Conectiv

Threshold	S&P	Moody's
Unspecified *	Above BBB+	Above Baa3
$ -	Below BBB-	Below Baa3

*** Conectiv does not have a defined credit threshold, so for planning purposes, a**

$10,000,000 threshold is imposed as a conservative limit

Macquarie Cook Power

Threshold	S&P	Moody's
$ 25,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	Aa3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

FPL Energy

Threshold	S&P	Moody's
$ 30,000,000	AAA	Aaa
$ 25,000,000	AA- to AA+	Aa3 to Aa1
$ 20,000,000	A- to A+	A3 to A1
$ 15,000,000	BBB+	Baa1
$ 10,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

Deutsche Bank

Threshold	S&P	Moody's
$ 25,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	Aa3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

Barclays Bank

Threshold	S&P	Moody's
$ 25,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	Aa3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

Credit Thresholds from the Counterparty Extended to Dover

Constellation Energy

Threshold		Fitch	Moody's
$	40,000,000	AA- or Above	Aa3 or above
$	30,000,000	A+	A1
$	20,000,000	A	A2
$	10,000,000	A-	A3
$	-	BBB or below	Baa1 or below

Integrys

Threshold		Fitch	Moody's
$	20,000,000	AAA	Aaa
$	20,000,000	AA- to AA+	Aa3 to Aa1
$	15,000,000	A- to A+	A3 to A1
$	10,000,000	BBB+	Baa1
$	5,000,000	BBB	Baa2
$	1,000,000	BBB-	Baa3
$	-	Below BBB-	Below Baa3

Sempra Energy

Threshold		Fitch	Moody's
$	27,000,000	A- or above	A3 or above
$	5,000,000	BBB+	Baa1
$	1,000,000	BBB	Baa2
$	-	BBB- or lower	Baa3 or lower

Conectiv

Threshold		Fitch	Moody's
Unspecified *		Above BBB+	Above Baa3
$	-	Below BBB-	Below Baa3

***Conectiv does not have a defined credit threshold, so for planning purposes, a $10,000,000 threshold is imposed as a conservative limit**

Macquarie Cook Power

Threshold	Fitch	Moody's
$ 25,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	AA3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

FPL Energy

Threshold	Fitch	Moody's
$ 23,000,000	AAA	Aaa
$ 18,000,000	AA- to AA+	AA3 to Aa1
$ 13,000,000	A- to A+	A3 to A1
$ 8,000,000	BBB+	Baa1
$ 3,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

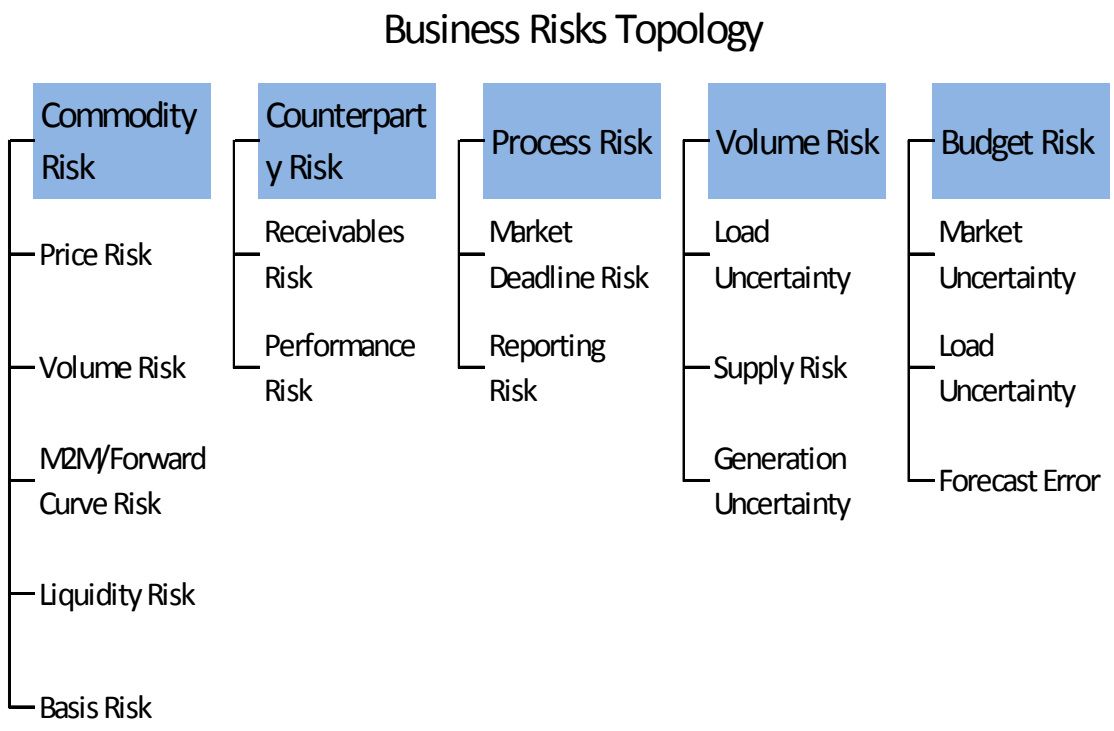
Deutsche Bank

Threshold	Fitch	Moody's
$ 25,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	AA3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

Barclays Bank

Threshold	Fitch	Moody's
$ 25,000,000	AAA	Aaa
$ 20,000,000	AA- to AA+	AA3 to Aa1
$ 15,000,000	A- to A+	A3 to A1
$ 10,000,000	BBB+	Baa1
$ 5,000,000	BBB	Baa2
$ -	BBB- or below	Baa3 or below

APPENDIX C – Business Risks



APPENDIX D – Glossary

Back Office – That part of a trading organization which handles transaction accounting, confirmations, management reporting, and working capital management.

Bilateral Transaction - Any physical or financial transaction between two counterparties, neither of whom is an Exchange or market entity (e.g. MISO).

Capacity – The real power output rating of a generator or system, typically in megawatts, measured on an instantaneous basis.

Commodity - A basic good used in commerce that is interchangeable with other commodities of the same type. Commodities are most often used as inputs in the production of other goods or services. The quality of a given commodity may differ slightly, but it is essentially uniform across producers. When they are traded on an exchange, commodities must also meet specified minimum standards, also known as a basis grade.

Financial Bilateral Transaction – A Bilateral Transaction that is non-physical and is defined by a Source Point, Sink Point, and Delivery Point that may be any CP Nodes as specified by the Midwest ISO.

Financial Forward – An agreement regarding a position in a specified commodity, a specified price, and a specified future settlement date, that does not result in physical delivery of the commodity. Rather one party in the agreement makes a payment to the other party on the basis of the commodity price at the future date.

Front Office – That part of a trading organization which solicits customer business, services existing customers, executes trades and ensures the physical delivery of commodities.

Hedging Transaction - A transaction designed to reduce the exposure of a specific outstanding position or portfolio; "fully hedged" equates to complete elimination of the targeted risk and "partially hedged" implies a risk reduction of less than 100%.

Mark-to-Market Value – A measure of the current value of unrealized positions; includes both Open Positions and Closed Positions.

Middle Office – That part of a trading organization that measures and reports on market risks, develops risk management policies and monitors compliance with those

policies, manages contract administration and credit, and keeps management and the Board informed on risk management issues.

Policy – Dover's Governing Policy for Energy Commodity Risk, as amended and approved by The Utility Committee.

Portfolio – A collection of transactions.

Realized Gains/(Losses) – The amount earned (or lost) from a transaction , considered to be **realized** once the time for performance has lapsed (e.g. delivery of power in the case of physical transactions or expiration of an option in the case of financial transactions).

Term – The total duration of a contract, defined as the number of days between the beginning flow date and ending flow date, inclusive.

Unrealized Gains/ (Losses) – The amount expected to earn (lose) on a specific transaction(s); however, the time for performance has not lapsed. The total value of Unrealized Gains/ (Losses) is the Mark-to-Market value.

APPENDIX D – Swap Transaction Representative

Purpose:
To ensure that the City of Dover~~XXXX~~, a Special Entity under the Dodd-Frank Financial Reform Act, selects a qualified representative ("Representative") to provide advice and guidance when entering into swap transactions with Swap Dealers or Major Swap Participants.

Definitions:
Special Entity: As defined in 7 U.S.C. 6s(h)(2)(C) and further interpreted in 17 C.F.R. 23.401(c). ~~XXXX~~The City of Dover is a Special Entity as defined by 17 C.F.R. 23.401(c)(2).

Swap Dealer: As defined in 7 U.S.C. 1a(49) and further interpreted in 17 C.F.R. 1.3(ggg)

Major Swap Participant: As defined in 7 U.S.C. 1a(33) and further interpreted in 17 C.F.R. 1.3(hhh)

Representative: As defined in this policy and 17 C.F.R. 23.450

Policy:
Selection: ~~XXXX~~The City of Dover shall endeavor to seek and employ an individual or entity that will voluntarily act as a Representative for all energy commodity swap transactions between XXXX and any Swap Dealer or Major Swap Participant. The Representative must meet the following qualifications identified in 17 C.F.R. 23.450(b):

(i) Has sufficient knowledge to evaluate the transaction and risks;
(ii) Is not subject to a statutory disqualification;
(iii) Is independent of the swap dealer or major swap participant;
(iv) Undertakes a duty to act in the best interests of the Special Entity it represents;
(v) Makes appropriate and timely disclosures to the Special Entity;
(vi) Evaluates, consistent with any guidelines provided by the Special Entity, fair pricing and the appropriateness of the swap; and
(vii) In the case of a Special Entity as defined in § 23.401(c)(2) or (4), is subject to restrictions on certain political contributions imposed by the Commission, the Securities and Exchange Commission, or a self-regulatory organization subject to the jurisdiction of the Commission or the Securities and Exchange Commission; provided however, that this paragraph (b)(1)(vii) of this section shall not apply if the representative is an employee of the Special Entity.

The Representative and ~~XXXX~~the City of Dover shall enter into a legal agreement that binds the Representative to comply with items (i) through (vii) in this policy.

At no longer than any 12 month interval, the City of Dover ~~XXXX~~ shall review the performance of the Representative to ensure compliance with items (i) through (vii) in this policy.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on May 12, 2014, at 5:00 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, Mr. Rushe, Mr. Shevock. Other members of Council present were Mr. Anderson, Mr. Dixon, Mrs. Williams (departed at 6:05 p.m.; returned at 6:14 p.m.; departed at 6:17 p.m.), and Mr. Hutchison. Mayor Bonar was also present (departed at 6:05 p.m.; returned at 6:15 p.m.).

AGENDA ADDITIONS/DELETIONS

Mr. Rushe moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2014/2015

Ms. Cheryl Russell, Tax Assessor, explained that the Business Improvement District (BID) Ordinance adopted by City Council requires that Council adopt a BID budget and assessment every year. She stated that this report represents the proposed budget and assessment for fiscal year 2014-15. Ms. Russell informed members that, based on the assessments provided by the City's Tax Office, the proposed revenue was $50,000, which would allow for the personnel and administration expenses in the amount of $50,000.

Staff recommended approval of the proposed budget and assessment (tax) rates for Fiscal Year 2014/2015, as presented.

Mr. Hare moved to recommend approval of staff's recommendation, seconded by Mr. Rushe, and carried by a vote of four (4) yes (Hare, Rushe, Shevock, and Lynn)and one (1) no (Slavin).

Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor

Councilman Hutchison stated that it was very important for members to keep in mind that the City of Dover has a City Manager form of government, and that the largest department within the City is the Police Department, with a total of 130.5 people, a budget of $13.5M per year, with $500,000 per year in overtime costs and 700,000 per a year in extra duty work, and that the Police Department also oversees a number of grants ranging from $200,000 to $400,000 annually. He reminded members to also keep in mind that the Police Department has a very complex payroll system, and that the City has strict guidelines and policies regarding promotions and discipline.
(City Clerk's Office Note: The City of Dover has operated under a modified Council-City Manager form of government since 1929.)

Mr. Hutchison stated that the Secretary of Homeland Security is in charge of the Delaware State Police, noting that the Secretary is a professional, as is the City Manager for the City of Dover.

Referring to the City's organizational structure, Mr. Hutchison informed members that, having served as Police Chief as well as a part-time and full-time Mayor for the City, one (1) of his greatest concerns was the serious disconnect of the Mayor from the structure of the City. He stated that, as a result of the 1988 Consent Decree, the Mayor was removed from the Council Chambers, lost connection with the City Manager and Council, and was left to do what he/she would like to do.

Mr. Hutchison advised members that, whether the City has a full-time or part-time Mayor, it is absolutely necessary to have a job description as well as responsibilities and duties.

Mr. Hutchison expressed his opinion that the City of Dover has one (1) of the finest police department's in the State of Delaware; however, he indicated his concern with the fact that when a Police Chief retires or leaves, only the Mayor is involved with the selection of the new Police Chief. As an alternative, Mr. Hutchison suggested that members consider a change to require the selection of the Police Chief by a Committee of three (3), consisting of the Mayor, City Manager and Council President. He further recommended that following the Committee's interview process, they make a recommendation to City Council for confirmation. Mr. Hutchison stated that this proposed change would bring the Mayor, City Manager, Council and Police Department under one (1) control and, in his opinion, would work a lot better than the current method.

Mr. Hare expressed his opinion that the City of Dover needs to decide whether to have a strong Mayor or City Manager type of government, noting that the City has had a hybrid type of government for as long as he could remember. Mr. Hare stated that, in 1997, when the Mayor's position became full-time, he thought that the City was going to switch to a strong Mayor type of government but it remained the same. It was his recollection that when the Mayor first became a full-time position, a job description was created; however, over the years, it had been eliminated. Mr. Hare stated that he did not disagree with the hiring policy and, whether or not the Mayor or City Manager is in charge of the Police Department, he indicated that the selection of the Chief by a Committee of three (3) would probably be good.

Mayor Bonar thanked Mr. Lynn for compiling the in-depth information provided on this topic, and expressed his personal support of the Police Department. He indicated that when this topic was discussed during the 1990s, the members involved, including himself, had the best intentions of a having a system that would operate in the best interest of the City, noting that all of the debate and discussion was prefaced by the phrase "as we perceive it." Mayor Bonar expressed his opinion that Mr. Hutchison's suggestion for putting the Police Chief under the City Manager bears merit, but suggested the possibility of creating a Committee with four (4) members for the selection process for the Police Chief. He agreed with Mr. Hutchison that the complexities of the Police Department are increasingly detailed and stated that it requires oversight by someone who is familiar with not only day to day personal management procedures, but also budgeting and hiring procedures as well as contract negotiations. Mayor Bonar expressed his opinion that, nine (9) times out of 10, the City would not elect a Mayor with that type of expertise, but noted that those abilities could be realized by involving the Council President, City Manager, and others in the selection process for the Police Chief. Mayor Bonar reminded members that, ultimately, it was the Committee's decision whether to forward this matter to Council for full debate, but expressed his opinion that the public should be provided with an opportunity to comment. Referring to the information provided with regard to this topic, Mayor Bonar noted that there were a great number of municipalities throughout the region which have the Police Chief under a City Manager form of oversight, and that it is indicative that most cities with the same type of government as the City of Dover are satisfied with this type of structure.

Mr. Lynn stated that it was important to separate the various issues surrounding this topic, noting that the City's type of government had become intermingled with the decision about whether or not to limit or reduce the Mayor's powers as well as the decision regarding the part-time/full-time Mayor.

Noting that the Legislative and Finance Committee Report of January 25, 1995 and the Special Council Meeting minutes of January 29, 2004 reflect Mr. Hutchison's advocacy for a full-time Mayor in the City of Dover, Mr. Lynn questioned what had changed Mr. Hutchison's position regarding this topic. Responding, Mr. Hutchison stated that the status of the full-time Mayor today has changed, compared to what it was when he held the office. For example, he stated that one (1) of the duties and responsibilities of the full-time Mayor was to handle economic development for the entire City; whereas, today there are three (3) additional positions which handle economic development. Additionally, Mr. Hutchison explained that there have been many changes over the last 10 years with regard to salaries, benefits, payroll, and the complexities of contracts and he believed that it would be unfair for the Mayor to be responsible for these matters without having the training to do so. He stated that he still wholeheartedly supported a full-time Mayor but explained that the City cannot have a full-time Mayor if he/she is not going to be given and held accountable for specific duties and responsibilities. Mr. Hutchison stated that the Mayor could maintain responsibility for the Police Department, with the City Manager running the daily operations and reporting to the Mayor.

Mr. Hare stated that he did not have any objections to the City of Dover having a Mayor-Council form of government or a full-time Mayor, but noted that in cities with a Mayor-Council form of government or a strong Mayor, the Mayor typically has an assistant with similar qualifications and responsibilities as a City Manager. Mr. Hare expressed his opinion that the Mayor of the City of Dover be given more responsibility.

Councilman Anderson stated that Mr. Hutchison had raised valid points, and noted that having input from the City Manager, or City's Manager representative, and the Council President, or the Council President's representative, would be a very sensible approach for hiring of a replacement Police Chief. Mr. Anderson expressed his opinion that this type of advice and overview would be helpful in the future but noted that it had not been necessary in the past because the City of Dover Code does not allow for outside recruitment for the Chief of Police. He shared his belief that most promotions should be made from with inside the City but that the complete elimination of potential candidates not employed by the City narrows the field. Mr. Anderson suggested that the City conduct a review of the entire process for hiring the Police Chief. He stated that the idea that members of City Council should confirm the selection for Police Chief makes sense, since the Mayor's other appointments require such confirmation. He stated that he was not in favor of the idea of completely restructuring, noting that there was a movement in the U.S. to restore some measure of accountability to elected officials and law enforcement. Mr. Anderson also reminded members that Council had recently moved the Economic Development Office under the Mayor's Office which he believed had proven to be a beneficial decision with positive results, in terms of helping businesses grow and bringing jobs to the City.

Councilwoman Williams reminded members that, for varying reasons, the last two (2) full-time Mayors did not complete their terms of office and that the recent change to four (4) year terms for the Mayor and members of Council have markedly changed the Office of the Mayor. She also noted that Council currently has the ability to discharge the city manager; however, there is no method, beyond resignation, for recourse of action if Council is dissatisfied with the Mayor. She expressed her concern that the City does not have a provision for recall or impeachment, noting that it could present a problem when there is a full-time Mayor.

Mr. Slavin stated that he was a proponent of a full-time Mayor in 2004 and remained a proponent for several reasons. He expressed his belief that, beyond the Mayor's veto power, Council needs a checks and balance system with a full-time presence. He stated that Council should use this an opportunity to further delineate the two (2) branches of government, noting that the hybrid approach has blended them and led to confusion. Mr. Slavin emphasized that the City of Dover needs a full-time Mayor because it is a full-time city.

Referring to information compiled by the National League of Cities regarding forms of government, Mr. Lynn reviewed the characteristics of a Mayor-Council form of government and shared his opinion that the City of Dover's form of government has suited the City well throughout its history and that there is plenty of room to grow into this form of government, given that New York, Chicago, Philadelphia, and Los Angeles have a similar form of government. In regard to a full-time or part-time Mayor, he noted that the issue was discussed in incredible detail in both the 1990s and in 2004 and that, in both instances, City Council was of the decision that the position of Mayor should be full-time. Additionally, Mr. Lynn stated that a referendum was held which demonstrated that the citizens of the City were in favor of a full-time Mayor and, expressed his belief that, nothing had occurred to lead members to conclude anything to the contrary. With regard to the powers and duties of the Mayor, Mr. Lynn shared a sentiment expressed by Councilman Perza that "the guys with the guns ought to answer to an elected official." He noted his belief that it would be a dangerous precedent for the Dover Police Department to report to a bureaucrat or unelected official, like the City Manager. Referring to the powers and duties of the Mayor, Mr. Lynn stated his opinion that there is room to rein in the financial aspect of the Mayor's role with regard to the Police Department, explaining that the budgeting for the Police Department should be proactive instead of reactionary to allow Council the opportunity to have an actual role in forming some of the financial policies of the Police Department, and provide the Controller/Treasurer or another City staff member an opportunity to maintain the financial checks and balances within the Police Department.

Mr. Hutchison stated that the City Manager is the City's paid expert who works for the Mayor and Council. It was his belief that the Police Department runs itself for the most part but that placing the City Manager in charge of the daily operations would provide a chain of command with the Police Chief reporting to the City Manager, who reports directly to the Mayor and Council. It was Mr. Hutchison's opinion that this type of organizational structure would allow the Mayor to remain as the "point person" for the City while bringing the total City together beginning with the Mayor, City Manager, and Council.

Mr. Lynn cautioned members that decisions in contravention of the City's Charter should not be made based upon the exigencies of the moment, in a rush to judgement. He stated that the formation of the City's government was made with long deliberation and should not be changed over the course of a week as the result of one (1) event. Mr. Lynn agreed that the current City Manager, Mr. Scott Koenig, was a professional; however, he reminded members that within the past three (3) years, there were discussions in which the judgement and ethics of the former City Manager were called into question. Noting that no single office in the City is immune from corruption or doubt or any other character flaws, Mr. Lynn expressed his opinion that the authority of the Police Department should be placed in the hands of an elected official who the electorate controls, rather than in the hands of a bureaucrat, whom it would take nine (9) members of Council to rein in.

Mr. Hare agreed that these issues could not be resolved in one (1) meeting. He expressed his preference that members discuss and decide upon the appropriate form of government for the City, prior to entertaining discussion regarding the full-time or part-time Mayor.

In regard to the issue of having a full-time Mayor, Mr. Anderson noted that more than 70% of the citizens previously voted in the referendum and that he had not heard a groundswell for change in this regard but the opposite. He expressed that he would like to see someone who is extraordinarily competent and capable in this position but that the budgetary matters for all departments should go through the City Manager's Office. In regard to the Police Department reporting the City Manager, Mr. Anderson cautioned members to remember that the City's Charter prohibited Council from engaging with employees under the direction of the City Manager without permission, noting that he would not want to be "out of the loop" when it comes to something as important as law enforcement.

Responding to Mr. Anderson, Mr. Hare stated that he would favor a change to a City Administrator who reports to the Mayor with Council's approval, instead of having a City Manager, if that were the decision of the Council.

Mayor Bonar reviewed the "Current Trends" in municipal forms of government compiled by the National League of Cities. He encouraged members to review the valuable information available on these issues. He stated that the members had brought up really good points and that the Committee would have to decide how to proceed. Mayor Bonar noted the possibility of creating a group to explore these issues in more detail, reminding members that there would be several months in which to consider these matters before the legislative session occurs in January. He suggested that an opportunity be provided for constituents to express how they feel.

Mr. Edward Christian, Jr., 9 Pennwood Dr., Dover, stated that he was accustomed to the City Manager-City Council form of government, in which the Mayor was chosen by City Council members to serve as the presiding officer of City Council and assigned a number of ceremonial duties. He noted that under this form of government, a City Manager was hired by and served under the direction of the City Council, and if he/she was not suitable for the job, then he/she was fired by City Council. In regard to the position of Mayor, Mr. Christian indicated his belief that the duties and responsibilities for the Mayor of the City of Dover were developed based upon the qualifications and areas of expertise of the individual who held the office when it became a full-time, salaried

position, and questioned whether the City would find anyone else with that level of expertise to manage the City. He stated that voters often make decisions based on their personal "comfort zones" but rely on the elected officials to lead and guide. Mr. Christian stated that elected officials have a tendency to make decisions based upon what will keep them in office; however, he encouraged members to make decisions based on what needs to be done for the benefit of the citizens of the City, while keeping in mind what other cities and localities are doing, as well as relevant history.

Mr. Lynn reminded members that this was not necessarily an item which the Committee would need to take action on; however, action could be entertained. As advised by the City Clerk, Traci McDowell, he noted that the Consent Decree may prohibit a strong Mayor.

Mr. Rushe stated his belief that the Committee needs to hear more public comment before taking any action.

Mr. Hutchison agreed that the City should allow for further public input and discussion.

Mayor Bonar agreed that further public input seemed warranted, noting that this evening's discussion revealed a strong consensus that these topics should at least be considered.

Mr. Hare moved to bring this matter back to the Committee to allow for public input and further discussion in regard to the different forms of government.

Responding to Mr. Lynn, Mr. Hare stated that the intent of his motion was for the Committee to examine the form of government issue prior to any further discussion regarding the role of the Mayor.

After further clarification and discussion, Mr. Hare withdrew his motion.

Mr. Slavin moved for the Committee to continue discussion of the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor, following the 2014 Special Mayoral Election, seconded by Mr. Hare.

Mr. Slavin clarified that his motion was to include future discussion of the matter as introduced on this evening's agenda.

Mr. Anderson noted his support for the motion.

On a call for the question, the motion for the Committee to continue discussion of the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor, following the 2014 Special Mayoral Election, carried by a vote of four (4) yes (Hare, Rushe, Shevock, and Slavin), and one (1) no (Lynn).

Proposed Planning and Inspections Fee Increases

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Planning and Inspections fee increases proposed for FY 2014/2015. She reminded members that the proposed fee increases were previously presented to members of City Council during the City Council Budget Workshop of March 31, 2014.

Mrs. Townshend stated that in reviewing the Planning and Inspections fees, she focused on 1) the fees that do not come close to cost recovery; and 2) the last time each fee was reviewed. Referring to the fees that do not come close to cost recovery, she expressed her opinion that it did not make very good business sense to place the burden on the taxpayers for a service that benefits one (1) person. For example, she stated when there is a Board of Adjustment application, the meeting costs approximately $600, including $75 per Board member in attendance, legal fees to have legal counsel available, and the costs associated with a newspaper ad and mailing notices. Mrs. Townshend explained that the current fee for a residential variance was $200 and the current fee for a commercial variance was $300; therefore, the fees for this service do not come close to recovering the City's costs. She stated that staff does advise interested applicants when they believe the applicant does not have a very strong case; however, the applicants often decide to proceed.

Mrs. Townshend explained that the proposed increases include several fees in the planning application and building permit category that had not been reviewed or updated since 2004, and that the City's rental permit fees had not been changed since 2000. She also stated that the City's public occupancy permit fees had not been adjusted since 1993 and informed members that these permits cost a great deal of staff time to administer because they require the fire marshals to conduct annual site inspections.

Mrs. Townshend stated that she also tried to keep the economic climate in mind while reviewing the fees to make sure that the proposals would not jeopardize economic recovery. She noted that the proposed fee increases are modest and do not significantly increase the cost of doing business but would allow the City to recover more of the costs associated with providing services.

In regard to the proposed increase for the sign permit fee, Mrs. Townshend explained that many of the City's sign permits are very near to the minimum fee and that the penalty for installing a sign without a permit is that the permit fee is doubled. She stated that staff had experienced people laughing at them when they inform them that their permit will increase to $30 or $50 as a result of the penalty.

Mrs. Townshend informed members that she also reviewed fees for other agencies throughout the State of Delaware and that, in all cases, the City of Dover's fees, including the proposed increases, were below many other localities and in line with others.

Mr. Slavin reminded members that fee increases are always a difficult issue and when the economy is good, the public asks why the City is trying to slow down the economy and when the economy is bad, why the City is trying to make it harder to do business. He shared his appreciation for the way that Mrs. Townshend presented the information and the inclusion of the last time each fee was adjusted. Mr. Slavin questioned if there was any thought to reintroducing the concept of putting fees

on an escalator that would allow for a minor adjustment every other year. He stated that he had talked to a number of people in the business community who said that they would rather see small adjustments to fees than a one time adjustment every so many years.

Responding, Mrs. Townshend stated that when staff proposed an escalator for the business license fee in 2010, the business community was opposed. She stated that whichever way staff approaches fee increases proves to be the opposite of the way that the business community would want it at that point in time. She stated that the key to the proposed fee increases was keeping the adjustments modest, explaining that, if the City really wanted to correct not having increased the fees for 10 to 20 years, staff would have proposed more significant increases. For example, Mrs. Townshend noted that most of the public occupancy permits, which require the fire marshals to conduct annual fire safety inspections, were currently $25 per year and were proposed to increase to $50 per year.

Mr. Slavin questioned whether the proposed increases had been vetted by the business community and whether staff had contacted the chamber of commerce. Responding, Mrs. Townshend stated that she had not spoken to the chamber of commerce but offered to do so. She stated that the difference between the current proposal and those considered in previous years was that the previous proposals included significantly larger increases. Mrs. Townshend reminded members that the rental permit fees were always controversial. She stated that, as proposed, the rental permit fee would increase from $90 to $100 for a house per year and expressed her opinion that rents have surely increased well over $10 within the past 14 years.

Mr. Slavin expressed his disagreement with a cost recovery model for fees, stating that, although it is not the case with the current proposal, aligning services with the costs to recover the services typically makes the City overly aggressive on fees. He indicated that many of the individuals who access these services have already paid for them through property taxes and other costs. Mr. Slavin cautioned that the City needed to be very careful to ensure that individuals are not denied their due process rights because they cannot afford the fees associated with services, such as Board of Adjustment applications.

Responding to Mr. Slavin, Mrs. Townshend stated that even with the proposed increase, the City would not come close to recovering the costs associated with conducting a Board of Adjustment meeting. She informed members that a review of the fees for municipalities in Sussex County revealed fees of more than $1,000 for the Board of Adjustment because it is a costly process. Mrs. Townshend indicated that while there is the belief that these services are paid for by the general tax base, the general tax base covers only a very small portion of the City's operations.

Mr. Lynn suggested that the Committee table this matter and send notice out to the chamber of commerce.

Mr. Hare expressed his opinion that the City should have a public hearing regarding this matter to provide the chamber of commerce as well as the public an opportunity to speak. He stated that he would like to see the inclusion of an escalator, so that the City will not have this to address this again in the future.

Mr. Hare moved to defer consideration of the proposed Planning and Inspections fee increases to allow staff to contact the chamber of commerce and schedule and public hearing, seconded by Mr. Slavin.

Mr. Slavin stated his belief that the Town of Smyrna, Delaware, has an escalator built into the Town's ordinances for all of these fees, and asked staff to investigate and provide members with the information.

Mrs. Townshend stated that staff was not opposed to an escalator but reminded members that the last time it was brought forward, the business community was opposed. Responding, Mr. Slavin indicated his belief that the business community was previously opposed to the idea because they did not hear about it prior to Council discussions.

Mr. Hare requested that staff also provide a fee comparison.

On a call for the question, the motion to defer consideration of the proposed Planning and Inspections fee increases to allow staff to contact the chamber of commerce and schedule a public hearing was unanimously carried.

Authorization for New Position - Assistant City Manager

Mr. Scott Koenig, City Manager, informed members that during the City Manager's evaluation last fall, City Council indicated that the City Manager's office needed additional staff to improve response times to various inquires and concerns. As a result of these comments, the City Manager was directed to evaluate additional administrative capacity to improve the overall function of the office. He stated that two (2) position descriptions were reviewed, an Executive Assistant for the City Manager and an Assistant City Manager.

Mr. Koenig stated that the Assistant City Manager position currently existed in the City's hierarchy, although it had not been filled for more than 20 years. He explained that an Assistant City Manager, rather than an Executive Assistant for the City Manager, would provide greater assistance with respect to the needs of the City Manager's Office as well as the citizens of the City, especially with the complexity of the issues that the City Manager's Office has begun to handle on a daily basis, including contract negotiations, land purchases, and the general operation of a growing city. The Assistant City Manager position would also provide more value in the area of succession planning for the upper level of the organization. Mr. Koenig stated that the Assistant City Manager position was valued as a Grade 136 with a market salary range of $105,189 - $122,032.

Based on the long-term needs of the City, staff recommended authorizing the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office.

Mayor Bonar commended Mr. Koenig for bringing this matter forward for consideration, noting that it was not an easy topic, given the current fiscal constraints but it is something that needs to be done. Mayor Bonar stated that the City is not as easy to run as it once was and he his aware of the

inordinate amount of time that the City Manager has to spend on the telephone and in negotiating sessions.

Mr. Slavin moved to defer the item for consideration during the upcoming Special Council Meeting - Budget Review, seconded by Mr. Shevock. By a vote of two (2) yes (Shevock and Slavin), and three (3) no (Hare, Lynn, and Rushe) the motion failed.

Mr. Hare moved to authorize the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office but that the position not be filled until the budget has been adopted, seconded by Mr. Rushe. By a vote of two (2) yes (Hare and Rushe), and three (3) no (Lynn, Shevock and Slavin) the motion failed.

Mr. Lynn moved to authorize the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office. The motion failed due to the lack of a second.

Mr. Slavin moved to defer the item, seconded by Rushe and carried by a vote of four (4) yes (Hare, Rushe, Shevock, and Slavin) and one (1) no (Lynn).

2015 Property Revaluation and Reassessment

Ms. Cheryl Russell, Tax Assessor, informed members that, according to the City Code, the revaluation and reassessment of all real property may be conducted this year, since five (5) years have passed since the last reassessment. She stated that staff sent a Request for Proposals (RFP) out in April so that the City could budget for the reassessment for FY 2015. Ms. Russell indicated that May 1, 2014 was the deadline to turn in the sealed bids to the City of Dover, and one (1) bid for the 2015 reassessment was received in the amount of $125,300. She stated that staff would be able to reduce the figure to $108,000 if they complete the printing and mailing.

Ms. Russell reminded members that a reassessment is an effort to value all real property at its fair market value in an equitable and uniform manner and shifts the burden of tax among the tax payers. She stated that, after several years without a reassessment, some properties will be over-assessed, some under-assessed based on market and economic conditions.

Staff recommended approval to proceed with the 2015 Property Reassessment.

Responding to Mr. Hare, Ms. Russell confirmed that the complete reassessment would cost $108,000 and explained that the difference between the 2015 Property Reassessment and the reassessment which was conducted five (5) years ago was that staff has gone out and looked at all of the properties so it does not have to be a comprehensive reassessment. She stated that every property will receive a letter with a new assessed value but that the firm would not have to physically review each property like they previously did.

In response to Mr. Shevock, Ms. Russell confirmed that the 2015 Property Reassessment would be conducted by the same firm that conducted the previous reassessment.

Mr. Rushe questioned whether staff anticipated an overall increase or decrease in property taxes. Responding, Ms. Russell stated that, for a lot of the commercial properties, staff had noticed that transfers were higher than the current values but, for the most part, the residential property values had decreased slightly in some areas while others were staying about the same. She indicated that the values for new construction were currently very accurate. Ms. Russell reminded members that the reassessment is revenue neutral, so there will be no impact to the tax base for the revaluation.

As a point of clarification, Mr. Slavin stated that the reassessment is a revenue neutral exercise; therefore, while the assessed value may go up or down, the City is not allowed to use that as an excuse for increasing taxes. City Council would have to set the tax rate appropriately in order to increase or decrease revenue.

In response to Mr. Hare, Ms. Russell confirmed that the City would spend $108,000 on the reassessment and would not receive any additional revenue as a result.

Concurring with Mr. Slavin, Ms. Russell stated that it is easier to defend values when they are closer to what the market is indicating.

Ms. Slavin noted that if you sell a property that has not had an assessment in 15 years, you would pay the tax rate from 15 years ago rather than current market rate.

Councilman Anderson questioned whether the State law that makes reassessments revenue neutral also allowed for the recovery of the cost of the reassessment. Responding, Ms. Russell stated this question was raised in 2000 and, as she recalled, Delaware did not allow for the recovery. Mr. Anderson stated his belief that the law allowed up to 15% of the value of the assessment to be recovered and requested that staff look further into the matter.

Mr. Slavin moved to recommend approval to proceed with the 2015 Property Reassessment, as recommended by staff, seconded by Mr. Shevock and unanimously carried.

FY14 Edward Byrne Justice Assistance Grant Program - Police Vehicle Computer and Video Technology Upgrades

Police Chief Paul Bernat informed members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2014 Justice Assistance Grant (JAG). Similar to previous years, Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the county level, unlike Newcastle County in northern Delaware. This disparate condition requires the submission of a joint grant application for the two (2) agencies. Although no funds were designated for Kent County in the allocation document, a Memorandum of Understanding would be completed and signed by both agencies stating that Kent County will waive any claim to the funding on this grant.

Chief Bernat stated that the Dover Police Department intends to upgrade/replace eight (8) vehicle computer/video systems. He explained that a portion of the upgrades would be purchased for new vehicles that would be coming on line during FY 2015. Chief Bernat informed members that on April 8, 2014, Windows XP became obsolete and the State of Delaware Division of Communications

discontinued support for it and, as a result, the remainder of the grant funds would be used to retrofit older vehicle computer/video systems to bring those units back online and in compliance with Windows 7, the current operating system. He stated that the department was currently short-handed on working computers in vehicles, and was hoping to get approval to submit this application early, so the funding could be released earlier by the United States Department of Justice (USDOJ).

Chief Bernat indicated that the department also planned to purchase COBAN systems, a sole vendor purchase, which had been in use by the Delaware State Police and other agencies throughout the state and received good reviews from both the user and maintenance perspectives. As result, the department would purchase the new systems in two (2) or more increments to retrofit older the model vehicles first, as scheduling permits, and retrofit the new vehicles during the FY 2015 budgeted vehicle replacement cycle.

Chief Bernat stated that the City of Dover had been allotted a grant totaling $51,549 and that total project budget was $81,549.

Staff recommended approval of the grant project, as requested.

Mr. Hare moved to recommend approval of the grant project, as recommended by staff, seconded by Mr. Rushe and unanimously carried.

Proposed Revenue Policy - Police Extra Duty/Voluntary Overtime

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the Proposed Revenue Policy for Police Extra Duty/Voluntary Overtime **(Attachment #1)**. She explained that she had a question in regard to section I. Policy, which she and Police Chief Paul Bernat were unable to discuss, and she recommended that the text indicated in red font be included in the policy, as presented. Referring to section IV. Requests for Extra Duty Officers, Mrs. Mitchell stated that Chief Bernat requested the insertion of the first paragraph of subsection F and she subsequently recommended the inclusion of the second paragraph. In reference to section V. Payment Methods, Mrs. Mitchell noted her recommendation for the addition of a second paragraph under subsection B. City Sponsored Events, as indicated in red font. She stated that this policy had been fully vetted with Dover Downs and Chief Bernat and that they had "signed off" on the policy with the indicated changes. Mrs. Mitchell noted that former Police Chief James Hosfelt had been instrumental in assisting her with drafting the policy.

Staff recommended adoption of the policy.

Responding to Mr. Hare, Mrs. Mitchell stated that the City would earn money from extra duty under the proposed policy and that she had calculated the revenue for the budget.

In response to Councilman Hutchison, Mrs. Mitchell confirmed that she was happy with the policy as presented.

Mr. Hare moved to recommend adoption of the Revenue Policy - Police Extra Duty/Voluntary Overtime, as recommended by staff, seconded by Mr. Rushe and unanimously carried.

Proposed Ordinance #2014-09 Amending Chapter 50 - Floods

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2014-09 amending Chapter 50 - Floods; Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61; and Appendix F - Fees and Fines, noting that it is a time sensitive matter. Mrs. Townshend explained that the proposed ordinance would remove the language currently found in Chapter 50 of Dover Code and replace it with the current standards and regulations which are compliant with the Federal Emergency Management Agency (FEMA). She stated that the City is a participating community in the National Flood Insurance Program (NFIP) and, as long as the City complies with certain FEMA required practices, property owners within the City are able to have flood insurance. Mrs. Townshend stated that in order to continue participation in the NFIP, the City is required to implement standards for construction activities within the 100-year floodplain and, when FEMA updates the Flood Insurance Rate Maps (FIRM), the City is required to update the City's regulatory requirements to comply with the most current FEMA standards. Mrs. Townshend explained that FEMA is in the process of updating the FIRM for Kent County, with the new maps to take effect on July 7, 2014, and all NFIP communities must have updated regulatory requirements in place by July 7, 2014, when the new maps take effect.

Mrs. Townshend stated that the Department of Natural Resources and Environmental Control (DNREC) hired a consultant to develop model ordinances, approved by FEMA, for Delaware's communities to adopt. She explained that many of the provisions contained in the 2009 and 2012 International Code Council (ICC) series of building codes already comply with the FEMA standards, and the City has adopted the 2009 ICC codes. The model ordinance that staff used in updating the City's regulation is a code coordinated model that recognizes the standards in the building code and does not duplicate or reiterate these standards. Use of this ordinance minimizes the likelihood for conflict and confusion among chapters of the Dover Code. Mrs. Townshend noted that the regulations that apply directly to buildings are within in the building code and that non building related flood regulations were proposed for inclusion in Chapter 50.

Staff recommended adoption of Proposed Ordinance #2014-09.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2014-09, as recommended by staff, seconded by Mr. Slavin and unanimously carried.

Proposed Ordinance #2014-10 - FY 2014 Budget Amendment

In regard to the Committee's discussion of the Proposed Planning and Inspections Fee Increases, earlier during the meeting, Mrs. Donna Mitchell, Controller/Treasurer, informed members that she would be contacting the chamber of commerce prior to the Special Council Meeting - Budget Review to discuss any changes proposed for the next fiscal year budget and that she could incorporate the proposed Planning and Inspections fees.

Mrs. Mitchell reviewed Proposed Ordinance #2014-10 - FY 2014 Budget Amendment, noting that it was the second set of budget amendments for Fiscal Year 2013/2014. She reminded members that the first budget amendment for Fiscal Year 2013/2014 (Ordinance #2013-08) was approved by Council on January 27, 2014. She explained that the proposed budget amendment adjusts the revenues to reflect the current forecast; reflects the pension accounting changes, shifting the fund

expenses back to the Divisions and interfund service line items in the General Fund, Water/Wastewater Fund and Electric Revenue Fund; incorporates internal budget adjustments completed in accordance with the budget amendment authority of the City Manager; transfers $77,000 of savings in temporary help for the Library to the Inspections demolition account to fund the Council action approved for increased demolition cost; and reflects operating expense reductions based on annual budget reviews with the City Manager.

Mrs. Mitchell stated that the proposed budget amendment also included additional items, some of which had previously been discussed with City Council, including the Salt Barn, Street Division CIP budget of $50,000 which was inadvertently dropped off in the project carry forwards in the January ordinance; an additional $15,000 for Kent Conservation District storm water; demolition of the White Oak Park recreation building with a current estimate of $70,500 in the Recreation Division CIP; Old Library clean up with a current estimate of $35,000 in the Library Division CIP; $12,000 for contractual services in the Finance Division for an agreed upon procedure engagement with current auditors to review internal control procedures, revenue procedures and cash handling procedures at Recreation, Library and Police Divisions; and a Water Utility, U.S. 13 Water Main, VWQ0907, lawsuit settlement with Eastern States Construction in the amount of $141,600. Mrs. Mitchell noted that all of these items were being funded through salary savings within the budget and transfers to the Capital Project Fund from the General Fund.

Staff recommended adoption of Proposed Ordinance #2014-10.

Mr. Lynn stated that he would not be supporting the budget amendment because he could not support the demolition of the White Oak Park recreation building. He explained that he could not imagine the City spending $70,500 to demolish a building which the City allowed to become derelict, and essentially demolished by neglect. He expressed his opinion that it is money wasted and that the building could have been used to the benefit of the public and it's demolition deprives an entire portion of the City of recreational facilities.

Mr. Slavin noted that he had recently discussed his concerns regarding the fungibility of the City's funds, specifically that salary savings are spread across other operational categories, with Mr. Wayne Holden, Ad Hoc Financial and Operational Advisory Committee Chair. Mr. Slavin stated that he deals with the discipline of leaving salary savings in the salary line and operational savings in the operational lines everyday, in his job with the State of Delaware, and that he was encouraging Mr. Holden to incorporate that into some of the Committee's recommendations. In response to Mr. Slavin, Mrs. Mitchell stated that with the accounting change for the pensions, the City's Annual Required Contribution (ARC), as determined by the actuary, is based on budgeted salaries. She explained that if the City has attrition, the City might not meet that ARC because the City would not have the salary base there with that percentage. She stated that she and Mr. Koenig had discussed the possibility of recommending a policy change that would require any salary savings to go toward those liabilities to ensure that the City meets the ARC. Mr. Slavin stated that he would support such a policy change.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2014-10, as recommended by staff, seconded by Mr. Rushe and carried by a vote of three (3) yes (Hare, Rushe, and Shevock) and two (2) no (Lynn and Slavin).

Proposed Ordinance #2014-14 Amending Appendix D - Downtown Dover Business Improvement District (DDBID), Article III - Establishment of DDBID, Section 3 - Geographic Boundaries, and Section 5 - Management Company

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2014-14, explaining that it was brought to her attention by Mrs. Donna Mitchell, Controller/Treasurer, that there was a discrepancy between the City's Dover Downtown Business Improvement District (DDBID) ordinance and the composition of the Downtown Dover Partnership Board of Directors, which is the City's management company under the DDBID statute.

Mrs. Townshend informed members that in drafting Proposed Ordinance #2014-14, she and the City Clerk had examined the State statute regarding the Business Improvement District, the City's ordinance regarding the DDBID and the composition of the DDP Board of Directors. Mrs. Townshend stated that the proposed amendment specifically designates the Downtown Dover Partnership as the "management company" for the Business Improvement District and removes the requirement that a majority of the management company's Board of Directors be owners or owners' designees of commercial properties within the Business Improvement District. Referring to lines 33, 35, and 36 of the proposed ordinance, she explained that the proposed amendments would require the management company to be comprised of at least five (5) members who either own a commercial property within the DDBID or are the designee of such owner, and remove the language that requires that commercial property owners constitute a majority of the Board of Directors. Mrs. Townshend stated that the State statute requires the five (5) commercial property owner representatives, but does not require that a majority of the Board be commercial property owners. She noted that, with the composition of the DDP Board, it would be almost impossible to have such a majority.

Mrs. Townshend stated that the proposed ordinance would help fix the discrepancy, and the she was also working with Mr. Greg Moore, DDP President and Mr. Gerry Street, DDP member, to address a change to the DDP By-laws.

Staff recommended adoption of Proposed Ordinance #2014-14.

Mr. Slavin moved to recommend adoption of Proposed Ordinance #2014-14, as recommended by staff, seconded by Mr. Shevock and unanimously carried.

Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties

Mr. Slavin reminded members that during their meeting of January 13, 2014, the Committee recommended adoption of Proposed Ordinance #2014-01 amending Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility, to require compliance with Section 1-13 - Clean Hands; provide for revocation of the incentives for beneficiaries who are delinquent on obligations to the

City; and make tax exempt properties ineligible for the incentives, which was adopted by City Council on February 10, 2014.

Mr. Slavin expressed his belief that ordinance #2014-01 was intended to be a Clean Hands ordinance which would ensure that those who were receiving the incentives had "clean hands" and did not have any other issues with the City, and that he did not realize at the time the ordinance was considered that it would also strip away the incentive program for non-profit organizations. He stated that the adoption of the ordinance has had an effect on two (2) large not-for-profit organizations that have been significant to the downtown Dover revitalization.

Referring to Line 119 of Proposed Ordinance #2014-01, Mr. Slavin proposed that the Committee recommend reinstatement of the incentive program for the subject properties that are exempt from City of Dover real estate taxes.

Councilman Anderson stated that this is a very important provision because much of the development includes not-for-profits, including some community projects which are a very important part of the revitalization of downtown.

Responding to Councilman Hutchison, Mr. Slavin stated that he had not discussed this proposal with either the City Manager or Controller/Treasurer to determine the potential budgetary impact.

Mrs. Donna Mitchell, Controller/Treasurer, stated that she had not quantified the financial impact of this proposal and questioned whether the issue with the proposal was the financial impact or the general concept.

Mr. Lynn stated his belief that the staff would be aware of any financial impact, since this language had been previously removed from the ordinance.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, clarified that non-profits can qualify for the incentives as long as the property is not tax exempt. As an example, she stated that, earlier in the day, staff had approved the incentives for the Inner City Cultural League, Inc., a non-profit which qualified for the incentives because the subject property was not tax exempt.

Mrs. Townshend stated that staff had reviewed the history of incentives for tax exempt properties since 1998 and could not find any record of a tax exempt property applying for the incentives since, except Bayhealth, which applied in 2008. She stated that Wesley College and the State of Delaware, which are two (2) other major tax exempt organizations within the City, have not applied for or utilized the incentives and have paid all of the applicable fees.

Noting her belief that this proposal was based on Bayhealth, Mrs. Townshend stated that prior to 2008, there were no requests from Bayhealth to utilize the incentives. In 2008, the incentives were utilized by Bayhealth for the addition of the parking garage and new podium building. Mrs. Townshend stated that since 1998, the City had issued 141 building permits to Bayhealth, and that they utilized the waiver on eight (8) of those permits, for which the City waived a total of

$572,248 in building permit fees and, based on that amount, $7,224.80 (10%) was paid to the Downtown Dover Partnership. Mrs. Townshend noted that since 1998, the City had received $260,498.50 for building permit fees from Bayhealth.

Additionally, Mrs. Townshend stated that staff also examined the staff time, since 2009, associated with permits and inspections for Bayhealth, the State of Delaware and Wesley College, the larger non-profits that do not pay any City of Dover property taxes. She stated that staff estimated that they had spent 18 hours per year on inspections related to permits; 8 hours per year on annual life safety inspections; and, in terms of specific building permits, the City had spent 356 staff hours conducting onsite inspections related to building construction.

Mrs. Townshend explained that the idea behind making tax exempt properties ineligible for the incentives was that the property owners are receiving a service but they are not paying property taxes, whereas, other property owners who receive the incentives do pay property taxes. She clarified that it was not an unintended consequence and that the information was included in the Committee action form considered by the Legislative, Finance, and Administration Committee during their meeting of January 13, 2014.

Responding to Mr. Slavin, Mrs. Townshend stated that the value of the construction for Bayhealth had not been totaled but, in reviewing the data gathered by staff, she stated that the permits ranged from $6.7M, $2M, $1.6M, and $9M. In response, Mr. Slavin suggested that members consider not only the amount the City is losing in revenue but also how much the City is generating in development.

Mr. Scott Koenig, City Manager, expressed his opinion that this matter was a policy issue and stated that his preference, as indicated in the Committee action form considered by the Legislative, Finance, and Administration Committee during their meeting of January 13, 2014, was that tax exempt property not be eligible for incentives that relate to the General Fund. He noted that there are some instances in which Bayhealth owns property that is revenue generating and still on the tax rolls.

Mr. Koenig explained that although Bayhealth has invested a substantial amount of capital in the City, Bayhealth probably would have invested that capital regardless of whether the incentives were offered because the City provides services, including utilities, police and fire, which are all components of building a large industrial facility; in this case, a facility serving as a community hospital. He expressed his desire that tax exempt properties not receive an additional incentive package because of their tax exempt status, since the City does provide services. Mr. Koenig stated his belief that these organizations can plan their projects out and afford to include the components related to these incentives in their business plan.

Mr. Koenig reiterated his request that, from a policy standpoint, tax exempt properties not qualify for incentives related to the General Fund.

Mr. Slavin moved to recommend that staff be requested to prepare an ordinance to reinstate the incentives for tax exempt properties, seconded by Mr. Shevock and unanimously carried.

Mr. Lynn informed members that this was his last meeting as Chairman of the Legislative, Finance, and Administration Committee, noting that he circulated his letter of resignation as Chairman of the Committee to the City Clerk and members of the Committee early in the evening. He thanked the members for their time and service, and stated that it was a pleasure working with all of the members. Mr. Lynn indicated that did not wish to be reappointed as Committee Chair going forward, given that his responsibilities in his campaign for the General Assembly were simply overwhelming, such that he could not continue on in the leadership role that he served in for the past two (2) years. He thanked former Council President Thomas Leary for appointing him to his position as Committee Chairman, noting that it had been fun and an honor to serve, and that he looked forward to working with members of the Committee in the future.

By unanimous consent, the meeting adjourned at 6:53 p.m.

Sean M. Lynn
Chairman

SML/TM/dd
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Attachment
Attachment #1 - Proposed Revenue Policy - Police Extra Duty/Voluntary Overtime

CITY OF DOVER
REVENUE POLICY
POLICE EXTRA DUTY / VOLUNTARY OVERTIME

I. POLICY

The City of Dover Police Department recognizes the need for individuals and businesses to have the services of police officers for special events or other functions that would not be part of routine patrol. The Department will ensure that these needs are met by permitting officers to work for these employers in their capacity as Dover Police Officers. Additionally, the Department shall seek to secure grant funding to compensate officers for voluntary patrols in and around specific areas of the city, supplementing the normal activities of the Department.

Question: Why can't grant work be done during routine schedules as long as we are not going below minimum staffing levels for public safety?

II. PURPOSE

It is the purpose of this document to outline the extra duty billing rates and procedures to our customers and granting agencies.

III. RESPONSIBILITIES

The Special Enforcement Unit Commander will be the Extra Duty Coordinator and will assign clerical support as well.

The Extra Duty Coordinator shall be responsible for ensuring that all requests conform to this Procedural Notice, City ordinances, and to oversee compliance with departmental regulations.

The Chief of Police will determine if an extra duty request is a "must fill" position, due to safety concerns to the public or to police. When this occurs, and no one has volunteered to work the position, the Extra Duty Coordinator will be responsible for assigning this extra duty job to an officer.

The Extra Duty Coordinator will be responsible for determining the adequate number of officers to staff an event.

In cases where the staffing was underestimated the on-site supervisor or working shift commander, at an event may, at his discretion, notify the employer and the extra duty coordinator that additional officers are needed. Regardless of whether or not the employer was able to be notified, the on-site supervisor may call in additional officers and the employer will be billed accordingly.

Examples of "Special Events" requiring extra duty assignments include, but are not limited to, events:

1. That require a City of Dover permit
2. Involve temporary road closures
3. Require right of way closures
4. Bicycle or foot races or walks

5. Active traffic control- where an officer is actively/physically engaged in directing vehicular or pedestrian traffic
6. Other special events

IV. REQUESTS FOR EXTRA DUTY OFFICERS

Any individual or private firm may request extra duty officers for work within the city limits of Dover. Requests must be received between the hours of 8:00 am and 4:00 pm Monday through Friday and can be mailed, emailed, faxed or brought in person to the Dover Police Department. Applications must be received seven (7) days before the event. Any requests made less than seven (7) days in advance are only processed with the understanding that the assignment may not be filled. These requests will be directed to the Extra Duty Coordinator, who will ensure that the requesting party understands the payment and cancellation procedures.

The Extra Duty Coordinator will try to accommodate any schedule requests made by the employer if made within one hour prior to the time of the event.

It shall be the responsibility of the Extra Duty Coordinator to review all requests and the work required. The extra duty request will be denied if:

A. The employment is prohibited by State Law, City Ordinance, or Dover Police Department Rules & Regulations.

B. The employment presents a potential risk of injury due to the lack of officers being requested for the assignment.

C. The request requires the officer to act in any capacity other than a law enforcement official.

D. The final determination of whether a permit is approved rests with the Extra Duty Coordinator. While efforts will be made to comply with the assignment duties as defined by the business representatives, the Dover Police Department maintains exclusive rights in determining the number of officers required in order to maintain a safe environment for all and dictate placement and duties.

E. On occasion, specific staffing levels and officer placement are influenced by City of Dover Ordinances and unique circumstances identified by the City of Dover Council regarding zoning approval for individual establishments and land parcels.

F. (Chief Bernat requested this addition) Major re-occurring special events within the City of Dover may involve more defined and detailed staffing and planning processes that may be outlined in a memorandum of understanding at the discrection of the Chief of Police or his designee.
Recommendation of Controller/Treasurer – Any separate agreements must adhere to the requirements of the Extra Duty Revenue/Voluntary Overtime Policy and all other City of Dover personnel and financial policies and procedures as promulgated by the City Council, City Manager, or Controller Treasurer.

V. PAYMENT METHODS

Billing and processing for all extra duty accounts will be handled in accordance with current City of Dover finance policies.

A. Non-Recurring permits

Employers who are using the extra duty services one time, or are determined by the Extra Duty Coordinator as a high risk customer, must pay for services before the assignment commences.

Officers can work additional hours with permission granted by the shift commander or extra duty coordinator. If this should occur, the extra duty employer must pay the additional charges on the next business day to the Extra Duty Coordinator. To prevent this, the employer may pay for extra hours and if unused, will be reimbursed.

No officer is allowed to accept monies from an extra duty employer.

B. ~~Extra Duty for~~ City Sponsored Events

The cost of police personnel to maintain safety for the actual event, those officers assigned to traffic and/or crowd control, will be absorbed by the City of Dover.

Controller Recommendation – City sponsored events will be staffed by officers scheduled during the hours of the event. For events that required additional staffing levels, regular overtime will be schedule and paid to those officers that actually work overtime.

C. Extra Duty for Non City Sponsored Events

The Extra Duty Coordinator will schedule officers to work non-city sponsored events. The expense associated with this extra duty will be the responsibility of the event organizers. The Coordinator may also arrange for additional requests for police services, such as money escorts or overnight security.

VI. REPORTING PROCEDURES

The officer may elect to go directly to the job site and report to the point of contact identified on the assignment worksheet. That contact (or his/her designee) will be responsible for completing the time-on-duty and time-off-duty sections, along with the Extra Duty Employer section of the assignment worksheet. If the officer elects to do this, he/she must contact the on-duty Shift Supervisor by telephone to be input into the CAD system.

VII. FAILURE TO APPEAR FOR EXTRA DUTY

An employer, upon realizing that the officer failed to appear, should notify the extra duty coordinator at (302)- 736-7145 immediately and also call the on duty shift commander at (302)736-7111.

VIII. CANCELLATIONS OF EXTRA DUTY

A. Extra duty assignments will not be canceled less than one hour prior to the scheduled start time, except as authorized by a Unit or Division Commander, during regular duty hours, or after regular duty hours, the On-Call Lieutenant.

B. In the case of a departmental need or community emergency, the Chief of Police or designee may cancel any extra duties assignments. The extra duty officers would then be immediately available for service to the department.

IX. PROCEDURE FOR CANCELLATIONS OF EXTRA DUTY ASSIGNMENTS NOTIFICATIONS

A. Cancellations by the extra duty employer should be made at least one hour before the time the assignment is scheduled to begin. If cancellation is made in less than an hour (with the exception of a natural disaster) the customer will be charged and the assigned officers will be paid a minimum of 3 hours as per the FOP Union contract. When an extra duty assignment is canceled by an extra duty employer the following procedure will be followed:

1. The person who receives the cancellation notice will document in the extra duty book, the date and time the cancellation call was received, and they will initial next to this entry.

2. The person will then notify the officer who had signed up for the extra duty assignment.

    a. This notification will be by leaving the officer a voice mail message stating the particular extra duty assignment was canceled.

    b. If the cancellation notice was received after normal working hours and the assignment is for the next business day the person receiving the notification will comply with the above steps but they will also attempt to contact the officer at the officer's residence.

3. The person's initials next to the entry will signify that his person did in fact notify the officer.

B. When an extra duty assignment is canceled for inclement weather the following procedure will be followed:

1. The officer who has signed up for the extra duty assignment will be responsible for contacting the On Duty Supervisor at least one (1) hour prior to the start of the extra duty assignment. The On Duty Supervisor will make the determination if an extra duty assignment will be canceled due to inclement weather at this time.

2. If extra duty assignments are going to be canceled due to inclement weather in advance of the assignment, the officer making the decision to cancel the assignment will ensure that the officers are notified in advance if possible. (ie: leaving the officer a message at his residence if possible, if not then a voice mail message)

3. Officers are required to check their voicemail one (1) hour prior to the scheduled start time of all assignments unless notified previously.

C. A phone message will be left for the Extra Duty Coordinator advising of the cancellation and that the officer(s) were in fact notified.

D. Some extra duty assignments will be canceled regularly due to inclement weather where others such as grant-related extra duty assignments are generally not canceled for inclement weather, unless such weather is severe. Officers are expected to be prepared to adapt to existing weather conditions.

X. DISCONTINUATION OF SERVICE

If the Chief of Police or his designee or the Extra Duty Coordinator, determines that it is in the best interest of the department to discontinue an extra duty service, the customer employer will be immediately notified.

XI. BILLING POLICY

A. Billing rates for Fiscal Year 2015 are as indicated in Attachment 4.

B. Officers pay rates for extra duty assignments, regardless of type, are governed by the Collective Bargaining Agreement.

C. The City of Dover will pay the officers wages as well as pay for worker's compensation and general liability insurance, administrative resource costs, automobile fuel, maintenance and insurance. An overhead rate is added to the contractual Extra Duty rate to cover these cost.

D. Officers working an extra-duty assignment will be paid a 3-hour minimum. If the assignment is not canceled according to policy, or if the officer is released from the assignment less than 3 hours from the start time, he/she will receive three (3) hours pay at the extra duty rate.

E. If an officer is late to the assignment for any reason, the officer will be paid only for actual hours worked.

F. Officers are held strictly accountable for their extra duty assignment worksheets, as this is the source document by which officers are paid. The customer or designee must sign the worksheet upon completion of the assignment. For large assignments, the customer must sign the master worksheet that covers all the officers on that assignment. Officers will be compensated for extra duty assignments during the pay period in which the worksheet is submitted to payroll.

G. If an officer must work additional hours on an extra duty assignment, the customer is responsible for payment of the additional costs, as long as the overage is due to the extra duty assignment and is necessary.

H. At the conclusion of the extra duty assignment, the officer should place the assignment worksheet in the payroll mailbox, but no later than the officer's next scheduled workday.

Loss of an extra duty assignment worksheet may result in a delay of payment to the officer, or may cause the officer to forfeit pay. Reproduction of assignment worksheets

may be done with the approval of the Extra Duty Coordinator. The officer will have sole responsibility for obtaining the proper signatures/dates/times. All employees working extra duty are required to submit accurate assignment worksheets. The accuracy of these assignment sheets is critical in ensuring appropriate employee compensation. The employee's signature must match the printed name of the employee assigned the duty. The editing of extra duty worksheets by the employee is permitted for the purpose of adding accurate information.

G. Any officer who falsifies any portion of the extra duty assignment worksheet will be subject to discipline under General Order 26, Code of Conduct.

XII. WORKERS' COMPENSATION/LIABILITY

The City of Dover is self- insured for general liability and statutory workers' compensation coverage. Police officers assigned to extra duty work are afforded workers compensation coverage.

XIII. EFFECTIVE DATE

This Procedure shall become effective upon adoption of City Council. Rates will be reviewed on an annual basis and revised upon Council approval during the adoption of the annual budget.

Attachment 1

NOTICE TO CUSTOMERS

The officers are at all times subject to the policies and procedures of the City of Dover and the rules and regulations governing employees of the Dover Police Department (DPD). A customer has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer. Those duties never supersede DPD policy or procedures and employers of the extra duty officers should so be advised. Extra duty officers remain under the exclusive control of the department and accountable for strict adherence to departmental rules and regulations. Any conflicting rules of employers of extra duty officers will be disregarded. The officer shall refuse to perform any duties deemed to be in conflict with the guidelines established by the Dover Police Department. As determined by the Department, officers may be recalled from extra duty to on-duty status.

This permit is for Law Enforcement work only and does not exempt customers from obtaining other necessary permits for this event.

The City of Dover Police Department is NOT obligated to provide extra duty services. A permit will not be issued to any person, firm, or organization whose offices, members, business, or operations are questionable or for any event of a potentially compromising nature.

Dover Police Department officers are NOT permitted to receive cash from customers for any reason whatsoever.

The undersigned customer agrees, individually and on behalf of the named applicant, to promptly pay for extra duty services rendered. Further, the undersigned agrees, individually and on behalf of the named applicant to pay all costs, expenses and attorney's fees incurred in the collection of any sums due hereunder.

Paul M. Bernat.
Chief of Police

I have read and understand the "Extra Duty Conditions of Permit" and "Notice To Customers"

_____

Customer-Individually and as Authorized Representative Date

_____

Federal ID

Attachment 2

DOVER POLICE DEPARTMENT
BILLING INFORMATION FORM

TO: DEPARTMENT OF FINANCE

FROM: Dover Police Department **Date:** 5/8/14

THIS SECTION TO BE COMPLETED BY THE FINANCE DEPARTMENT	**PLEASE BILL AS FOLLOWS**		
	TYPE OF ACCOUNT	**CODE**	**ACCOUNT NUMBER**

THIS SECTION TO BE COMPLETED BY THE OPERATING DEPARTMENT

VENDOR:

WORK DONE ON:

LOCATION: As Requested

DESCRIPTION OF WORK DONE: Police services

 # HOURS:

DETAIL OF CHARGES

LABOR:

OVERHEAD:

VEHICLE:

TOTAL BILL:

MANUAL PAYMENT INTRUCTIONS: Take this invoice to the City of Dover Customer Services Department located at 5 East Reed Street, Dover DE 19901. *Only cash, money order or certified funds payments will be accepted*.

AUTHORIZED SIGNATURE

FINANCE DEPARTMENT

RECEIVED BY _____ **RECEIVED ON** _____

KEYED BY _____ **VERIFIED BY** _____

Attachment 3

Dover Police Department Extra Duty Request Form

Type of Event: _____

Number of people attending: _____

Location of event: _____

Dates & Times Requested: _____

Billing Information:

Name: _____

Address: _____

Phone #'s: Cell #_____ Work #_____

Contact person at the event: _____

Contact person cell #: _____

Person(s) requesting officer(s): _____

Signature of requesting person: _____

The responsible party will be charged a 3-hour minimum (per officer) if the assignment is not canceled one (1) hour before the assigned start time. If the officer(s) are released from the assignment less than three (3) hours from the start time, he/she will receive three (3) hours pay. To cancel an assignment, dial (302) 736-7111.

Official use only, do not write below

Number of officers assigned: _____

Times officers assigned: _____to_____

Approved: _____

Return this form or fax it to: Special Enforcement Unit Commander.
Fax # (302) 672-1842, any additional questions, dial (302) 736-7145

Attachment 4

City of Dover			
Officer Extra Duty Billing Rates for Grant Related Events			
	Officer		
	Billing		
Rank	Rate		
Patrolman	$42.00		
Patrolman 1st Class	$51.00		
Corporal	$55.00		
Master Corporal	$65.00		
Sergeant	$72.00		
Lieutenant	$78.00		
Captain	$85.00		
Officer Extra Duty Billing Rates for Office of Highway Safety Grants			
Federal Approved Rate			$50.00

City of Dover			
Officer Extra Duty Billing Rates for Special Events (Spectator's over 5,000)			
	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Special Event Rate	$57.00	$2.00	$59.00

City of Dover			
Officer Extra Duty Billing Rates for Non-Special Events			
	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Extra Duty Rate	$57.00	$6.00	$63.00
Vehicles Actively Used on Extra Duty Jobs - Hourly Rate			$ 16.25

SPONSOR: Sen. Lawson & Sen. Lavelle & Rep. D. Short
Sen. Simpson; Reps. Briggs King, Miro, Spiegelman

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 226

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter III-A, Chapter 1, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 365. Customer billing.

(a) Each Commission-regulated electric company, retail electricity provider, or municipal electric company shall include on each customer's monthly bill the cost assessed to the customer for any of the following public purpose program charges or nonbypassable charges:

(1) The Green Energy Fund charge, as established by § 1014(a) of this title;

(2) The Low-Income Home Energy Assistance Program (LIHEAP) charge, as established by § 1014(b) of this title;

(3) The recovery of costs incurred by complying with a state mandated renewable energy portfolio standard, as authorized by § 358(f) of this title and the Rules and Procedures to Implement the Renewable Energy Portfolio Standard, CDR 26-3000-3008 § 3.2.3.2, related to procuring RECs and SRECs;

(4) The recovery of costs related to alternative compliance payments, as authorized by § 358(f)(2) of this title; and

(5) The charges collected on behalf of a qualified fuel cell provider project, as authorized by § 364 of this title.

(b) The customer's monthly bill shall reflect the cost assessed for the items in paragraph (3)(a)(1) through (5) of this section in terms of total cost and cost per kilowatt hour. The customer's final bill for each calendar year shall reflect the cost assessed for the items in paragraph (3)(a)(1) through (5) of this section in terms of total cost for the calendar year.

Section 2. Amend § 358, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 358. Issuance of renewable energy credits; reporting requirement; alternative compliance payment.

(f)(1) Recovery of costs — A retail electricity supplier or municipal electric company may recover, through a nonbypassable surcharge, actual dollar for dollar costs incurred in complying with a state mandated renewable energy portfolio standard, except that any compliance fee assessed pursuant to subsection (d) of this section shall be recoverable only to the extent authorized by paragraph (f)(2) of this section.

(2) A retail electricity supplier or municipal electric company may recover any alternative compliance payment if:

a. The payment of an alternative compliance payment is the least cost measure to ratepayers as compared to the purchase of eligible energy resources to comply with a renewable energy portfolio standard; or

b. There are insufficient eligible energy resources available for the electric supplier to comply with a renewable energy portfolio standard.

~~(3) Any cost recovered under this section shall be disclosed to customers at least annually on inserts accompanying customer bills.~~

SYNOPSIS

Section 1 of this bill would increase consumer knowledge and corporate transparency by requiring a Commission-regulated electric company, retail electricity provider, or municipal electric company to include on each customer's bill a line-by-line accounting of the amount of each bill, in total cost and cost per kilowatt hour, directed to:

(1) the Green Energy Fund;

(2) the Low-Income Home Energy Assistance Program

(3) the costs incurred by complying with the state mandated renewable energy portfolio standard related to procuring RECs and SRECs;

(4) the costs related to alternative compliance payments related to the electric company's decision to make such payment in lieu of meeting the renewable energy portfolio standards contained in Subchapter III-A of Title 26; and

(5) the charges collected on behalf of qualified fuel cell provider projects, such as Bloom Energy.

Section 2 of this bill would remove the current requirement that electric companies annually disclosure the costs recovered under § 358 of Title 26 on inserts to customer bills as that requirement is incorporated into the changes made in Section 1 of the bill.

Author: Sen. Lawson

City of Dover

2014/15 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT

1. **LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE - This committee advises the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; financial matters, including the city's budget, assessments, and taxation and administrative issues, policy, procedures, and operations of the city. The committee advises the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any other departments, committees, and other areas as deemed appropriate.** Consists of five (5) members - three (3) elected City officials and two (2) City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. David L. Anderson - Chair

   B. William F. Hare

   C. Timothy A. Slavin

   D. Daniel T. Shevock (by Council President)

   E. Roy Sudler, Jr. (by Committee Chair)

2. **PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE - This committee advises the city council on parks, playgrounds, open space, and other recreational facilities and programs; matters relating to the community enhancements by reviewing and commenting on community plans, and recommends appropriate funding for each community improvement project; advises the city council on landscaping and beautification programs and tree preservation requirements, and assists in developing an understanding of the objectives and methods of tree conservation. The Committee advises city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.** Consists of five (5) members - three (3) elected City officials and two (2) City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. Wallace R. Dixon - Chair

   B. David L. Anderson

   C. Adam M. Perza

   D. Ann Baker Horsey (by Council President)

   E. M. Milford Caldwell, Jr. (Appointed by Chairperson)

3. **SAFETY ADVISORY AND TRANSPORTATION COMMITTEE - This committee advises the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The Committee shall act as an advisory committee to the city council regarding matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.** Consists of five (5) members - three (3) shall be elected City officials and two (2) shall be City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. James L. Hutchison, Sr. - Chair

   B. Wallace R. Dixon

   C. Adam M. Perza

   D. David J. Truax (Effective July 3, 2014) (by Council President)

   E. Thomas J. Keller, Jr. (by Committee Chair)

4. **UTILITY COMMITTEE - This committee advises the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer, communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The Committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate.** Consists of five (5) members - three (3) shall be elected City officials and two (2) shall be City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. Beverly C. Williams - Chair

   B. Adam M. Perza

   C. Timothy A. Slavin

   D. Richard K. Snaman (by Council President)

   E. Lester L. Blakeman, Sr. (by Committee Chair)

5. **COMPENSATION COMMISSION - To consider compensation for the Mayor, City Council, and paid members of City Committees and Commissions.** The compensation commission shall consist of five members, one (1) member appointed by the mayor, one (1) member appointed by the council president, and three (3) members appointed by city council during the annual meeting. Members shall be city residents who are registered to vote in city elections. Members shall serve two-year terms and cannot be reappointed within the next two (2) years. The controller/treasurer and human resources director shall serve as ex-officio, nonvoting members.

   A. Vacant (by Council)

   B. Vacant (by Council)

   C. Vacant (by Council)

6. **CONSTRUCTION CODE APPEALS COMMITTEE - This committee shall hear appeals by any person aggrieved by a decision of the building inspector in respect to the provisions of Chapter 22 - Buildings and Building Regulations (Plumbing, Mechanical, and Fire Prevention)**. Consists of three (3) members - two (2) elected City officials and the City Manager.

   A. Adam M. Perza - Chair

   B. Sean M. Lynn

   C. Scott D. Koenig - City Manager

7. **OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND BOARD - This board shall adopt a trust agreement for the OPEB fund (and may amend the trust agreement from time to time), shall take all actions necessary and appropriate to establish and maintain the OPEB fund as a trust that is exempt from taxation under Internal Revenue Code § 115 [26 U.S.C. § 115]. The trust shall be maintained and administered by the board solely for the benefit of participants, retirees, and beneficiaries by providing payments for retiree health insurance for medical care in compliance with Internal Revenue Code § 105 [26 U.S.C. § 105] and with the Dover Code as presented and verified by representatives and/or retiree health insurance service providers of the city.** Consists of five (5) members - the controller/treasurer, human resources director, city manager, and two (2) elected city officials.

   A. William F. Hare

   B. Beverly C. Williams

8. **RETIREMENT COMMITTEE - GENERAL EMPLOYEE PENSION PLAN - The duties of this committee are to manage the city employees' pension plan.** Consists of seven (7) members - two (2) elected City officials, the City Manager, the City Controller/Treasurer and three (3) elected by eligible employees, with three (3) year staggered terms with elections held in June.

A. David L. Anderson

B. Sean M. Lynn

9. **RETIREMENT COMMITTEE - POLICE PENSION PLAN - This committee shall administer the [retirement] plan and shall have the power and the duty to take all action and to make all decisions necessary or proper to carry out the plan.** Consists of seven (7) members - two (2) elected City officials, the City Manager (Ex-Officio), Chief of Police (Ex-Officio), and three (3) elected by members of the plan to three (3) year staggered terms, with elections held in January and presented to Council for confirmation.

A. David L. Anderson

B. Sean M. Lynn

10. **MISCELLANEOUS COMMITTEE APPOINTMENTS**

A. Chamber of Commerce and Greater Dover Committee Liaison Members
   a-1. William F. Hare
   a-2. Beverly C. Williams

B. City/County Committee (Liaison to Kent County)
   b-1. Mayor (Vacant)
   b-2. David L. Bonar
   b-3. William F. Hare
   b-4. James L. Hutchison
   b-5. Beverly C. Williams
   b-6. Scott D. Koenig

C. Kent County Tourism
   c-1. Wallace R. Dixon
   c-2. William G. Neaton (Staff Liaison)

D. Central Delaware Economic Development Council (CDEDC) Liaison Member/Kent Economic Partnership
   d-1. William F. Hare

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2014-08

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

That Appendix B – Zoning, Article 3 – District Regulations, Section 10 – Institutional and Office Zone (IO) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 10. Institutional and office zone (IO).

10.1 *Uses permitted*. In an institutional and office zone (IO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional, or governmental offices.
(b) Banks.
(c) Research, design, and development laboratories.
(d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
(e) Public utility rights-of-way and structures necessary to serve areas within the city.
(f) Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
(g) Emergency shelters and transitional housing.

10.2 *Conditional uses*. The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Firearm ranges, prisons, and correctional facilities.
(b) Public incinerators.
(c) Hotels and restaurants.

10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

(a) Clinics, cafeterias, and recreational facilities.
(b) Motor vehicle storage and repair facilities accessory to a public or institutional use.
(c) Restaurants that are on a campus and intended to support users of the campus.

10.4 *Uses prohibited*. The following uses are prohibited:

(a) Landfills, dumps.

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10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

10.6 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

10.7 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 11 – Neighborhood Commercial Zone (C-1) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 11. Neighborhood commercial zone (C-1).

11.1 *Uses permitted.* In a neighborhood commercial zone (C-1), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(f) Apartments and multi-family dwellings.

11.2 *Uses prohibited*. The following uses are prohibited:

(a) Fuel pumps; motor vehicle storage, sales, or repairs.
(b) Drive-throughs.
(c) Liquor stores.
(d) Fire arm sales
(e) Tobacco shops.

11.3 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

11.4 *Floor area.* The total floor area in any one establishment shall not exceed 2,500 square feet.

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11.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

11.6 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 12 – Limited Commercial Zone (C-1A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 12. Limited commercial zone (C-1A)

12.1 *Uses permitted*. In a limited commercial zone (C-1A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) Business, professional, and governmental offices.
(f) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(g) Apartments and multi-family dwellings.

12.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Drive-throughs accessory to a permitted use.

12.3 *Uses prohibited*. The following uses are prohibited:

(a) Motor vehicle storage, sales, or repairs.

12.4 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

12.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

12.6 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 13 – Central Commercial Zone (C-2) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 13. Central commercial zone (C-2).

13.1 *Uses permitted*. In a central commercial zone (C-2), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Restaurants.
(c) Hotels, including bed and breakfast inns.
(d) Art galleries and studios.
(e) Service establishments.
(f) Personal service establishments.
(g) Business, professional, and government offices.
(h) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman Street.

13.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Parking lots and parking structures as a principal use.
(b) Places of public assembly.
(c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:
    (1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;
    (2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;
    (3) Not more than four (4) employees are engaged in such production or processing.

13.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

13.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

13.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 14 – Limited Central Commercial Zone (C-2A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 14. Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Personal service establishments.
(d) Restaurants.
(e) Service establishments.
(f) Hotels.
(g) Places of public assembly.
(h) Drive-throughs.
(i) One (1) family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(j) Apartments and multi-family dwellings.

14.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Parking lots and parking structures as a principal use on suitably landscaped lots.
(b) Fuel pumps accessory to a permitted use.

14.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

14.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

14.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 15 – Service Commercial Zone (C-3) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 15. Service commercial zone (C-3).

15.1 *Uses permitted*. In a service commercial zone (C-3), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Service establishments.
(b) Personal service establishments.
(c) Business, professional or governmental offices.
(d) Retail uses accessory to a permitted use.
(e) Drive-throughs accessory to a permitted use.
(f) Wholesale, storage, and warehousing establishments.
(g) Indoor recreation and amusement establishments.
(h) Motor vehicle, boat, or farm equipment sales or service, subject to the following regulations:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
(i) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
(j) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.
    (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in

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subsection (e) below.

(3) No individual unit may be used for retail, garage sale or any other commercial activities.

(4) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office outside of the enclosure.

15.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Crematory, subject to the following requirements:

(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

15.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

15.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

15.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 16 – Highway Commercial Zone (C-4) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 16. Highway commercial zone (C-4).

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.

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(b) Business, professional or governmental offices.
(c) Restaurants.
(d) Personal service establishments.
(e) Service establishments.
(f) Hotels and motels.
(g) Places of public assembly.
(h) Bus terminal.
(i) Wholesale, storage, warehousing, and distribution establishments.
(j) Indoor or outdoor recreation and amusement establishments.
(k) Hospitals and medical centers.
(l) Drive-throughs.
(m) Motor vehicle, boat, or farm equipment sales or service:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
(n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
(o) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.
    (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
    (3) No individual unit may be used for retail, garage sale, or any other commercial activities.
    (4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
    (5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office

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(p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Apartments and multi-family dwellings.

(b) Crematory, subject to the following requirements:

(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

16.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

16.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

16.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 26 – Commercial/Professional Office Development District be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 26. Commercial and professional office zone (C-PO).

26.1 *Uses permitted.* In a commercial and professional office zone (C-PO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional or governmental offices.

(b) Banks.

(c) Medical laboratories.

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(d) Drive-in facilities accessory to any permitted use.

26.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Conditional uses accessory to permitted uses on the same lot:
  (1) Cafeteria.
  (2) Restaurant.
  (3) Barbershop/beauty shop.
  (4) Copy center.
  (5) Office supply.
  (6) Retail store.
  (7) Newsstand.
  (8) Spa and health club.
  (9) Associated laboratories (other than those affiliated with permitted medical uses).

(b) Residential uses as follows:
  (1) Apartments and multifamily residences, provided at least two off-street parking spaces shall be provided in the area for each unit.
  (2) One (1) family residences subject to the requirements of the RG-1 (General Residence) zone.

26.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

26.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

26.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 4 – Zoning Bulk and Parking Regulations, Sections 4.14 and 4.15 be amended by deleting the text shown in red bold strikethrough and inserting the text shown in blue bold italics as follows:

Section 4.14. [C-1, C-1A, C-2, C-2A zones.]

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones are as follows:

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	C-1	C-1A	C-2	C-2A
Minimum required:				
Lot area *(sq. ft.)*	*2,500*			
Lot width (ft.)	~~35~~	~~100~~ *25*	~~0~~	~~50~~
Lot depth (ft.)	~~100~~	~~75~~	70	100
Front yard (ft.)	25	25	0	15
Side yard (ft.)	None required, but ~~10~~ *5* feet min. if provided	~~15~~ *None required, but 5 feet min. if provided*	~~Same as C-1~~ *None required, but 5 feet min. if provided*	~~Same as C-1~~ *None required, but 5 feet min. if provided*
Rear yard (ft.)	~~20~~ *15*	15	20 above ground floor. At ground floor, 5 ft. required	Same as C-2
Side or rear yards which adjoin a residential zone (ft.)	~~25~~ *15*	~~25~~*15*	~~25~~ *15*	25
Off-street parking				
Per 300 sq. ft. floor area or	~~2~~	~~1½~~	~~½ for new construction~~	1
Per employee (whichever is greater)	~~0~~	~~1~~	~~0~~	1
Maximum permitted:				
Building height				
Stories	2	2	6	6
Feet	30	30	~~60~~ *75*	~~60~~ *75*
Floor area ratio	~~0.5~~ *1.0*	~~0.35~~ *1.5*	4.0	4.0

Section 4.15. [C-3, C-4, R-C, IO zones.]

Bulk and parking regulations for service commercial (C-3), highway commercial (C-4), recreation and commercial (RC), ~~and~~ institutional and office (IO), *and commercial and professional office (C-PO)* zones are as follows:

	C-3	C-4	RC	IO	*C-PO*
Minimum required:					
Lot area			5 acres	*10,000 sq. ft.*	*5,000 sq. ft.*
Lot width (ft.)	100	150 ~~per building~~	250	~~50~~ *100*	*50*
Lot depth (ft.)	100	150	400	100	*100*
Front yard (ft.)	~~25~~ *20*	~~30~~ *20*	30	~~20~~ *10*	*10*
Side yard (ft.)	~~20~~ *15*	~~25~~ *15*	50	10	*5*
Rear yard (ft.)	10	10 or equal to bldg. height	50	15 ~~or equal to bldg. height~~	*15*
Side or rear yards which adjoin a residence zone (ft.)	30	30	100	30	*25*
Off-street parking					
Per 300 sq. ft. floor area or	1	~~1½~~	1	1	*1*
Per employee (whichever is greater)	1	1		~~1~~	
Maximum permitted:					
Building height					
Stories	~~2~~ *6*	~~4~~ *6*	10	10	*3*
Feet	~~30~~ *75*	~~45~~ *75*	130	~~130~~ *150*	*45*
Floor area ratio	~~0.5~~ *4.0*	~~2.0~~ *4.0*	4.0	~~4.0~~ *6.0*	*2.0*
~~Lot coverage~~	~~0.5~~	~~2.0~~	~~4.0~~	~~4.0~~	
Lot coverage				85%	*75%*

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BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 10 – Planning Commission, Section 2 - Site Development Plan Approval, be amended by deleting the text shown in red bold strikethrough and inserting the text shown in blue bold italics as follows:

Section 2. - Site development plan approval.

2.1 *Required.* Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 *Planning commission site plan review.* Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

(a) Site plans for new structures ***of 5,000 square feet or greater in floor area*** and building additions of ~~**3,000**~~ ***5,000*** square feet or greater in floor area ***or greater than 15 percent of existing floor area, whichever is greater***; or

(b) Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; or

(c) Nonresidential site plans with site disturbance greater than ***2,500*** ~~**1,500**~~ square feet and adjacent to residential uses or residential zones.

2.12 *Site development master plan.* Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 *Zoning review.* For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change of use for which no building addition or increase in impervious cover is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 *Administrative site plan.* All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by adding the following definitions in the appropriate alphabetical order:

Apartment: A dwelling unit, within a building with other uses and/or dwelling units, that is intended for use as a residence by an individual or a single family.

Dwelling, multi-family: (see "dwelling, multiple" **-** A building, or portion thereof, containing more than two dwelling units)

Draft

Emergency shelter: A facility providing temporary housing to homeless or transient persons in a dormitory style setting; such facility may also provide or facilitate other social services including counseling and vocational training.

Personal Service Establishment: Establishments primarily engaged in providing individual services generally related to personal needs, such as a hair salon.

Place of Public Assembly: Establishments where the principal use is for the gathering of persons for activities such as civic, social, or religious functions, including but not limited to night clubs, theaters, civic halls, and places of worship.

Retail: The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

Restaurant: An establishment in which the principal use is preparation and sale of food and beverages.

Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Transitional housing: A residential facility developed in a one-family dwelling unit that is established to provide transition from homelessness to permanent housing, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through acquisition of stable income and permanent housing.

Vocational Training: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered vocational training.

ADOPTED: *

(SPONSORS: HARE, BONAR)

Actions History

May 27, 2014 - Scheduled for First Reading at Council

May 12, 2014 - Considered by Parks, Recreation, and Community Enhancement Committee

April 14, 2014 - Deferred by the Parks, Recreation, and Community Enhancement Committee

Draft

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2014-09

WHEREAS, the City of Dover, Delaware has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Dover and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Dover was accepted for participation in the National Flood Insurance Program on September 16, 1982 and the City of Dover desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the City of Dover has, in Chapter 22 – Buildings and Building Regulations, of the Dover Code of Ordinances adopted a building code that contains provisions for the design and construction of buildings, structures, and dwellings in flood hazard areas; and

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

That Chapter 50 – Floods, of the Dover Code of Ordinances, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Chapter 50 FLOODS

ARTICLE I – IN GENERAL

Sec. 50-1. Findings.

The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Dover, Delaware. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Development that is inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to the flood loss.

The City of Dover agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on September 16, 1982. As of that date or the initial effective date of the City of Dover Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with these regulations and the flood load and flood-resistant construction provisions of the building code.

Sec. 50-2. Statement of purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

(A) Protect human life, health and welfare;

(B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;

(C) Minimize flooding of water supply and sanitary sewage disposal systems;

(D) Maintain natural drainage;

(E) Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;

(F) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(G) Minimize prolonged business interruptions;

(H) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;

(I) Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;

(J) Minimize the impact of development on adjacent properties within and near flood prone areas;

(K) Provide that the flood storage and conveyance functions of the floodplain are maintained;

(L) Minimize the impact of development on the natural and beneficial functions of the floodplain;

(M) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(N) Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Sec. 50-3. Areas to which these regulations apply.

These regulations shall apply to all special flood hazard areas within the jurisdiction of the City of Dover, as identified in Section 1.4.

Sec. 50-4. Basis for establishing special flood hazard areas.

For the purposes of these regulations, and for the purpose of establishing flood hazard areas in the building code [Section 1612.3 and Table R301.2(1)], the following are adopted by reference as a part of these regulations and serve as the basis for establishing special flood hazard areas:

(A) The FEMA Flood Insurance Study for Kent County , Delaware and Incorporated Areas dated July 7, 2014 and all subsequent amendments and/or the most recent revision thereof.

(B) The FEMA Flood Insurance Rate Map for Kent County , Delaware and Incorporated Areas dated July 7, 2014 , and all subsequent amendments and/or the most recent revision thereof.

(C) Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to these regulations or for other purposes, and which establish base flood elevations, delineate 100-year floodplains, floodways or other areas of special flood hazard.

(D) The City of Dover may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

(E) Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as special flood hazard area.

Maps and studies that establish special flood hazard areas are on file at the City of Dover Department of Planning and Inspections.

Sec. 50-5. Abrogation and greater restrictions.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by these regulations.

Sec. 50-6. Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body;

(C) Deemed neither to limit nor repeal any other powers granted under state statutes; and

(D) Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence , where more restrictive.

Sec. 50-7. Warning and disclaimer of liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Dover , any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

50-8. Severability.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Secs. 50-9—50-19. Reserved.

ARTICLE II. ADMINISTRATION

50-20. Designation of the floodplain administrator.

The city planner is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations, upon receiving necessary approvals. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

50-21. Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

(A) Coordinate with the building official to support administration, interpretation, and enforcement of the flood load and flood-resistant construction provisions of the building code.

(B) Review applications for permits to determine whether proposed activities will be located in special flood hazard areas.

(C) Interpret floodplain boundaries and provide flood elevation and flood hazard information.

(D) Review applications to determine whether proposed activities will be reasonably safe from flooding.

(E) Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.

(F) Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship), and have submitted copies of such notifications to the Federal Emergency Management Agency.

(G) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or disapprove the same in the event of noncompliance.

(H) Inspect special flood hazard areas to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.

(I) Review submitted Elevation Certificates for completeness.

(J) Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for the City of Dover , corrections to labeling or planimetric details, etc.

(K) Maintain and permanently keep all records for public inspection that are necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions taken for violations of these regulations.

(L) Enforce the provisions of these regulations.

(M) Assist with and coordinate flood hazard map maintenance activities.

(N) Conduct, with the building official, determinations as to whether existing buildings and structures damaged by any cause and located in special flood hazard areas, have been substantially damaged.

(O) Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.

(P) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with

substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.

(Q) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Dover have been modified.

50-22. Permits required.

It shall be unlawful for any person or entity to begin construction or other development which is wholly within, partially within, or in contact with any identified special flood hazard area, as established in Section 1.4, including but not limited to: subdivision of land, filling, grading, or other site improvements and utility installations; placement or replacement of a manufactured home; recreational vehicles; installation or replacement of storage tanks; or alteration of any watercourse, until a permit is obtained from the City of Dover. These regulations are intended to be administered and enforced in conjunction with the building code. No permit shall be issued until the requirements of these regulations and, as applicable, the flood load and flood-resistant construction provisions of the building code, have been met. Permit fees shall be as provided for in Appendix F – Fees and Fines.

50-23. Application required.

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose. For applications for buildings and structures, these required minimum contents of the application are in addition to the requirements of the building code.

(A) Application contents.

At a minimum, applications shall include:

(1) Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.

(2) Elevation of the existing natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map, and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as “Construction Drawings”).

(3) Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where surveyed natural ground elevations are lower than the base flood elevations, base flood elevations shall be used to delineate the boundary of special flood hazard areas. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with Section 3.4(B). Where special flood hazard areas are not delineated or base flood elevations are not shown on the flood hazard maps, the floodplain administrator has the authority to require the applicant to use information provided by the floodplain administrator, information that is available from other sources, or to determine such information using accepted engineering practices.

(4) For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as

required by Section 4.2(D).

(5) Elevation of the lowest floor, including basement, or elevation of the bottom of the lowest horizontal structural member, as applicable to the flood zone, of all proposed structures, referenced to the datum on the Flood Insurance Rate Maps.

(6) Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with these regulations.

(7) For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement, including:

(a) Documentation of the market value of the structure before the improvement is started or before the damage occurred.

(b) Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.

(8) Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by these regulations and the building code:

(a) Floodproofing Certificate for dry floodproofed non-residential structures, as required by the building code.

(b) Certification that flood openings that do not meet the minimum requirements for non-engineered openings but designed to automatically equalize hydrostatic flood forces, as required by the building code.

(9) Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished and documentation of maintenance assurances as required in Section 4.11(C).

(a) Hydrologic and hydraulic engineering analyses demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required by Section 4.11(B).

(b) Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required by Section 4.11(A).

(c) Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required by Section 4.2(D) or otherwise required by the floodplain administrator.

(B) Right to submit new technical data.

The applicant has the right to seek a Letter of Map Change and to submit new technical data to FEMA regarding base maps, topography, special flood hazard area boundaries, floodway boundaries, and base flood elevations. Such submissions shall be prepared in a format acceptable by FEMA and the floodplain administrator shall be notified of such submittal. Submittal requirements and processing fees shall be the responsibility of the applicant.

(C) Requirement to submit new technical data.

The Floodplain Administrator shall notify FEMA of physical changes affecting flood hazard areas and flooding conditions by submitting technical or scientific data as soon as practicable, but not later than six (6) months after the date such information becomes available. The Floodplain Administrator has the authority to require applicants to submit technical data to FEMA for Letters of Map Change.

50-24. Review, approval or disapproval.

(A) Review.

The floodplain administrator shall:

(1) Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information required to support the application.

(2) Review applications for compliance with these regulations after all information required in Section 3.4 or identified and required by the floodplain administrator has been received.

(3) Review all permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including but not limited to:

(a) Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Delaware Environmental Protection Agency under Section 401 of the Clean Water Act.

(b) Permits required by the State of Delaware.

(4) Permit fees shall be as provided for in Appendix F – Fees and Fines.

(B) Approval or disapproval.

The floodplain administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain administrator shall disapprove applications for proposed development that does not comply with the applicable provisions of these regulations and shall notify the application of such disapproval, in writing, stating the reasons for disapproval.

(C) Expiration of permit.

A permit is valid provided the actual start of construction occurs within 180 days of the date of permit issuance. If the actual start of construction is not within 180 days of the date of permit issuance, requests for extensions shall be submitted in writing. Upon reviewing the request and the permit for continued compliance with these regulations, the Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each. Permit fees shall be as provided for in Appendix F – Fees and Fines.

50-25. Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. In addition to the inspections required by the building code, such inspections may include:

(A) Stake-out inspection, to determine location on the site relative to the special flood hazard area and floodway.

(B) Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.

(C) Enclosure inspection, including crawlspaces, to determine compliance with applicable provisions.

(D) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.

(E) Storage of Materials.

50-26. Submissions required prior to issuance of a certificate of occupancy.

The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to the issuance of a Certificate of Occupancy:

(A) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as “Finished Construction”).

(B) For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on “Finished Construction” (identified in Section II).

(C) For all development activities subject to the requirements of Section 3.4(B), a Letter of Map Revision shall be provided.

50-27. Flood insurance rate map use and interpretation.

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of special flood hazard maps and data:

(A) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used. When a Preliminary Flood Insurance Rate Map has been provided by FEMA to identify base flood elevations where such elevations were not previously shown, the base flood elevations on the Preliminary Flood Insurance Rate Map shall be used.

(B) Special flood hazard area delineations, base flood elevations, and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood elevations, and floodway boundaries by any other source that reflect a reduced special flood hazard area, reduced floodway width and/or lower base flood elevations.

(C) Other sources of data shall be reasonably used, with the approval of the floodplain administrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies.

(D) Where field surveyed topography indicates that ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood hazard map, the area

shall be considered as special flood hazard area.

Secs. 50-28—50-29. Reserved.

ARTICLE III. REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS

50-30. Application of requirements.

The general requirements of this section apply to all development proposed within special flood hazard areas identified in Section 1.4.

50-31. Subdivisions and developments.

(A) All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

(B) All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision and developments proposals shall have adequate drainage provided to reduce exposure to flood damage.

(D) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

50-32. Protection of water supply and sanitary sewage systems.

(A) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

(C) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

50-33. Buildings and structures.

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall comply with flood load and flood-resistant construction requirements of the building code.

50-34. Fill.

(A) Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.

(B) Where permitted by the building code (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the following requirements:

(1) Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the Fire Marshal's Office and/or the local fire services agency.

(2) Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.

(3) Consist of soil or rock materials only.

(4) Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator.

(5) Designed with provisions for adequate drainage and no adverse effect on adjacent properties.

(C) Fill placed for a purpose other than to support a building or structure shall meet the requirements of Sections 4.5(B)(2) through (B)(5).

50-35. Historic structures.

As specified by the building code, repair, alteration, or rehabilitation of historic structures shall be subject to the requirements of the building code unless a determination is made that compliance will preclude a structure's continued designation as a historic structure and a variance is granted in accordance with Section 7 and such variance is the minimum necessary to preserve the historic character and design of the structure.

50-36. Recreational vehicles.

(A) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

(B) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 4.9 for manufactured homes.

50-37. Gas or liquid storage tanks.

(A) Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(B) Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation plus 18 inches or shall be anchored at- grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(C) In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

(1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

50-38. Manufactured homes.

(A) **Elevation.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the lowest horizontal structural supporting member of lowest floor of the manufactured home is elevated to or above the base

flood elevation plus 18 inches.

(B) **Foundations**. All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the residential code based on the applicable flood zone identified on the FIRM.

(C) **Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a special flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. The anchor and tie-down specifications of the manufacturer are permitted, provided such specifications are specific to installation in special flood hazard areas. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(D) **Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section R322 of the residential code based on the applicable flood zone identified on the FIRM.

(E) **Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall comply with the requirements of Section R322 for protection of mechanical and electrical systems.

50-39. Accessory structures.

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

(A) Useable only for parking or limited storage;

(B) Constructed with flood damage-resistant materials below the base flood elevation;

(C) Constructed and placed to offer the minimum resistance to the flow of flood waters;

(D) Firmly anchored to prevent flotation, collapse, and lateral movement;

(E) Electrical service and mechanical equipment elevated to or above the level of the base flood elevation plus 18 inches; and

(F) Equipped with flood openings that meet the requirements of Section R322.2.2 of the residential code.

(G) For guidance, see FEMA Technical Bulletin #7 – *Wet Floodproofing Requirements*.

50-40. Protection of flood-carrying capacity.

(A) Development in floodways.

Within any floodway area designated on the Flood Insurance Rate Map, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data shall be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the activity:

(1) Will not result in any increase in the base flood elevation; or

(2) Will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:

(a) Submits technical data required in Section 3.4(A)(8)(e);

(b) Evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

(c) Certifies that no structures are located in areas which would be impacted by the increased base flood elevation;

(d) Documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;

(e) Requests and receives concurrence of the City Manager of the City of Dover and the Chief Executive Officer of any other community impacted by the proposed actions; and

(f) Notifies the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship).

(B) Development in areas with base flood elevations but no foodways.

For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments will not increase the base flood elevation more than 1.0 (one) foot at any point.

(C) Deliberate alterations of a watercourse.

For the purpose of these regulations, a watercourse is deliberately altered when a person causes a change to occur within its banks. Deliberate changes to a watercourse include, but are not limited to: widening, deepening or relocating of the channel; installation of culverts; construction of bridges, and excavation or filling of the channel or watercourse banks.

For any proposed deliberate alteration of a watercourse, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed alteration of a watercourse may be permitted upon submission, by the applicant, of the following:

(1) Documentation of compliance with Section 4.11(A) if the alteration is in a floodway or Section 4.11(B) if the alteration is in a watercourse with base flood elevations but no floodway.

(2) A description of the extent to which the watercourse will be altered or relocated as a

result of the proposed development.

(3) A certification by a licensed professional engineer that the bankful flood-carrying capacity of the watercourse will not be diminished.

(4) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) have been notified of the proposal and evidence that such notifications have been submitted to the Federal Emergency Management Agency.

(5) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Dover specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

Secs. 50-41—50-45. Reserved.

ARTICLE IV. VARIANCES.

50-46. Variances.

The City of Dover Construction Code Appeals Committee shall have the power to authorize, in specific cases, such variances from the requirements of these regulations and the flood load and flood load and flood-resistant construction of the building code, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(A) Application for a Variance.

(1) Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.

(2) At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in Section 5.1(B) and the limitations and conditions of Section 5.1(C).

(B) Considerations for variances.

In considering variance applications, the City of Dover Construction Code Appeals Committee shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed development to the community.

(5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.

(6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the comprehensive plan for that area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(C) Limitations for variances.

(1) An affirmative decision on a variance request shall only be issued upon:

(a) A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.

(b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.

(c) Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

(d) A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.

(e) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

(f) A determination that the structure or other development is protected by methods to minimize flood damages.

(g) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the City of Dover Construction Code Appeals Committee may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

(3) The City of Dover Construction Code Appeals Committee shall notify any applicant in writing to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements only, and that the cost of federal flood insurance will be

commensurate with the increased risk.

Secs. 50-47—50-49. Reserved.

ARTICLE V. ENFORCEMENT

50-50. Compliance required.

(A) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations.

(B) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.2.

(C) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of these regulations.

50-51. Violations and Penalties

(a) Violation of any provision or requirement of this ordinance or violation of any statement, plan, application, permit or certificate approved under the provisions of this ordinance shall be considered a misdemeanor.

(b) The owner, general agent or contractor of a building, premises, or part thereof, where such a violation had been committed or does exist, shall be guilty of such misdemeanor.

(c) Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall be guilty of such misdemeanor.

(d) The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) Penalties for violations or non-compliance shall be as provided for in Appendix F – Fees and Fines.

ARTICLE VI. DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined in these regulations and are defined in the building code, such terms shall have the meanings ascribed to them in that code.

Accessory structure: For the purposes of these regulations, a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Area of shallow flooding: A designated Zone AO on a community's Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined

channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 100-year flood (or the 1%-annual-chance flood).

Base flood discharge: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the community's Flood Insurance Rate Map.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building Code: The family of building codes specifically adopted by the City of Dover in the Dover Code of Ordinances – Chapter 22 – Buildings and Building Regulations. The code that applies to one- and two-family dwellings is referred to as the "residential code."

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevation Certificate: The *National Flood Insurance Program, Elevation Certificate* (FEMA Form 086-0-33), used to document building elevations and other information about buildings. When required to be certified, the form shall be completed by a licensed professional land surveyor.

Federal Emergency Management Agency (FEMA): The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FEMA Technical Bulletin: A series of guidance documents published by FEMA to provide guidance concerning building performance standards of the National Flood Insurance Program. See sections where specific TBs are identified.

Flood *or* Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas.*

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Zone A: Special flood hazard areas inundated by the 1% annual chance flood; base flood elevations are not determined.

Zone AE: Special flood hazard areas subject to inundation by the 1% annual chance flood; base flood elevations are determined; floodways may or may not be determined.

Zone AO: Areas of shallow flooding, with or without a designated average flood depth.

Zone X (shaded): Areas subject to inundation by the 500-year flood (0.2% annual chance); areas subject to the 1% annual chance flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone X (unshaded): Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevations of the base flood and supporting technical data.

Floodplain: Any land area susceptible to being inundated by water from any source (see "Flood" or "Flooding").

Dry floodproofing: A combination of measures which results in a structures, including attendant utilities and equipment, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

Floodproofing Certificate: The *National Flood Insurance Program, Floodproofing Certificate for Non-Residential Structures* (FEMA Form 86-0-34), used by registered professional engineers and architects to certify dry floodproofing designs.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

(1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, licensed in the State of Delaware, in accordance with standard engineering practices as accepted by FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letter of Map Change: A Letter of Map Change is an official FEMA determination, by letter, to amend or revise an effective Flood Insurance Rate Map, Flood Boundary and Floodway Map, and Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property Was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for this determination, the fill must have been permitted and placed in accordance with these regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies; upon submission to and approval of certified as-built documentation, a Letter of Map Revision may be issued.

Lowest floor: The lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements specified in the building code for enclosures below the lowest floor.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New construction: Buildings and structures for which the "start of construction" commenced on or after September 16, 1982, including any subsequent improvements to such structures

Person: An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Recreational vehicle: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self- propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area: The land in the floodplain subject flood hazards and shown on a Flood Insurance Rate Map as Zones A, AE, and AO. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in Section 1.4.

Start of construction: The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of issuance. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns. Permanent construction does not include land preparation (such as clearing, grading and filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the

main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (or building): That which is built or constructed.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any repair, alteration, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time that documentation is provided.

ARTICLE VII. APPLICABILITY

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Dover, Delaware. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after July 7, 2104

BE IT FURTHER ORDAINED:

That Chapter 22 – Buildings and Building Regulations, Article III – Building Code, Section 22-61 – Adopted, (a) International Building Code adopted, Section 1612.3 - Establishment of flood hazard areas, of the Dover Code, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 1612.3: Flood Insurance Study for the City of Dover, dated July 7, 2014, or as subsequently amended or revised.

That Chapter 22 – Buildings and Building Regulations, Article III – Building Code, Section 22-61 – Adopted, (a) International Residential Code adopted, Section R301.2, Table R301.2(1) Climatic and Geographic Design Criteria, of the Dover Code, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Table R301.2(1) Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category [f]	Subject to Damage From			Winter Design Temp [e]	Ice Barrier Under-layment Required [h]	Flood Hazards [g]	Air Freezing Index ;sup\sup;	Mean Annual Temperature [j]
	Speed [d] (mph)	Topographic effects [k]		Weathering [a]	Frost line Depth ;sup\sup;	Termite [c]					
25	95 gust 77 fastest	NO	A	Severe	24"	Moderate To Heavy	14°	NO	Adopted in Chapter 50 of the Code of the City of Dover	450	55°

BE IT FURTHER ORDAINED:

That Chapter 22 – Buildings and Building Regulations, Article III – Building Code, Section 22-61 – Adopted, (a) International Building Code adopted, be amended by inserting Section 1612.4.1, as follows:

Section 1612.4.1 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 18 inches, whichever is higher.

BE IT FURTHER ORDAINED:

That Chapter 22 – Buildings and Building Regulations, Article III—Building Code, Section 22-61 – Adopted, International Residential Code Adopted, be amended by inserting the following:

Table R301.2(1), footnote (g): September 16, 1982, Flood Insurance Study for Kent County and Incorporated Areas], dated July 7, 2014, or as subsequently amended or revised.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 18 inches or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 18 inches or at least 3.5 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 18 inches or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, be amended by inserting the bold, blue text, and deleting the text indicated in red strikeout, as follows:

Chapter 50 - Floods, ~~Article II - Flood Damage Prevention~~ ***Article II. Administration***		
50-~~50~~ 22. Permits required.	*Permit*	***$50.00***
	Permit Extension	***$25.00***
	Violation and non-compliance; penalties	***Not less than $25.00 nor more than $100.00, plus cost of prosecution***

ADOPTED: *

SYNOPSIS

The proposed amendment replaces Chapter 50 – Floods, of the Dover Code of Ordinances in its entirety, adopts flood hazard maps, designates a floodplain administrator, adopts administrative procedures, coordinates with the building code, and adopts criteria for development in flood hazard areas. Additionally, Chapter 22 – Buildings and Building Regulations and Appendix F – Fees and Fines have been amended accordingly.

Actions History

05/27/2014 - Scheduled for First Reading at Council

04/28/2014 - Introduced at the Legislative, Finance, and Administration Committee

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Finance **DATE SUBMITTED: 04/23/2014**
PREPARED BY: Donna Mitchell, Controller/Treasurer
SUBJECT: Proposed Budget Amendment for Fiscal Year 2014
APPROVALS: City Council
REVIEWED BY: City Manager
EXHIBITS: Proposed Budget Ordinance #2014 – 10
TIMETABLE: Upon approval
RECOMMENDED ACTION: Staff recommends approval of the Budget Ordinance # 2014 – 10 for Fiscal Year 2014.

Attached is a second set of budget amendments for Fiscal Year 2013/2014. The first budget amendment (2013-08) was approved on January 27, 2014. The proposed budget ordinance amending the Fiscal 2014 budget encompasses the following changes.

- Revenues have been adjusted to reflect the current forecast.
- Pension accounting changes are reflected, shifting the fund expenses back to the Divisions and interfund service line items in the General Fund, Water/Wastewater Fund and Electric Revenue Fund.
- Incorporates internal budget adjustments completed in accordance with budget amendment authority of the City Manager. I.e. transferring salary savings to contractual services for seasonal grass mowing due to vacancies.
- Transfers $77,000 of savings in temporary help for the Library to the Inspections demolition account to fund the Council action approved for increased demolition cost.
- Operating expense reductions based on annual budget reviews with the City Manager.

Also included are the following additional items of which a couple of them have previously been discussed with City Council and the others are included for discussion now.

- Salt Barn – Street Division CIP budget $50,000. Was inadvertently dropped off in the project carry forwards in the January ordinance. Another $15,000 for Kent Conservation District storm water.
- Demolition of the White Oak Park recreation building – Current estimate $70,500 in the Recreation Division CIP.
- Old Library clean up – Current estimate $35,000 in the Library Division CIP.
- Contractual services in the Finance Division $12,000 for agreed upon procedure engagement with current auditors to review internal control procedures, revenue procedures and cash handling procedures at Recreation, Library and Police Divisions.
- Water Utility – U.S. 13 Water Main –WQ0907 – lawsuit settlement with Eastern States Construction $141,600.

All of these items are being funded through salary savings within the budget. The transfer to the Capital Project Fund has been adjusted for the CIP items.

CITY OF DOVER ORDINANCE # 2014-10
2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT

GENERAL FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Forty-One Million, Ninety-Seven Thousand dollars ($41,097,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 3,455,200	$ 4,219,800
REVENUES		
FINES AND POLICE REVENUE	666,000	573,900
INVESTMENT INCOME	75,000	40,000
LIBRARY REVENUES	66,600	70,500
KENT COUNTY BOOK REIMBURSEMENT	400,000	460,000
BUSINESS LICENSES	1,460,000	1,460,000
PERMITS AND OTHER LICENSES	1,167,500	1,332,500
MISCELLANEOUS CHARGES	63,300	53,100
POLICE EXTRA DUTY	650,000	650,000
PROPERTY TAXES	11,120,000	11,046,000
BID REVENUE	49,500	49,500
RECREATION REVENUE	133,000	148,800
FRANCHISE FEE	606,200	636,000
TRASH FEES	2,676,500	2,595,600
RENT REVENUE - GARRISON FARM	118,500	118,500
COURT OF CHANCERY FEES	863,200	1,002,200
REVENUES SUBTOTAL	20,115,300	20,236,600
INTERFUND SERVICE RECEIPTS		
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	1,134,900	1,360,300
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,319,400	3,572,700
INTERFUND SERVICE RECEIPTS SUBTOTAL	4,454,300	4,933,000
GRANTS		
POLICE RELATED	110,000	126,800
POLICE PENSION GRANT	500,000	500,000
GREEN ENERGY GRANT	98,500	98,500
MISCELLANEOUS GRANTS	25,000	25,000
GRANTS SUBTOTAL	733,500	750,300
TRANSFERS FROM		
TRANSFER TAX	1,315,500	1,393,000
MUNICIPAL STREET AID	527,400	663,900
CIVIL TRAFFIC PENALTIES	600,000	368,400
WATER/WASTEWATER	500,000	500,000
ELECTRIC	8,000,000	8,000,000
OTHER RESERVES	32,000	32,000
TRANSFERS FROM SUBTOTAL	10,974,900	10,957,300
TOTAL REVENUES	36,278,000	36,877,200
TOTALS	**$39,733,200**	**$41,097,000**

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

GENERAL FUND - EXPENDITURES AND BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
DEPARTMENT EXPENSES		
CITY CLERK	$ 334,400	$ 371,700
COUNCIL	107,800	107,800
TAX ASSESSOR	198,300	208,400
FIRE	692,100	741,600
GROUNDS MAINTENANCE	948,500	1,160,700
LIBRARY	1,330,400	1,336,900
RECREATION	708,200	717,200
LIFE SAFETY	468,200	491,400
CODE INFORCEMENT	377,100	432,300
PLANNING	444,800	422,600
INSPECTIONS	540,300	695,200
ECONOMIC DEVELOPMENT	215,200	215,200
POLICE	13,571,800	13,988,700
POLICE EXTRA DUTY	760,000	776,800
STREETS	603,700	660,300
SANITATION	2,153,800	2,253,500
CITY MANAGER	457,300	460,000
INFORMATION TECHNOLOGY	660,500	740,000
FINANCE	906,500	980,000
PUBLIC WORKS - ADMINISTRATION	425,800	513,100
FACILITIES MANAGEMENT	632,600	689,100
PROCUREMENT & INVENTORY	517,600	559,400
FLEET MAINTENANCE	720,700	770,900
CUSTOMER SERVICES	1,109,400	1,232,200
HUMAN RESOURCES	334,300	393,100
MAYOR	83,300	83,300
DEPARTMENT SUBTOTALS	29,302,600	31,001,400
OTHER EXPENSES		
DEBT SERVICE	557,300	557,300
CONTRIBUTION TO DDP	162,400	162,400
MISCELLANEOUS GRANT RELATED EXPENSES	25,000	25,000
INSURANCE	658,900	658,900
RETIREES HEALTH CARE	1,636,500	1,636,500
OTHER EMPLOYMENT EXPENSES	400,000	118,800
PENSION UNFUNDED LIABILITY	1,159,100	121,000
POLICE PENSION FUND - STATE GRANT	500,000	500,000
POLICE PENSION FUND - UNFUNDED LIABILITY	307,400	689,400
UNCOLLECTIBLES - TRASH AND OTHER	10,000	10,000
STREET LIGHTS	836,000	774,500
OTHER EXPENSE SUBTOTAL	6,252,600	5,253,800
TRANSFERS		
TRANSFER TO CAPITAL FUND - PROJECTS	1,278,300	1,448,800
TRANSFERS SUBTOTAL	1,278,300	1,448,800
TOTAL EXPENDITURES	36,833,500	37,704,000
CURRENT YEAR BALANCE	2,899,700	3,393,000
TOTALS	**$39,733,200**	**$41,097,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

GOVERNMENTAL CAPITAL PROJECTS FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Five Million, Three Hundred Thirty-Three Thousand, Six Hundred dollars ($5,333,600) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 241,200	$ 2,801,800
BEGINNING BALANCE - LIBRARY PROJECT	(74,700)	256,500
REVENUES		
STATE GRANTS - OTHER	15,000	15,000
CONTRACTOR'S CONTRIBUTIONS	-	264,800
TRANSFER FROM COMMUNITY TRANSPORTATION	-	60,500
TRANSFER FROM GENERAL FUND FOR PROJECTS	1,278,300	1,448,800
TRANSFER FROM MUNICIPAL STREET AID - CAPITAL	-	251,200
TRANSFER FROM PARKLAND RESERVE	95,000	80,000
SUBTOTAL PROJECT RECEIPTS	1,388,300	2,120,300
STATE GRANTS - LIBRARY	-	150,000
LIBRARY CAPITAL PLEDGES	-	5,000
SUBTOTAL LIBRARY PROJECT RECEIPTS	-	155,000
TOTAL REVENUES	1,388,300	2,275,300
TOTAL BEGINNING BALANCE AND REVENUES	**$ 1,554,800**	**$ 5,333,600**

EXPENSE SUMMARY

DEPARTMENT EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
FIRE	$ 238,500	$ 238,500
GROUNDS MAINTENANCE	50,100	50,100
LIBRARY	-	446,500
RECREATION	95,000	172,000
CODE ENFORCEMENT	30,000	30,900
POLICE	257,300	342,400
STREETS	251,500	1,524,600
STREETS - GARRISON FARM INFRASTRUCTURE	-	1,936,100
SANITATION	402,100	395,600
INFORMATION TECHNOLOGY	7,000	7,000
FACILITIES MANAGEMENT	17,800	17,800
PROCUREMENT & INVENTORY	55,000	55,000
DEPARTMENT SUBTOTAL	1,404,300	5,216,500
CURRENT YEAR BALANCE	150,500	117,100
TOTALS	**$ 1,554,800**	**$ 5,333,600**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

WATER/WASTEWATER FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Fourteen Million, One Hundred Eighty Thousand, Three Hundred dollars ($14,180,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE - WATER	$ 770,800	$ 732,700
BEGINNING BALANCE - WASTEWATER	412,600	441,400
BEGINNING BALANCE - KCSA	141,600	(17,300)
TOTAL BEGINNING BALANCES	1,325,000	1,156,800
BASE REVENUE		
WATER FEES	4,730,700	4,396,000
WASTEWATER FEES	3,642,700	3,529,000
WASTEWATER ADJUSTMENT FEES	2,980,300	2,900,000
GROUNDWATER INFLOW ADJUSTMENT	1,324,600	1,302,300
WATER TANK SPACE LEASING	333,800	321,200
SEWER IMPACT FEES	323,000	237,900
WATER IMPACT FEES	357,000	262,700
INTEREST - WATER	9,100	3,900
INTEREST - WASTEWATER	14,000	6,100
MISCELLANEOUS SERVICE FEE	82,000	64,400
TOTAL REVENUES	13,797,200	13,023,500
TOTAL BEGINNING BALANCES AND REVENUES	**$ 15,122,200**	**$ 14,180,300**

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

WATER/WASTEWATER FUND - EXPENDITURES AND BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
DIRECT EXPENSES		
ENGINEERING & INSPECTION	$ 664,400	$ 499,000
WATER CONSTRUCTION	351,400	340,800
WATER MANAGEMENT	433,900	474,700
WATER TREATMENT PLANT	1,501,800	1,495,200
WASTEWATER MANAGEMENT	945,100	885,700
DIRECT EXPENDITURE SUBTOTAL	3,896,600	3,695,400
OTHER EXPENSES		
DEBT SERVICE - WATER	403,800	403,800
DEBT SERVICE - WASTEWATER	615,700	603,400
RETIREES HEALTH CARE	200,000	200,000
OTHER EMPLOYMENT EXPENSES	25,000	10,800
PENSION UNFUNDED LIABILITY	339,400	-
KENT COUNTY TREATMENT CHARGE	3,524,800	4,030,000
INTRAFUND SERVICE FEES	1,233,400	1,458,800
OTHER EXPENSES SUBTOTAL	6,342,100	6,706,800
TRANSFER TO		
GENERAL FUND FROM WATER	250,000	250,000
GENERAL FUND FROM WASTEWATER	250,000	250,000
WATER IMP AND EXT	1,200,000	1,233,200
WASTEWATER IMP AND EXT	1,330,000	1,330,000
TRANSFER TO SUBTOTAL	3,030,000	3,063,200
TOTAL EXPENSES	13,268,700	13,465,400
CURRENT YEAR BALANCES		
CURRENT YEAR BALANCE WATER	1,056,400	658,400
CURRENT YEAR BALANCE WASTEWATER	797,100	(98,500)
CURRENT YEAR BALANCE KCSA	-	155,000
CURRENT YEAR BALANCE SUBTOTALS	1,853,500	714,900
TOTAL CURRENT YEAR BALANCES AND EXPENSES	**$ 15,122,200**	**$ 14,180,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Fifteen Million, Four Hundred Fifty-Four Thousand, Nine Hundr
dollars ($15,454,900) or so much thereof as may be necessary are hereby appropriated from current reve
and other funds for the use by several departments of the Municipal Government for the fiscal year beginn
July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE - WATER	$ 1,620,000	$ 4,473,800
PRIOR YEAR BALANCE - WASTEWATER	660,900	2,807,000
TOTAL BEGINNING BALANCES	2,280,900	7,280,800
RECEIPTS		
BOND PROCEEDS - WATER - 2013 ISSUE	-	3,000,000
BOND PROCEEDS - WASTEWATER - 2013 ISSUE	-	1,067,900
BOND PROCEEDS - WASTEWATER - 2011 ISSUE (DRLP)		62,000
ARBITRAGE REBATE - IRS REFUND	-	66,000
TRANS FROM OPERATING FUND FOR WATER	1,200,000	1,233,200
TRANS FROM OPERATING FUND FOR WASTEWATER	1,330,000	1,330,000
TRANSFER FROM WATER IMPACT FEE RESERVE	390,000	390,000
TRANSFER FROM WASTEWATER IMPACT FEE RESERVE	-	1,000,000
INTEREST INCOME	25,000	25,000
TOTAL RECEIPTS	2,945,000	8,174,100
TOTALS	**$ 5,225,900**	**$15,454,900**

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
WATER	$ 1,476,800	$ 7,649,700
WASTEWATER	1,251,000	5,252,400
WATER CONSTRUCTION	90,000	90,000
TOTAL EXPENSES	2,817,800	12,992,100
CURRENT YEAR BALANCE - WATER	1,655,700	1,402,800
CURRENT YEAR BALANCE - WASTEWATER	752,400	1,060,000
CURRENT YEAR BALANCE SUBTOTALS	2,408,100	2,462,800
TOTALS	**$ 5,225,900**	**$15,454,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

ELECTRIC REVENUE FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Ninety-Four Million, Seven Hundred Twenty-Two Thousand, One Hundred dollars ($94,722,100) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 7,152,400	$ 6,620,900
BASE REVENUE		
DIRECT SALES TO CUSTOMER	76,286,700	78,792,300
UTILITY TAX	1,492,200	1,309,300
MISCELLANEOUS REVENUE	602,000	579,100
RENT REVENUE	251,000	180,000
GREEN ENERGY	135,800	130,000
INTEREST EARNINGS	119,400	12,000
TRANSFER FROM RATE STABILIZATION	4,000,000	7,000,000
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	98,500	98,500
TOTAL REVENUES	82,985,600	88,101,200
TOTALS	**$ 90,138,000**	**$ 94,722,100**

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

ELECTRIC REVENUE FUND - EXPENDITURES & BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
EXPENSES		
POWER SUPPLY	$ 23,832,000	$ 25,977,700
SOLAR ENERGY	1,565,800	1,729,200
SOLAR RENEWAL ENERGY CREDITS	300,000	352,600
POWER SUPPLY MANAGEMENT	996,000	996,000
PJM CHARGES - ENERGY	12,812,900	17,274,000
PJM CHARGES - TRANSMISSION & FEES	4,740,000	7,420,000
CAPACITY CHARGES	15,787,200	15,614,100
SUB-TOTAL POWER SUPPLY	60,033,900	69,363,600
PLANT OPERATIONS	6,015,800	5,851,600
GENERATION FUELS	-	1,603,800
PJM SPOT MARKET ENERGY	(230,500)	(1,004,500)
PJM CREDITS	(397,000)	(5,314,800)
CAPACITY CREDITS	(15,079,800)	(15,079,800)
GENERATION SUBTOTAL	(9,691,500)	(13,943,700)
POWER SUPPLY & GENERATION SUBTOTAL	50,342,400	55,419,900
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	3,302,500	3,776,300
ELECTRICAL ENGINEERING	1,192,200	1,285,300
ADMINISTRATION	597,000	628,400
METER READING	220,300	273,800
SYSTEMS OPERATIONS	543,600	675,800
DIRECT EXPENDITURE SUBTOTALS	5,855,600	6,639,600
OTHER EXPENSES:		
UTILITY TAX	1,492,200	1,309,300
ALLOW FOR UNCOLLECTIBLES	200,000	200,000
CONTRACTUAL SERVICES - RFP'S	100,000	100,000
RETIREES HEALTH CARE	513,300	513,300
OTHER EMPLOYMENT EXPENSES	150,000	125,700
TRANSFER TO PENSION UNFUNDED LIABILITY	1,314,200	-
OPEB UNFUNDED LIABILITY	975,700	975,700
GREEN ENERGY PAYMENT TO DEMEC	135,800	135,800
INTRAFUND SERVICE FEES	3,319,400	3,572,700
INTEREST ON DEPOSITS	27,000	20,000
DEBT SERVICE	3,301,900	3,301,900
OTHER EXPENSES SUBTOTAL	11,529,500	10,254,400
TRANSFER TO		
IMPROVEMENT & EXTENSION	5,448,600	4,918,600
GENERAL FUND	8,000,000	8,000,000
TRANSFER TO SUBTOTAL	13,448,600	12,918,600
TOTAL EXPENSES	81,176,100	85,232,500
CURRENT YEAR BALANCE	8,961,900	9,489,600
TOTALS	**$ 90,138,000**	**$ 94,722,100**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Nine Million, Two Hundred Fifty-two Thousand Three Hundre dollars ($9,252,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 3,091,000	$ 3,868,500
RECEIPTS		
TRANSFER FROM ELECTRIC	5,448,600	4,918,600
GENERAL SERVICE BILLING	440,000	440,000
INTEREST EARNINGS	25,200	25,200
TOTAL RECEIPTS	5,913,800	5,383,800
TOTALS	**$ 9,004,800**	**$ 9,252,300**

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
ELECTRIC GENERATION	$ 2,117,800	$ 2,130,000
TRANSMISSION AND DISTRIBUTION	1,100,000	1,144,600
ELECTRICAL ENGINEERING	2,405,800	2,615,500
TOTAL EXPENSES	5,623,600	5,890,100
CURRENT YEAR BALANCE	3,381,200	3,362,200
TOTALS	**$ 9,004,800**	**$ 9,252,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2014-14

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

That Appendix D - Downtown Dover Business Improvement District, Article III - Establishment of the Dover Downtown Business Improvement District, Section 3 - Geographic Boundaries, and Section 5 - Management Company of the Dover Code be amended by deleting the text indicated in bold, red, strikeout and inserting the text indicated in bold, blue text, as follows:

Section 1. Purpose.

The creation of the Dover Downtown Business Improvement District is designed to assist in the revitalization of the city's downtown and adjoining commercial district by providing enhanced municipal services via a commercial property surtax. The district is created pursuant to chapter 15, title 22, Delaware Code (22 Del. C. § 1501 et seq.) (hereafter, the "enabling legislation").

Section 2. Establishment.

The mayor and council hereby create a business improvement district to be known as the "Dover Downtown Business Improvement District" ("DDBID"), which district shall be bounded, governed and administered in accordance with this appendix D.

Section 3. Geographic boundaries.

The geographic boundaries of the DDBID shall not exceed the boundaries of the downtown redevelopment target area as defined in ~~a~~**A**ppendix C ~~**[to the Code]**~~ **- Downtown Redevelopment.**

(Ord. of 4-10-2006(4))

Section 4. Duration of DDBID.

~~**[**~~The~~**]**~~ city council shall have the right to dissolve the DDBID or change the designation of the management company at any time.

Section 5. Management company.

~~**[**~~(a) *Authorized*.~~**]** The DDBID shall be governed by **the Downtown Dover Partnership,** a management company specifically authorized by this ordinance and organized under the not-for-profit corporation provisions of the Delaware General Corporation Law (8 Del. C. § 101 et seq.).

~~**(a) [**~~(b)~~**]** *Certification of incorporation*. The city solicitor, as incorporator of the company, shall prepare and cause, or amend, the certificate of incorporation to be filed with the secretary of State of Delaware, which certificate shall include those requirements set forth in 22 Del. C. § 1504, as amended.

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~~(b) [~~(c)~~]~~ *Membership of company and board of directors*. The management company shall be a corporation comprised of ~~a majority representation, but~~ not less than five members or directors respectively who either own a commercial property within the district, or are the designee of such owner.~~, and these directors shall constitute a majority of the board of directors.~~

~~(c) [~~(d)~~]~~ *Company reports*. The management company shall file with the finance department and with the city clerk a monthly financial report and shall also provide an operating report monthly. The City of Dover shall annually review the performance of the management company and shall prepare for public inspection a report which certifies that the management company is in compliance with its enabling ordinance, its certificate of incorporation and bylaws, and the provisions of this appendix and 22 Del. C. ch. 15 (22 Del. C. § 1501 et seq.); the management company is fiscally sound; and the management company has not discriminated against any person based upon race, sex, national origin, religion, age or disability.

Section 6. Services.

Except as limited by the enabling legislation, the DDBID may use proceeds of the special assessments to provide for the following services, directly or by contract: promotional events, business training and education; streetscape and store design services and assistance; marketing and advertising; economic development; market analysis and planning studies; security services; sidewalk sanitation; [and] downtown signage and lighting.

Section 7. Assessment base.

The assessment base through which the annual budget of the DDBID shall be funded shall be the real property assessment value as established by city property tax records for the qualified property in the assessment zone.

Section 8. Properties exempt from assessment.

(a) All exclusively residential properties having not more than four rental units shall be exempt from assessment.

(b) All properties which are (i) exempt from the city's real property tax and (ii) owned by either churches or the federal, state or local government shall be exempt from assessment.

(c) All assessment appeals shall be taken directly to the management company.

Section 9. Method of assessment.

(a) The management company shall assess each assessable property within the district by multiplying the total service and improvement cost as reflected in the adopted budget for each year (less any allocated surplus or estimated revenue from other sources) by the ratio of the amount of such assessable property's assessment base to the total amount of the assessment base for all assessable properties in the district or, if the district is divided into assessment zones, in the respective assessment zone, provided that, in all cases, the

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assessment base shall be the one designated in the enabling legislation and this appendix by the city to fund the district; and provided, further, that notwithstanding the above, the management company shall have the power to impose an assessment of a minimum amount.

(b) The management company shall by resolution authorize the payment of such assessments annually.

(c) All assessments imposed by the management company shall constitute a lien on each property so assessed, the nonpayment of which shall be collectible in the same manner as the collection of a property tax delinquency by the city in which the district lies. No action taken to enforce a claim by the management company for the annual payment shall affect the status of any subsequent installment of the same or the next assessment, each of which shall constitute a lien upon the property.

(d) Each year the city assessor shall provide the management company with a list of the assessed values of all properties located within the DDBID which are subject to assessment hereunder, as well as the:

(i) Name and address of the owner(s) of each such property; and

(ii) The address and parcel number of each such property.

(e) There shall be three assessment zones in the district as set forth in the attached map. Zones 1, 2 and 3 shall provide 50 percent, 40 percent and ten percent of the budget assessment.

(f) The annual budget and assessment zones shall be established by the management company and submitted to [the] city council for approval on or before the first council meeting in May each year. The budget shall be based on services and improvements authorized by this ordinance and shall be approved by [the] council on or before the second meeting in June. Once the budget is approved by [the] city council, the city assessor shall supply to the management company the necessary information to determine the assessments and assessment rate. The assessment rate shall be approved and accepted by [the] council on or before the second meeting in June each year. The billing and assessment year shall run from July 1 to June 30. Assessment notices shall be mailed on or before the tenth working day of July each year. Assessments not paid by August 1 shall bear a penalty of 1½ percent per month.

(Ord. of 4-10-2006(5))

Section 10. Limitations on authority.

The management company shall have all of the powers and authorities described and listed in 22 Del. C. § 1504(b), as amended; provided, however, that it shall be prohibited from incurring capital debt and owning real property with funds acquired through the DDBID revenues.

ADOPTED: *

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SYNOPSIS

The proposed amendment names the Downtown Dover Partnership as the "management company" for the Business Improvement District and removes the requirement that a majority of the management company's Board of Directors be owners or owners' designees of commercial properties within the Business Improvement District.

(SPONSORS: LYNN AND TOWNSHEND)

Actions History

05/27/2014 - Scheduled for First Reading at Council

05/12/2014 - Introduced at the Legislative, Finance, and Administration Committee

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CITY OF DOVER
PROPOSED ORDINANCE #2014-05 WITH PC#1 AND C#1
(Planning Commission Amendments Indicated in Yellow Highlight)
(Amendments Proposed by Councilman David Anderson Indicated in Green Highlight)

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General residence zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses, of the Dover Code be amended by re-designating existing subsection (d) as subsection (e), and inserting a new subsection (d) to read as follows:

(d) Professional offices may be permitted on **State Street and Governors Avenue between Water Street and Mary Street, and on** Route 8 **in its entirety**, subject to the following restrictions:

(d) Professional offices may be permitted on **State Street and** Governors Avenue between Water Street and Mary Street, and on Route 8 **in its entirety**, subject to the following restrictions:

i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.
ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.
iii. No display of products or goods shall be visible from the street.
iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
v. A minimum of two (2) off-street parking spaces shall be required.
vi. No more than four (4) off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one half (6½) feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.
vii. Signage shall be limited to one (1) sign, not to exceed six (6) square feet in area. No sign may be illuminated.
viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than **six (6)** **four (4)** employees engaged in the operations upon the premises at any given time.
ix. The Planning Commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.

ADOPTED: *

SYNOPSIS

The proposed ordinance would allow professional offices as a conditional use within the General Residence Zone on **State Street and Governors Avenue between Water Street and Mary Street, and on** Route 8 in its entirety, subject to a series of restrictions. Under the proposed ordinance, the establishment of such an office would be subject to conditional use approval, which includes a public hearing before the Planning Commission.

(SPONSORS: BONAR, HUTCHISON, AND LYNN)

Actions History
05/27/2014 - Scheduled for Reconsideration at Council
05/12/2014 - Public Hearing/Final Reading at Council (Tabled)
03/24/2014 - First Reading Held at Council
03/10/2014 - Introduced at Parks, Recreation, and Community Enhancement Committee

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