REGULAR COUNCIL MEETING
A G E N D A

SEPTEMBER 24, 2012 - 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 CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN ANDERSON

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 - Regular Council Meeting of September 10, 2012**

2. Certificate of Recognition - Charles H. Boyer - President of the Delaware Firefighter's Association

3. Proclamations
- **A. Cyber Security Awareness Month**
- **B. Fire Prevention Week**

4. Public Hearing - Violation of the Dangerous Building Ordinance - 212 N. Governors Avenue, Owned by Deutsche Bank National Trust Company

5. Parks, Recreation, and Community Enhancement Committee Report - September 10, 2012
- **A. Presentations**
  - **a-1. Restoration and Remediation of Mirror Lake - Rick Greene, Department of Natural Resources and Environmental Control (DNREC)**
    (Committee Recommended Support for the Restoration and Remediation of Mirror Lake, as Presented)
  - * **a-2. Overview of City of Dover Recreation Programs** *(Committee Action Not Required)*
- * **B. Updates** *(Committee Action Not Required)*

6. Legislative, Finance, and Administration Committee Report - September 10, 2012

* **A. Transfer of Street Light Accounting to Electric Fund**

(Committee Recommended Acceptance of the Bond Counsel's Recommendation to Use the Provisions of 507A(e) of the Resolution to Transfer Necessary Funds to the General Fund, (Since) Trying to Get a General Fund Expense Paid Out of the Electric Fund in a Different Way Runs the Risk of Bondholders Claiming an Event of Default Has Occurred Under the Resolution and, Ultimately, Could Result in Acceleration of the Bonds)

* **B. Reduced Rates for All-Electric Homes in December, January, and February**

(Committee Referred the Proposal to Reduce Electric Rates for All-Electric Homes Back to Staff for a More In-depth Analysis, and That Staff Determine the Cost for the City to Administer Such a Program (Including Whether an Additional Employee Would Be Necessary) and the Number of Houses That Would Be Involved, and Provide a Cost Analysis to Determine Whether the Program Would Be Cost Effective for the City, Based on the Additional Cost to the City Versus the Savings That Would Be Realized by the Customers)

C. Discussion - Renaming of Division Street as Martin Luther King Boulevard

(Committee Recommended that a Public Hearing Regarding the Renaming of Division Street as Martin Luther King, Jr. Boulevard Be Set for Monday, October 8, 2012 at 7:30 P.M. and that the Language for the Renaming of Division Street to Martin Luther King, Jr. Boulevard Include Division Street from "City Limit to City Limit")

* **7. Monthly Reports (*July*)**

A. Budget

B. Capital Investment Plan (CIP)

8. Engineering Service Agreements

A. Engineering Design of Wastewater Facilities - Garrison Farm Subdivision

B. Engineering Design of Elevated Water Storage Tank - Garrison Farm Subdivision

9. Final Reading - Proposed Ordinance #2012-05

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of September 10, 2012. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

A. Ordinance #2012-05 Amending Chapter 46 - Fire Prevention and Protection and Appendix F - Fees and Fines

10. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 10, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Lynn, Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mrs. Russell were absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mrs. Townshend, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

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

Pastor Gregory Gordon, 54 S. New Street, shared the success of the First Annual New Street Block Party held on August 28, 2012. He noted that the community came together, along with City staff and other supportive local groups, businesses, and individuals to share and celebrate positive changes in the community.

The invocation was given by Councilman William F. Hare, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Leary requested that Item #8D - City Planner's Report, be removed from the Consent Agenda. Mr. Lynn requested that Item #6C - Safety Advisory and Transportation Committee Report of August 29, 2012 - Update - Dover High School Construction be added to the Consent Agenda.

Mrs. Williams moved for approval of the Consent Agenda, as amended, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 27, 2012

The Minutes of the Regular Council Meeting of August 27, 2012 were unanimously approved by motion of Mrs. Williams, seconded by Mr. Bonar and bore the written approval of Mayor Carey.

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2012-19

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 870-872 Forest Street (on the south side of Forest Street east of Gibbs Drive), consisting of $0.747^{+/-}$ acres, owned by Bennie L Smith. This property is currently zoned C-PO (Commercial/Professional Office Development District) and subject to the COZ-1 (Corridor Overlay Zone) and the proposed zoning was C-1A (Limited Commercial) and subject to the COZ-1 (Corridor Overlay Zone). (TAX PARCEL: ED-05-076.12-01-08.00-000, FOURTH COUNCIL DISTRICT; PLANNING REFERENCE: Z-12-02)

Mr. Hare moved that the final reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Bonar and unanimously carried. *(The First Reading of Ordinance #2012-19 was accomplished during the Council Meeting of July 23, 2012.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She noted that the Planning Commission recommended approval of the rezoning request. Mrs. Townshend advised members that the purpose of the rezoning was to allow retail on the site.

Public Hearing

Council President Leary declared the hearing open.

Mr. Phil McGinnis, McGinnis Commercial Real Estate Compnay, 555 E. Loockerman Street, stated that he was present representing Mr. Smith in the rezoning and they were pleased that both the staff and Planning Commission were in favor of the rezoning.

Ms. Faye D. White, 101 Babb Drive, stated that she was in favor of the rezoning because it would be an asset to the community and would bring jobs to the area.

Council President Leary declared the hearing closed.

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mrs. Williams and by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent), Council adopted Ordinance #2012-19, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 870-872 FOREST STREET

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-PO (Commercial/Professional Office Development District) and subject to COZ-1 (Corridor Overlay Zone) to C-1A (Limited Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-PO (Commercial/Professional Office Development District) and subject to COZ-1 (Corridor Overlay Zone) to C-1A (Limited Commercial Zone) and subject to COZ-1

(Corridor Overlay Zone) on that property located at 870-872 Forest Street (on the south side of Forest Street east of Gibbs Drive), consisting of $0.747^{+/-}$ acres, owned by Bennie L. Smith. (Tax Parcel: ED-05-076.12-01-08.00-000; Planning Reference Z-12-02; Council District 4)

ADOPTED: SEPTEMBER 10, 2012

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 126 N. ANN AVENUE, OWNED BY JESSE L. WORKMON

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 126 N. Ann Avenue, owned by Jesse L. Workmon. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the property was a one-story, wood framed, single-family home. The dwelling was condemned as unfit for human habitation on April 4, 2012 due to the degree of damage to the structure from a fire that occurred on the night of October 5, 2010. Since the fire, numerous windows to the structure have been broken, causing the owner to have all windows and doors boarded. Currently the structure was still vacant, with no active utility services and in a serious state of disrepair.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 126 N. Ann Avenue: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by October 10, 2012 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; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mrs. Townshend noted that she spoke with the owner, his attorney, and a prospective buyer earlier in the day and they all confirmed that a contract for the purchase of the property was being prepared. The prospective buyer intended to rehabilitate the house. She recommended changing the repair or demolish date from October 10, 2012 to November 10, 2012 based on the possible sale of the property. Mr. Hare suggested keeping the October 10, 2012 date because there was currently no contract.

Council President Leary declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Bonar moved that the structure located at 126 N. Ann Avenue be declared a dangerous building and ordered that the property be demolished or repaired by October 10, 2012, in accordance with the process recommended by staff. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

UTILITY COMMITTEE REPORT - AUGUST 27, 2012

The Utility Committee met on August 27, 2012 with Chairman Bonar presiding.

Annual Review and Approval of Governing Policy for Energy Commodity Risk Management
(Deferred by Committee on August 13, 2012 Pending Further Information)

During their meeting of August 13, 2012, members reviewed the Governing Policy for Energy Commodity Risk Management. Due to questions and concerns of members, this matter was deferred to allow staff the opportunity to respond. Members reviewed the following documents: 1) Two (2) pages from the 2011 Comprehensive Annual Financial Report (CAFR) for the City of Dover; 2) Counterparty Credit Risk as of 6/29/2012; 3) Dover Monthly Credit Report for August 2012; and 4) Governing Policy for Energy Commodity Risk Management (provided at the August 13, 2012 Utility meeting and included again in this meeting packet).

Referring to Page 13 of the Governing Policy, Mr. Scott Koenig, City Manager, noted the statement, "At no time will the City incur a credit exposure with any counterparty greater than $60,000,000." He explained that the City now has several counterparties (approximately 11) and that the $60M limit was based on having only a few counterparties. He also advised members that in order to obtain a $60M credit limit, a triple A bond rating would be required. As detailed on the information provided regarding the Counterparty Credit Risk, he noted that if those individual amounts were totaled, the City's exposure would be significant. He stated that the amount of power (power hedges) that the City purchased last year totaled approximately $40M and that in years past, the City has purchased as much as $70M-$80M. It was his feeling that since the cost of power was decreasing, the City's exposure on the hedges was coming down, and the per counterparty exposure was decreasing (due to the City developing several counterparty agreements).

Mr. Koenig requested that the $60M limitation remain in the Governing Policy for this year and that the matter be reviewed again in the next year. He anticipated this issue being considered again in April or May of 2013 to prepare for Fiscal Year 2014. He explained that the amounts included in the Governing Policy were based on the risk associated with the counterparty. Mr. Koenig stated that the City's liability per counterparty must be reflected in the CAFR and felt that this was being reported very transparently. He reiterated that staff would review this matter over the next 12 months and would specifically ask The Energy Authority (TEA) if the number should be adjusted in the Policy at that time.

The Committee recommended approval of the Governing Policy for Energy Commodity Risk Management, as presented.

By consent agenda, Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

Update - Green Energy Funding and Programming

Mr. Scott Koenig, City Manager, reviewed an update on the Green Energy Funding and Programming. He stated that $802,265.68 had been collected since the City developed the Green Energy component of the bill. He advised members that the program involves an application process, an approval process, and a reimbursement process, and reimbursement often takes a

significant amount of time. Mr. Koenig advised members that some applications from 2011 had not been completely paid off. Due to this backlog, the City has not accepted any new grant applications and is waiting for the funding stream to catch up, when grants will be opened to interested parties.

Responding to Mr. Bonar, Mr. Koenig stated that it was his recollection that the waiting list for reimbursement under the program was "a couple of years" and stated that he would obtain the exact timeframe.

Mr. Koenig explained that the second component of the program involved a large sum of money reserved by the City for reimbursement for green energy improvements to the Library. He stated that the City would be making application to the fund. He reminded members that the City made application last fall in the amount of $48,267; half of these funds were available for others who applied for a grant, and the remaining half was reserved (as authorized by the City) for City of Dover projects.

Update - Garrison Oak Technical Park Project

Mr. Scott Koenig, City Manager, stated that the Performance Standards Review Application for the Garrison Energy Center (Calpine Project) was discussed at the Planning Commission meeting held on August 21, 2012 and that, to his knowledge, the project was moving forward. He indicated that there was an ongoing issue between White Oak Solar Energy and the Calpine Project and, although there had not been resolution, meetings had been held regularly and he had heard no statements that related discussions have been negative; therefore, he was hopeful that they were moving toward conclusion.

As previously reported, Mr. Koenig reminded members that the Calpine Project went before the Department of Natural Resources and Environmental Control (DNREC) for air permitting. An objection was filed by White Oak Solar Energy and comments were filed by the Environmental Protection Agency (EPA). It appeared that Calpine was taking action to obtain the necessary permits and design approval so that the project could be delivered to the grid in June 2015.

In response to Mr. Blakeman, Mr. Koenig confirmed that PJM had identified a list of improvements. It was his understanding that meetings were held with PJM and the required improvements had been negotiated. He stated that discussions were held at those meetings and that a final letter would be issued in the Fall (October) that would give Calpine details regarding access to the grid.

Responding to Mr. Hutchison with regard to gas lines, Mr. Koenig stated that, to his knowledge, Eastern Shore Natural Gas was working on alignments with Calpine and that there had been no negative comments regarding the pipeline being delivered in time.

By consent agenda, Mrs. Williams moved for acceptance of the Utility Committee report, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - AUGUST 27, 2012

The Legislative, Finance, and Administration Committee met on August 27, 2012 with Chairman Lynn presiding.

Auditor's Responsibility for Communicating with Audit Committee - Fiscal Year 2012 Audit Program

Mrs. Peggy Teal, Assistant Finance Director, reviewed a presentation entitled Auditor's Responsibility for Communicating with Audit Committee. She reminded members that City Council decided that the Legislative, Finance, and Administration Committee would also serve as the City's Audit Committee.

The Committee recommended acceptance of the presentation, as reviewed by staff.

By consent agenda, Mrs. Williams moved for acceptance of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

Civilian Pension Board Recommendation - Adjustment to the Minimum Payment for Pension

During the Civilian Pension Board Meeting of August 15, 2012, members considered an adjustment to the minimum payment for pension and recommended approval of Option #1, as outlined in the information provided by Mr. Les Blakeman in reference to the Discussion - Adjustment to the Minimum Payment for Pension, increasing the minimum payment for pension to $500 per month, at the next scheduled City Council meeting, and to order an actuarial study based on $500 per month. *(City Clerk's Office Note: Recommendations of the Civilian Pension Board are forwarded to the Legislative, Finance, and Administration Committee for their review and recommendation to be forwarded to City Council for final action.)*

Mr. Les Blakeman, 209 Falmouth Way, addressed members as an elected member of the Civilian Pension Board and reviewed information related to the discussion regarding an adjustment to the minimum payment for pension including three (3) proposals, along with historical information.

Responding to Mr. Shevock regarding the effect the recommendation would have on the total pension fund, Mr. Scott Koenig, City Manager, stated that a request was submitted to the actuary and read a portion of an email received, as follows: *"On the funding aspect, we would recommend that the entire increase be paid immediately. The funded percentage of the plan is about 40% as of the last study in total, and was only 60% for retirees alone."* He explained that the actuary indicated that there were enough assets at present to cover only 60% of the benefits promised to current retirees and no remaining assets for other members. As a result, he stated that the actuary recommended that if the City wished to approve the proposal, it should be paid all at once, since the plan was underfunded at this time. While the calculated cost was $64,000, Mr. Koenig was unsure of the amount that this would translate to for the actuary.

In response to Mr. Shevock regarding the amount of Social Security benefits paid to pensioners, Mr. Blakeman indicated that it was not possible to obtain specific information; however, he suggested that it could be assumed that these individuals were not receiving very much in the way of Social Security based on the fact that they were not receiving much of a pension.

Responding to Mr. Shevock, Mr. Koenig stated that the source of funds required to pay for the proposed increase would have to be determined by City Council and debated by the Committee. He stated that the Treasurer/Controller had suggested that the increase should be paid by adjusting the pension contributions of current employees.

At the request of Mr. Lynn, Mr. Koenig stated that a copy of the email received from Mr. Scott Porter, the actuary, would be provided for inclusion in the record. It was his understanding that the actuary would provide the cost to conduct a study to accommodate the recommendation and that no costs had been incurred to date as a result of the Civilian Pension Board's recommendation.

Mr. Anderson suggested that some pensioners have income from sources other than Social Security and questioned the demographics of the pensioners. Responding, Mr. Blakeman stated his feeling that such information would be impossible to determine.

In response to Mr. Bonar, Mr. Koenig stated that current employees of the General Pension Plan pay 3.5% of their salary into the Plan and employees of the Police Pension Plan pay 7% of their salary into the Police Pension Plan. Noting that the City's Pension Plans are one of its biggest liabilities, Mr. Bonar felt that the time had come for the City to request employees to contribute a larger share to their pension. He suggested that the civilian employees also be required to contribute 7% of their salary to the General Pension Plan. He indicated the importance of the City developing a means of getting the Pension Plans under control, and expressed his feeling that the City could only ask so much of their citizens and that employees should have a role in this regard.

Responding to Mr. Perza, Mr. Koenig stated that staff had no objections to requesting an actuarial study to determine costs and that his personal preference would be to request the members of the General Pension Plan to vote in favor of paying for any increase. He explained the delicacy of this matter as an employer. Staff recommended that the actuarial study be performed to be presented to the Committee for their review and consideration of how an increase would be funded.

Council President Leary noted that the Pension Plan and its benefits were codified many years ago and that the life expectancy of its members had increased since that time, which created a problem with the unfunded pension liability. He felt that any action taken by the City affecting taxpayers would only increase this liability.

In response to Mr. Anderson, Mrs. Peggy Teal, Assistant Finance Director, indicated that the City Manager had already requested details regarding all pensioners, such as years of service (10, 20, 25, etc.). She indicated that although staff had begun to work on this information, it was not yet complete. She stated that the cost of an actuarial study should be minimal since the actuary already had specific records. Since he was scheduled to conduct an update on the unfunded and funded liabilities this year, he would be "piggy backing" the requested actuarial study.

Referring to the 60% unfunded liability, Mr. Hutchison questioned if the City would be required to increase its funding each year to reduce this liability under new regulations. Responding, Mrs. Teal stated that the American Institute of Certified Public Accountants (AICPA) recently released new information that was currently being reviewed by staff to determine what, if any, impact it would have on the City. Council President Leary indicated that staff had suggested the possibility of a workshop being held with members of City Council to review the extensive new regulations.

In response to Mr. Bonar, Mrs. Teal stated that the 60% unfunded pension liability equated to approximately $40M.

Mr. Koenig reiterated the awkwardness of staff's position in this matter with former employees, noting that they served the City well and that the City would like to take care of them during their retirement years. However, he felt it important that members understood that the information provided did not distinguish between those employees who served 10, 20, or 25 years. He also noted that some employees who worked 10 years, became vested, and then left the City's employment were not on the list, since they had not reached 65 years of age; therefore, the list of retirees was not comprehensive. He explained the importance of obtaining all information prior to making any final decision in this matter. Referring to the Pension Board's recommendation, he requested that the Committee authorize an actuarial study of all three (3) options originally presented to the Board by Mr. Blakeman, or at least obtain the cost to conduct all three (3) options rather than just one (1).

Mr. Koenig stated that if it was Council's desire to consider providing an increase in the minimum payment for pensioners, that members should consider the possibility of requesting pension members to pay for the costs involved so that there would be no effect on the City's budget. He reminded members that the General Pension Plan is a closed plan and that there were employees in the Defined Contribution Pension Plan (401(a) Plan) who were not receiving such consideration. Mr. Koenig stated the need to conduct an actuarial study to determine if the City could afford to fund the proposed increase and what would be the best method with the least impact on the public.

Mr. Shevock moved to recommend that the matter be tabled to allow staff to determine how an adjustment would be funded, seconded by Mr. Rushe.

Mr. Lynn reminded members that Council's authorization would be required for an actuarial study; therefore, if the study were not authorized, staff would not be able to obtain the necessary information to determine the costs of such an adjustment or how the adjustment would be funded.

The Committee recommended retaining the actuary to determine the cost of providing a minimum payment of $300, $400, and $500 to all retirees or their surviving spouses, and that staff determine how an adjustment would be funded.

By consent agenda, Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

Salary and Benefits Compensation Comparison Committee Report

Members were provided a Salary and Benefits Compensation Comparison Committee Summary Report - June 2012. As Chairman of the Salary and Benefits Compensation Comparison Committee, Mr. Perza reminded members that City Council established the Committee, consisting of citizens, to compare City of Dover municipal employee salary and benefit packages to the salaries and employee benefits provided by the State of Delaware and other local governments. He explained that the municipalities under review were limited to Delaware, and subgroups within the Committee were provided flexibility to seek out those municipalities most comparable to their assigned employee classifications. He stated that it was the Committee's general observation that the combined salary and benefit compensation packages paid to City of Dover employees compared favorably to other municipalities in Delaware.

Mr. Lynn reminded members that he had argued against the formation of the Salary and Benefits Compensation Comparison Committee from its inception. With no disrespect, he stated his belief that it was flawed not only in its application, but in its poor mandate. Mr. Lynn noted that, as stated by Mr. Perza, the Committee determined that there was no municipality comparable to the City of Dover in the State of Delaware, with the possible exception of the City of Newark; therefore, the mandate given to the Committee by City Council was flawed from its inception. Rather than looking at municipalities which fall within the City's Consumer Price Index (CPI) region, the Committee focused on comparing municipalities within the State of Delaware, none of which are comparable to Dover. In addition, he stated that it was flawed in its application because the Committee solely considered job titles rather than job responsibilities or qualifications. In addition, Mr. Lynn noted that old and/or outdated data (older than two (2) years) was utilized by the Committee to reach its conclusions; therefore, any information provided to members by the Committee (through no fault of their own) was not reliable and should not be given any weight. As a result, Mr. Lynn suggested the rejection of the report.

Mr. Anderson moved to recommend acceptance of the report and thanked the Committee for their work, recognizing there were limitations and, if taken into account, he felt that the information provided was extraordinarily useful. The motion failed due to the lack of a second.

Responding to comments of Mr. Lynn, Mr. Perza stated that the concerns regarding the comparability of Dover to other municipalities in Delaware was addressed by members of the Committee to the best of their ability by removing cities that did not apply, such as those that did not have an electric department. Members discussed the CPI early in the process and this was rejected since members were not concerned with employees leaving the City of Dover to go to municipalities outside of the State of Delaware (such as Annapolis or New Jersey). The Committee's concern was with employees leaving for employment with another municipality within the State of Delaware. Mr. Perza stated that several members actually spoke directly with employees of other municipalities about job titles and felt that it was an overly broad statement to indicate that the research consisted only of a job title comparison.

Responding to Mr. Lynn, Mr. Perza confirmed that there was difficulty in assessing non-bargaining employees, since there was a wide array of duties and responsibilities of the positions.

Mr. Bonar suggested that members accept the report and if desired, members of Council could request the Committee to consider some of the suggestions made by Mr. Lynn and request the Committee to conduct another salary and benefits comparison of other cities of similar size in the region.

The Committee recommended acceptance of the Salary and Benefits Compensation Comparison Committee Report as presented.

By consent agenda, Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

By consent agenda, Mrs. Williams moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - AUGUST 29, 2012

The Safety Advisory and Transportation Committee met on August 29, 2012 with Chairman Hutchison presiding.

Proposed Ordinance #2012-05 Amending Chapter 46 - Fire Prevention and Protection

Mr. Dave Truax, Fire Marshal, advised members that Proposed Ordinance #2012-05 would amend Chapter 46 - Fire Prevention and Protection and Appendix F - Fees and Fines to clarify existing language and create new subsections which would make it unlawful for any person to tamper with or impair any fire protection system from operating as designed; specify the authority of the Fire Marshal; prohibit open burning, commercial barbecuing, and unattended outdoor fireplaces at any time and authorize the Fire Marshal, code official, fire officer, or police to order the open burning extinguished; and remove the requirement for fire alarm installation reports. It would also create new sections to address fire hydrants and Fire Department connections; reporting of fires and spreading of alarms; unlawful regulations or orders; maintaining records for inspections; and marking rated walls. Mr. Truax explained that staff met with representatives of the Kent County Association of Realtors and the Central Delaware Chamber of Commerce to receive input on the proposed ordinance.

Staff recommended that the Committee forward Proposed Ordinance #2012-05 to City Council with a recommendation for adoption.

In response to Mr. Davis regarding Lines 250 - 252 of the proposed ordinance, Mr. Truax explained that in some cases building managers have issued verbal advisories or posted written orders that instruct residents to delay notification of the Fire Department when an alarm sounds, stating that the establishment's staff would make sure there was a fire and then notify the Fire Department. Mr. Truax stated that such orders would defeat the purpose of a fire alarm. He also noted that repeated soundings of a fire alarm can alert the Fire Marshal's Office that an alarm system is not being maintained properly.

Responding to Mr. Hutchison in regard to community education about the ordinance, Mr. Truax stated that the ordinance would be posted to the City's website and that the press often publicizes such ordinances. He explained that typically when new provisions are implemented, such as the requirement to keep a log of all fire inspections, staff would not issue a summons or fine for violations during the first year but would use these opportunities to educate those affected regarding the new provisions.

Mr. Hutchison suggested that a summary of the changes be prepared and distributed to larger apartment complexes and day care centers in the City. Mr. Truax stated that the information would be posted on the City's website and that staff would do whatever must be done to get the information out to the public.

The Committee recommended adoption of Proposed Ordinance #2012-05 Amending Chapter 46 - Fire Prevention and Protection, as recommended by staff.

By consent agenda, Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent). *(The First Reading of proposed Ordinance #2012-05 will take place during the latter part of the meeting.)*

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the City develops a list of transportation project priorities and submits them in the form of a letter to the Secretary of Transportation annually. She noted that she and Mr. Scott Koenig, City Manager, reviewed the priorities submitted last year and, in light of more recent discussions and issues, reordered them and included additional projects. Mrs. Townshend reviewed the 2012 Transportation Prioritization List, noting that Project #1, the West Dover Connector, was on track and moving forward. She indicated that Project #2, Sidewalks on Route 8 in the Vicinity of the New Dover High School, had been added to the list for 2012 and that this project should be given very high priority. She stated that she has been very outspoken about concerns regarding the need for signalization and pedestrian access during regular coordination meetings held in connection with the construction of the school. Mrs. Townshend noted that the Route 8/Hazlettville Road Connector project had been placed as Priority #3 and that the Delaware Department of Transportation (DelDOT) had postponed this project, with design now planned to begin in 2017. She expressed concern that traffic problems would occur if this project was not moved forward, since the new high school was scheduled to open in 2014. Mrs. Townshend stated that the Garrison Oak Connector Road was listed as Project #4 and Project #11, Kings Highway/Route 13 Intersection Improvements, was added to the 2012 list. She explained that the cost of transportation improvements needed at the intersection had hindered potential development projects, in particular at the former Playtex site at the southwest side of the intersection. She indicated that this intersection had been assigned a DelDOT Level of Service (LOS) grade of F, which would require improvements for large or small projects at that location. Mrs. Townshend stated that discussions had been held with DelDOT regarding the adoption of a resolution by City Council that would establish the intersection as a study area for transportation planning. She anticipated that the City would be working with DelDOT to bring forward what the County terms a "Transportation Improvement District" (TID), whereby a

defined area would be studied and developers would pay into a fund for associated improvements, rather than bearing the entire cost of improvements. She noted that staff felt it important to get this project on the "radar screen."

Mr. James Galvin, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), noted that DelDOT was in the process of creating its own TID model and it was anticipated that this would be available by the end of 2012. He stated that the State would begin by working with TIDs developed by the County.

In response to Mr. Hutchison regarding the number of failing intersections (are rated LOS F on the DelDOT grading system) in the City that connect with Route 13, Mr. Koenig advised members that some intersections fail only during rush hour and others fail throughout the day. He stated that the Kings Highway/Route 13 intersection fails "a couple of times per day." Mr. Koenig explained that there are a number of small properties at that location (Dunkin Donuts, Capital Cleaners, and Rita's Water Ice) and that expansion of the intersection (except at the Rite Aid property) would involve not only acquiring the right-of-way but buying and relocating the businesses. Mr. Koenig stated that it would not be possible to upgrade many of the Route 13 intersections to LOS A, B, or C because of area restrictions and the fact that large intersections are not desirable there (if not needed) because they create difficulty in crossing the highway. He felt that some intersections that were identified as either failing or almost failing would necessarily be present as part of the transportation system and that a balance must be found between the function and the level of service required. It was his recollection that the City had determined to accept a LOS D for intersections in the Comprehensive Plan.

Mrs. Townshend concurred; however, she noted that this intersection was rated below LOS D.

Mr. Koenig noted that additional information was needed to determine if only certain aspects of the intersection were failing, such as the turning angles.

Mr. Hutchison noted the importance of economic development at the intersection of Kings Highway and Route 13 and felt that options should be explored.

Mrs. Townshend stated that the other projects included on the 2012 Transportation Prioritization List had been in the queue for a number of years and noted that there were more projects than funds available; however, she felt it important that they remain "on the radar screen."

Responding to Mr. Davis, Mrs. Townshend stated that improvements could be made to the Kings Highway/Route 13 intersection prior to knowing the exact type of development that would occur because some assumptions could be made regarding the type of development expected based on the zoning and the market, and work could begin within those parameters. She noted that since the intersection was constrained, the area could be improved only to a certain point. Priorities would include making the intersection run straight across Route 13 and providing two (2) turn lanes to allow a smoother flow of traffic. She noted that the City could also consider improving Maple Parkway, which is a City street; however, she felt that most businesses at that location would want direct access to Kings Highway and Route 13.

The Committee recommended approval of the 2012 Transportation Prioritization List, as recommended by staff.

By consent agenda, Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she recently attended a Dover High School construction coordination meeting and that the remaining concerns related primarily to signalization and pedestrian access at the school. She reminded members that on June 27, 2012 the Committee recommended that City Council send a letter to the Delaware Department of Transportation (DelDOT) regarding these issues and that this letter was sent on July 9, 2012. She stated that the Secretary of Transportation responded on August 7, 2012, stating that DelDOT could not support the signalization and the sidewalk was not in their capital program; however, a cost estimate could be developed. Mrs. Townshend provided members with correspondence from Natalie Barnhart, Chief Engineer, Delaware Department of Transportation (DelDOT) dated August 29, 2012 which included a cost estimate of $600,500. Mrs. Townshend stated that staff would work with the Dover/Kent County Metropolitan Planning Organization (MPO) to prepare a Transportation Improvement Program (TIP) amendment, explaining that the project must be included in the MPO TIP before it can be submitted to the State Capital Transportation Plan (CTP). She felt that the City should work concurrently with legislators, possibly through the Transportation Enhancement Program, to see if the project could be addressed outside the CTP process, which would likely take at least two (2) years to obtain funding.

Mr. James Galvin, Principal Planner, Dover/Kent County MPO, stated that the Transportation Enhancement Program (TEP) has been discontinued under new federal highway legislation and that projects that previously competed only with other TEP submissions would now compete with all road projects.

Mrs. Townshend stated that the City would continue to bring this issue up and that other sources of funding could be explored, such as the Nemours Foundation.

Mr. Hutchison stated that student safety should be given the highest priority and that this should be emphasized with DelDOT.

Mrs. Townshend stated that if safe pedestrian access were not provided, more parents would be driving their children, requiring more cars on the road. She understood that traffic engineering models dictate how things work; however, she felt that the City must stay on the record stating this must be done correctly because this project differs from other projects in that it is a school and is built around the needs of children.

In response to Mr. Hutchison, Mrs. Townshend was unsure how many children would be walking to school; however, noted bus transportation would not be provided for students residing within two (2) miles of the school.

In response to Mr. John Gaines, Project Manager, Delaware Department of Transportation (DelDOT), Mrs. Townshend stated that high schools were ineligible for DelDOT's Safe Routes to School Program.

Mr. Davis noted that a Certificate of Occupancy would be denied to a restaurant with unsafe conditions and inquired if this were a possible course of action for the new high school.

Responding to Mr. Davis regarding the position of the Capital School District, Mr. Koenig stated that the District had a study performed which indicated that a light was not needed immediately at the east entrance of the school, and the DelDOT engineer who reviewed the project specified the amount of sidewalk that was required and the District had complied. The sidewalk being discussed was beyond the limits of the District's property and was, therefore, an offsite improvement. He indicated that members of the Capital School District have maintained that the new school is a community facility and if the infrastructure around the facility must be expanded to accommodate it, this was not their financial responsibility. Mr. Koenig stated that District members did not consider the District to be a developer and they felt that the District's community mission was to build a school and support the function of the school, not the transportation network.

Mr. Hutchison expressed his opinion that the City's function was to review and make recommendations to DelDOT, who is ultimately responsible. He noted that the City's primary concern was the safety of the students in the school and the traffic pattern.

Mr. Lynn stated his belief that, in Delaware, developers are responsible for the causative effects of projects on the surrounding community. He noted that several heavily litigated ordinances had been set forth by Kent County Levy Court and it was determined that developers are responsible for the effect they have on their surrounding community. He felt that the Capital School District was a developer and had a responsibility to the area infrastructure.

Responding to Mr. Lynn regarding the measures that the City could take to pursue this issue, Mrs. Townshend indicated that the City should begin to appeal to the Capital School Board, maintaining that they are a developer, they have a responsibility in this matter, and these are their students that the City is attempting to get safely to their facility. She felt that the City should work with the School District to "get them vocal" on the issue and to determine if they have funds that could be brought to the table. Mrs. Townshend indicated that the five (5) years that may be required to get the project through the CTP process would be too late. She felt that the District was willing to put the signal in, so the City could not hold them responsible because DelDOT would not allow signalization. Regarding the sidewalk, she suggested that the School District may be able to assist in obtaining funding from legislators.

In response to Mr. Lynn, Mrs. Townshend stated that the project plans submitted did not indicate the light; however, all discussions included two (2) signalized intersections. Staff realized early in the project that because of the location and the scale of the project, this would be one of the most important projects that they would deal with, and the Planning Commission and the Capital School Board held a joint meeting before the application was submitted and specifically discussed

signalization at that time. While staff was aware that the warrants were required, staff received the sense that this was almost a formality and was given no impression from DelDOT that there was a low likelihood that the signal would be approved.

Mr. Lynn inquired if the City could require DelDOT to install the light or shut the project down.

Mr. Koenig stated that the City would not want to withhold inspections because a massive lawsuit for damages would likely be received from the individual contractors associated with the project; however, the City did have authority to withhold a Certificate of Occupancy. In addition, he noted that there are unusual occurrences of traffic lights within the City, for example, at Gibbs Drive and Route 8,which has little sidestreet traffic. He questioned why this light met the warrants but the area in question did not. He felt that the City should advise the Capital School District about the possibility of not being able to open because of this concern.

Mr. Hutchison suggested reaching out to the President of the Capital School District Board of Education and the District Superintendent to ask them to attend next month's meeting to determine their position on this issue.

Mr. Koenig noted that the new Dover High School was a huge project that would instantaneously change that area of the City on the day that it opens.

Mr. Hutchison requested that staff obtain information from the School District regarding the number of students expected to be walking to the new high school.

Mr. Hutchison requested and members agreed that the President of the Capital School District Board of Education and the District Superintendent be asked to attend the next meeting to discuss signalization and sidewalks on Route 8 in the vicinity of the new Dover High School.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mr. John Gaines, Delaware Department of Transportation (DelDOT), provided members a briefing on DelDOT Projects, as follows:

DelDOT Repaving Project

The Delaware Department of Transportation (DelDOT) Repaving Project encompasses seven (7) locations. The first two (2) projects, College Road and Walker Road, are complete. The method of construction involves three (3) steps, including: 1) concrete work (such as islands, sidewalks, American Disabilities Act (ADA) curbs, and curb ramps); 2) any necessary intersection improvements; and 3) milling, paving, and striping. The first two (2) steps of the Forrest Avenue and Governors Avenue projects are complete, so milling of Forrest Avenue will start the first week of September (depending on weather), followed by paving during the second week, and milling on Governors Avenue will begin during the second week of September, followed by paving. He stated that, ideally, Forrest Avenue and Governors Avenue should be complete in September and DelDOT would then move forward with the remaining three (3) projects.

West Dover Connector

Semi-final right-of-way and construction plans for the West Dover Connector were submitted two (2) weeks ago, which Mr. Gaines stated was a major milestone. The next major milestone would be finalization of the right-of-way plans, which was scheduled for November. Once the final right-of-way is complete, he estimated that it would take DelDOT's real estate acquisition section approximately two (2) years to acquire properties on Charles Polk Road to clear the right-of-way. He advised members that appraisals had already been performed on these properties. Mr. Gaines stated that the project was funded for construction in FY 2015-2017 and indicated that there would be no additional update information before the semi-final and final right-of-way phases were concluded.

Route 8/Hazlettville Road Connector

Mr. Gaines stated that the Route 8/Hazlettville Road Connector project was "pushed out" and was funded for preliminary engineering in 2017. Mr. Gaines stated that this project was included in the Community Transportation Plan; however, due to a breakdown in the procedure, the environmental process was never conducted. He stated that the major landowner who would be affected by the project was not in favor of it, and without an environmental document to support acquisitions, the project could not be approved. He stated his belief that this project may have been postponed in order to work on this step of the process.

Responding to Mr. Hutchison, Mr. Gaines stated that he did not expect to attend future Committee meetings on a regular basis but was asked by DelDOT to provide an update since he was knowledgeable about the projects being discussed.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO)

Mr. James Galvin, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), stated that the Dover Pedestrian Bike Path planned for the downtown area was originally planned to extend along the St. Jones down to Public Safety Boulevard using funding identified by the Governor for bicycle routes. He indicated that the portion of the project behind Legislative Hall from the St. Jones, down Court Street to Route 13, and along Route 13 to the traffic light at the intersection of Public Safety Boulevard had been funded. This section was currently in the design phase, which should be complete by January 2013, and it was hoped that construction would begin in the Spring of 2013. He indicated that a meeting had been arranged with the City to discuss this first phase. Mr. Galvin advised members that future phases of the project would include the area along Park Drive to Legislative Hall and Court Street (behind the Delaware Public Archives) and a connection from Court Street to the former sewage treatment plant and continuing along the river as far as possible and ultimately connecting with Pine Street.

In addition, Mr. Galvin advised members that the Dover/Kent County MPO was in the process of amending the Transportation Improvement Program (TIP), and one (1) of the items included was approval of additional funding for extending Clarence Street from North Street to Forest Street. He reviewed a plan for the project that was developed by Century Engineering, approved by DelDOT, and was presented through public workshops. An additional $1.4M was being sought which would cover final design into the right-of-way phase, although it would not allow for acquiring all of the necessary right-of-way or for construction of the project. He noted that the route runs through a tar

ditch, goes around an industrial warehouse and buildings that are accessible from Lincoln Street, and runs through two (2) houses on Forest Street, and the net real affect would be on these two (2) houses. Mr. Galvin stated that additional funding was being sought in the TIP to pay for the project to move forward within the next year.

By consent agenda, Mrs. Williams moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 10, 2012

The Legislative, Finance, and Administration Committee met on September 10, 2012 with Chairman Lynn presiding. *It was noted that, except for the following time sensitive issue, the Legislative, Finance, and Administration Committee Report of September 10, 2012 would be presented to Council during their Regular Meeting of September 24, 2012 for review and consideration.*

Purchase of Police Department Parking Enforcement System

Police Chief James Hosfelt presented a request for approval of the sole vendor purchase of a new parking enforcement system for the Police Department from Cardinal Tracking, Inc., to be funded by the US Department of Justice, Office of Justice Programs, Justice Assistance Grant (JAG) Program, in the amount of $47,125.00, and State Aid to Local Law Enforcement (SALLE) Grant funds, in the amount of $2,875.00.

Chief Hosfelt explained that the system currently in use was obsolete and could not be updated to include the features needed to implement the recent changes incorporated by the City. He noted that, currently, data cannot be queried to allow retrieval of necessary information to support scofflaw (repeat/habitual offenders) reporting, which is vital to implementing the City's new Vehicle Immobilization law. The limitations of the current system do not permit the effective collection of unpaid debts. The new system allows for customized queries, which would enable the Department to retrieve data in almost any form; however, the old system does not have this capability. The new parking enforcement system would also update both the hardware and software components and eliminate the need to employ an outside collections agency. The new handheld computer units feature integrated cameras, eliminating the need for enforcement personnel to carry digital cameras, and the images would automatically flow with the violation data. A point-of-sale component in the Records Unit would allow for the immediate posting of payments to accounts. The cost also includes the conversion of current data, as well as on-site system set-up, installation and training.

Chief Hosfelt stated that Cardinal Tracking, Inc. would host the system; therefore, the City would not be required to purchase a server.

In response to Mr. Shevock, Chief Hosfelt stated that, unfortunately, the existing equipment could not be retrofitted to the new system. He stated that the current system would remain in use until all existing fines were paid and the new system would be used in parallel until that time.

In response to Mr. Hare, Chief Hosfelt confirmed that the existing equipment would not be discarded but kept as backup.

Mr. Lynn noted that, due to time constraints, staff requested that this matter be considered during the Council Meeting later in the evening.

Staff recommended approval of the sole vendor purchase of a new parking enforcement system for the Police Department from Cardinal Tracking, Inc.

Mr. Hare moved to recommend approval of staff's recommendation, seconded by Mr. Rushe and unanimously carried.

Responding to Mr. Bonar, Police Chief James Hosfelt stated that the US Department of Justice, Office of Justice Programs, and Justice Assistance Grant (JAG) Program funding in the amount of $47,125 had been approved and was made available for technology upgrades.

Responding to Mr. Perza, Chief Hosfelt stated that there were no ongoing maintenance or licensing fees for the system software.

Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Russell absent).

Mr. Hare moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Lynn and unanimously carried.

MONTHLY REPORTS - JULY 2012

By motion of Mrs. Williams, seconded by Mr. Bonar, the following monthly reports were accepted by consent agenda:

Chief of Police	Dover Fire Department
City Assessor	Economic Development
City Manager	

Referring to demolition permits in the City Planner Report, Mr. Leary requested Mrs. Ann Marie Townshend, Director of Planning and Community Development, to provide a status report on the three (3) Wesley College properties located in the 100 block of North Governors Avenue that were being prepared for demolition. Mrs. Townshend advised members that the properties had a fence around them, the asbestos abatement had been done and the paperwork had been turned in, and demolition permits were issued three (3) weeks ago. She stated that she had been in contact with the contractor and Dr. William Johnston, President of Wesley College. Dr. Johnston had advised her that they were working to demolish the buildings as soon as possible. The Director of Security for the college was conducting regular patrols of the houses to be sure they were secured and the maintenance staff would inspect the fencing to ensure that any necessary repairs are made to keep it secure. Dr. Johnston anticipated that the buildings would be demolished soon, although equipment was to have arrived last week and it did not.

Mr. Hare stated that the demolition services were being donated and a little leeway should be given in this matter. He indicated that delays were caused by the asbestos abatement and removal of oil tanks.

Responding to Mrs. Williams, Mrs. Townshend stated that the relocation of staff from White Oak Park to Schutte Park would not disrupt any activities. She noted that the classroom space at the Pitts Center was being converted to staff offices and a number of programs would be relocated to the new library in October.

Mr. Bonar moved for acceptance of the City Planner Report, seconded by Mr. Hare and unanimously carried.

RECONSIDERATION OF EVALUATION OF PROPOSALS - ELECTRIC UTILITY VALUATION SERVICES

Council President Leary advised members that this item was considered during the Council meeting of August 27, 2012. A motion to award the contract failed to obtain the affirmative vote of a majority of the members elected to the Council, as required by Article II, Section 10, of the City's Charter. Councilman Anderson moved for reconsideration and to have this entered on the minutes for the next Council Meeting for consideration when the full Council was present.

Mr. Scott Koenig, City Manager, advised members that in October 2011, City Council authorized staff to oversee the preparation of a Request for Proposals (RFP) for a Cost of Service Study to determine the valuation of the entire City of Dover Electric System. Due to the technical and legal complexity of the RFP process for this type of request, staff utilized the services of Mr. Kirk Betts, the City's power supply attorney, to develop and prepare the RFP, as well as to review submissions from the consultants who expressed interest in the project.

Mr. Koenig indicated that on June 18, 2012, the City of Dover issued an RFP seeking proposals from qualified independent consultants to provide an opinion and study regarding the value of the City's electric utility system and four (4) proposals were received in response. He explained that the proposal evaluation process included two (2) components: the technical component process, which included compliance with the form and content requirements of the RFP, expertise and experience, valuation approach, comprehensiveness of the work plan and adequacy of analytical procedures; and the second component, which was related to pricing evaluation. Mr. Koenig stated that Betts & Holt, LLP, ranked the proposals as follows: 1) GAI Team; 2) Burns; 3) AERCA Team; and 4) MRV.

Based upon the ranking and the recommendation of Betts & Holt, LLP, staff recommended that the City of Dover award the contract for Electric Utility System Valuation Services to GAI Consultants in the amount of $117,500.

Responding to Mrs. Williams, Mr. Koenig stated that, according to the scope of work, the study must consider the following factors: 1) net book value of the Electric System's generation, transmission, and distribution assets and infrastructure; 2) replacement cost new depreciated value (RCND) of the Electric System; 3) valuation of the Electric System (revenue analysis) as an ongoing enterprise to

determine range of values over book value; 4) net proceeds that Dover would realize from a sale of the Electric System after subtracting funds for refunding of outstanding debt and other expenses; 5) comparison of the Electric System's rates with the rates of other retail electric utilities serving customers in Delaware; 6) analysis of the replacement cost of electricity for municipal facilities; 7) possible tax revenues (i.e., property taxes and franchise fees) that may be realized by the sale of the Electric System; 8) impact of loss of Electric System revenue on Dover's General Fund; 9) impact of long-term solar energy power supply contract and forward energy positions on valuation; 10) Dover staffing and payroll changes that are likely to result if the Electric System is no longer a Dover responsibility; and 11) other potential values lost or gained, such as economic development, if the Electric System is sold. Mr. Koenig stated that if the City moves forward with the study, there would be something of value in the study for everyone, whether it be from a business operations standpoint or a sales standpoint.

Responding to Mrs. Williams, Mr. Koenig stated that the study would include debt released, the impact, and the valuation of any potential power agreement related to Calpine.

Mr. Bonar stated that there was no offer on the table for the sale of the electric department. He felt that the study would provide the tools to thoroughly assess, study, and determine the exact worth of the operation in addition to providing a means to operate more efficiently.

Mr. Lynn stated that he was adamantly opposed to the sale of the electric utility. He noted that although the scope of the study was broader than selling the utility, it was predicated upon selling the electric utility. Mr. Lynn stated that the utility was the backbone of the City's economic infrastructure, selling it would be foolish, and spending $100,000 in these economic times to satisfy the curiosity of certain Council members was not worth it.

Mr. Perza stated that he was very hesitant about selling the asset; however, he was concerned about the maintenance cost to keep the asset. He did not want the City to "go under" because of a decision that they have made. Mr. Perza believed that the information that could be learned from the study would be valuable for the purposes of making the system more efficient and determining how best to use the assets, which would benefit the City.

Mr. Hare noted that he previously proposed the possible sale of the electric utility for a good price. He felt that the study could answer the question of why it should not be sold.

Mr. Hutchison stated that the electric utility was the City's greatest asset. He felt that this would be one of the most important studies that could be conducted to answer questions regarding the utility.

Mr. Lynn stated that he did not know what would be done with the money generated from the sale of the utility, nor how those funds could be insulated from spending by future Councils. He stated that because the Electric Fund was used to subsidize the General Fund on an annual basis, the absence of those funds would be catastrophic to the economic health of the City.

Mr. Bonar stated that the study would provide information and tools to determine how the system was being operated and its true value.

Mrs. Williams moved for approval of staff's recommendation to award the contract for electric utility valuation services to GAI Consultants in the amount of $117,500 based on the recommendation provided by Betts & Holt, LLP, seconded by Mr. Bonar and carried by a roll call vote of six (6) yes (Perza, Bonar, Williams, Hare, Hutchison, and Leary) and one (1) no (Lynn) (Anderson and Russell absent).

ANNEXATION/REZONING REQUEST - 110 AND 136 RUSTIC LANE, OWNED BY TAILILOU, LLC - FIRST READING OF PROPOSED ORDINANCE #2012-21

A request was received for annexation and rezoning of properties located at 110 and 136 Rustic Lane, owned by Taililou, LLC. 110 Rustic Lane (ED00-057.02-02-38.00-000) consists of $1.118^{+/-}$ acres and is currently zoned BG - General Business (Kent County). 136 Rustic Lane (ED00-057.02-02-40.00-000) consists of $0.56986^{+/-}$ acres and is currently zoned RMH - Residential Manufactured Home District (Kent County). The proposed zoning classification for both parcels is C-2A - Limited Central Commercial (City of Dover). Staff recommended that the request be referred to the Utility Committee on September 24, 2012, the Planning Commission on October 15, 2012, and that a Public Hearing be set for November 26, 2012 at 7:30 p.m.

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Hutchison and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendment as read by the City Clerk, by title only, as follows:

ORDINANCE #2012-21 AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 110 AND 136 RUSTIC LANE.

FIRST READING - PROPOSED ORDINANCE #2012-05 AMENDING CHAPTER 46 - FIRE PREVENTION AND PROTECTION AND APPENDIX F - FEES AND FINES

Council President Leary reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office and that final action by Council on the proposed ordinance would take place during the Council Meeting of September 24, 2012.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that proposed Ordinance #2012-05 was reviewed with representatives of the Chamber of Commerce and the real estate community and there were no issues on their part. She noted that the ordinance would clarify existing language and create new subsections which would make it unlawful for any person to tamper with or impair any fire protection system from operating as designed; specify the authority of the fire marshal; prohibit open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time and authorize the fire marshal, code official, fire officer, or police to order the open burning extinguished; and remove the requirement for fire alarm installation reports.

It would also create new sections to address fire hydrants and fire department connections; the report of a fire and spreading of alarm; unlawful regulations or orders; maintaining records for inspections; and marking rated walls.

Mr. Lynn asked if the unattended burning portion of the ordinance would address the issue of unattended residential meat smokers. Mrs. Townshend stated that open burning, commercial barbecuing, and outdoor fireplaces were addressed. She noted that the challenge would be determining what would be considered unattended and the concern was that the Fire Marshal's Office and Police Department would be regulating backyard barbecuing on a regular basis.

Responding to Mrs. Williams, Mr. Dave Truax, City of Dover Fire Marshal, stated that if a fire extinguisher is necessary to extinguish a fire, the incident should be reported to the Fire Department.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

ORDINANCE #2012-05 AMENDING CHAPTER 46 - FIRE PREVENTION AND PROTECTION AND APPENDIX F - FEES AND FINES

COUNCIL MEMBERS ANNOUNCEMENTS

Mr. Bonar announced that the Delaware Volunteer Firefighters' Association would be meeting in Dover and the annual parade would be held on Saturday, September 14, 2012.

Council President Leary announced that the Dover Fire Department would hold its Second Annual "Getting Hosed" 5K Run and Walk on September 22, 2012 at Buffalo Wild Wings at 9:00 a.m. He noted that this was a fundraising event and that registration information could be obtained from www.trisportsevents.com or by calling Mrs. Rebecca Rollison at 302-736-4242.

Mayor Carey reminded everyone that the following day would be September 11th and requested all to remember those who lost their lives, as well as the men and women who are defending us.

Mr. Bonar announced that, for the first time since 1930, a Dover Fire Department member, Charles Boyer, would be sworn in as President of the Delaware Volunteer Firefighter's Association.

By unanimous consent, the meeting adjourned at 8:26 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of September 10, 2012 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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Exhibit
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 126 N. Ann Avenue

Violation of Dangerous Building Ordinance 126 N Ann Ave

Planning & Inspections Department

Dover, Delaware

September 10, 2012

Regular Council Meeting of 09/10/2012 **EXHIBIT #1**

126 N Ann Ave
Case History

- Five code enforcement cases since 2010
  - Exterior violations
  - Tall grass and weeds
  - Abandoned vehicle
  - Vacant Building
- Registered by the City as a vacant building in May of 2010
- Subject of fire in October of 2010
- Condemned by City Staff on May 10, 2011
- Source of neighbor complaints

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(4) *Fire Damage, etc.*

(5) *Unfit for Human Habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


126
DANGER
FOR SALE
BY OWNER
09/10/2012 09:32


OR SALE
BY OWNER
09/10/2012 09:32


09/10/2012 09:32


09/10/2012 09:32


Sage
AN EXCEPTIONAL EATING EXPERIENCE
Sage
09/10/2012 09:33


09/10/2012 09:33


09/10/2012 09:33


09/10/2012 09:33

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **October 10, 2012** by the owner or equity owner at their own risk.
- 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**.
- 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.

Certificate of Recognition

presented to

Mr. Charles H. Boyer

in recognition of

being Dover's first firefighter to be elected as President of the Delaware Volunteer Firefighters Association since 1930.

The City of Dover extends its congratulations on achieving such a prestigious honor.

Current Years of Service:
Dover Volunteer Fire Department for 54 Years
Delaware Volunteer Fire Association for 25 Years

Presented on September 24, 2012

Carleton E. Carey, Sr.

Carleton E. Carey, Sr.
Mayor

PROCLAMATION

WHEREAS, *we recognize the vital role that technology has in our daily lives and in the future of the City of Dover, whereby today many citizens, schools, libraries, businesses, and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education, and conducting business; and*

WHEREAS, *critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and*

WHEREAS, *the use of the Internet at the primary and secondary school levels in our city enhances the education of youth by providing them access to online educational and research materials; and at institutions of higher education, the use of information technology is integral to teaching, learning, research, outreach, and service; and*

WHEREAS, *Internet users and our information infrastructure face increasing threats of malicious cyber-attack, invasion of privacy from spyware and adware, and significant financial and personal privacy losses due to identity theft and fraud; and*

WHEREAS, *maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of the City of Dover information infrastructure and economy.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, do hereby proclaim October 2012 as

Cyber Security Awareness Month

in the City of Dover and urge all citizens to learn about cyber security and put that knowledge into practice.

Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
MAYOR

PROCLAMATION

WHEREAS, *the City of Dover is committed to ensuring the safety and security of all those living in and visiting our city, and fire is a serious public safety concern both locally and nationally; and*

WHEREAS, *the greatest risk of fire is in the home, and home fires result in more than 2,600 deaths per year; and*

WHEREAS, *one-third of those who burn fires in American households estimate a timeframe of at least six minutes before a home fire might become life threatening; however, in reality, the time available is often less; and*

WHEREAS, *less than one-fourth of Americans have developed and practiced a home fire escape plan and it is imperative that individuals and families practice such a plan at least twice per year; and*

WHEREAS, *the City of Dover Fire Marshal and Volunteer Fire Department are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and*

WHEREAS, *the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice a home fire escape plan year-round.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, do hereby proclaim October 7 – 13, 2012 as

Fire Prevention Week

in the City of Dover and urge all people to practice their home fire escape plan during Fire Prevention Week and to support the many public safety activities and efforts of fire and emergency service personnel.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: September 12, 2012
PREPARED BY: Tim Taraila, Code Enforcement Supervisor; Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 212 N Governors Ave, 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 # 12-2056
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 $10,000-15,000. **AMOUNT BUDGETED**: $150,000 Budgeted for all demolitions Citywide in the FY-2013 Budget; As of September 17, 2012, there is $114,558.48 remaining in the line item. **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 **October 24, 2012** 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 Deutsche Bank National Trust Company. The property is a two story wood framed single family home with a detached one car garage to the rear of the property. The dwelling was condemned as unfit for human habitation on 7/20/12 due to the lack of utilities and the amount of broken windows and unsecured doors. The City has boarded the property several times and on 8-10-12, unknown subjects entered the dwelling and started a fire in the front 2nd floor bedroom, causing additional damage to the home. Currently the structure is still vacant, with no active utility services and in a serious state of disrepair.

Remediation & Restoration of Mirror Lake, Dover



September 24, 2012

Synopsis

- Mirror Lake is impacted by sedimentation, stormwater runoff, chemical contaminants, excess nutrients, invasive plant species and bacteria.
- DNREC, in partnership with the Silver Lake Commission, is proposing an innovative project to address these impacts & improve aesthetics.
- Culmination of Silver lake Revitalization Plan initiated in 2007.

Options for Remediation & Restoration:

A. Do nothing and wait it out
   - *No cost but fails to address habitat or contaminant problems. Long wait (~74 years) on contaminants .*

B. Dredge
   - *Several downsides for this option.*

C. Cap it
   - *Medium costs, contaminants remain & may still diffuse through cap. Can be integrated with habitat restoration.*

D. "Sequester" it in Place
   - *Contaminants remain but bioavailability & bioaccumulation greatly reduced, hereby cutting eco & human health risks; Half the cost of dredging. Also, this approach can be integrated with habitat restoration. This is DNREC's preferred option.*

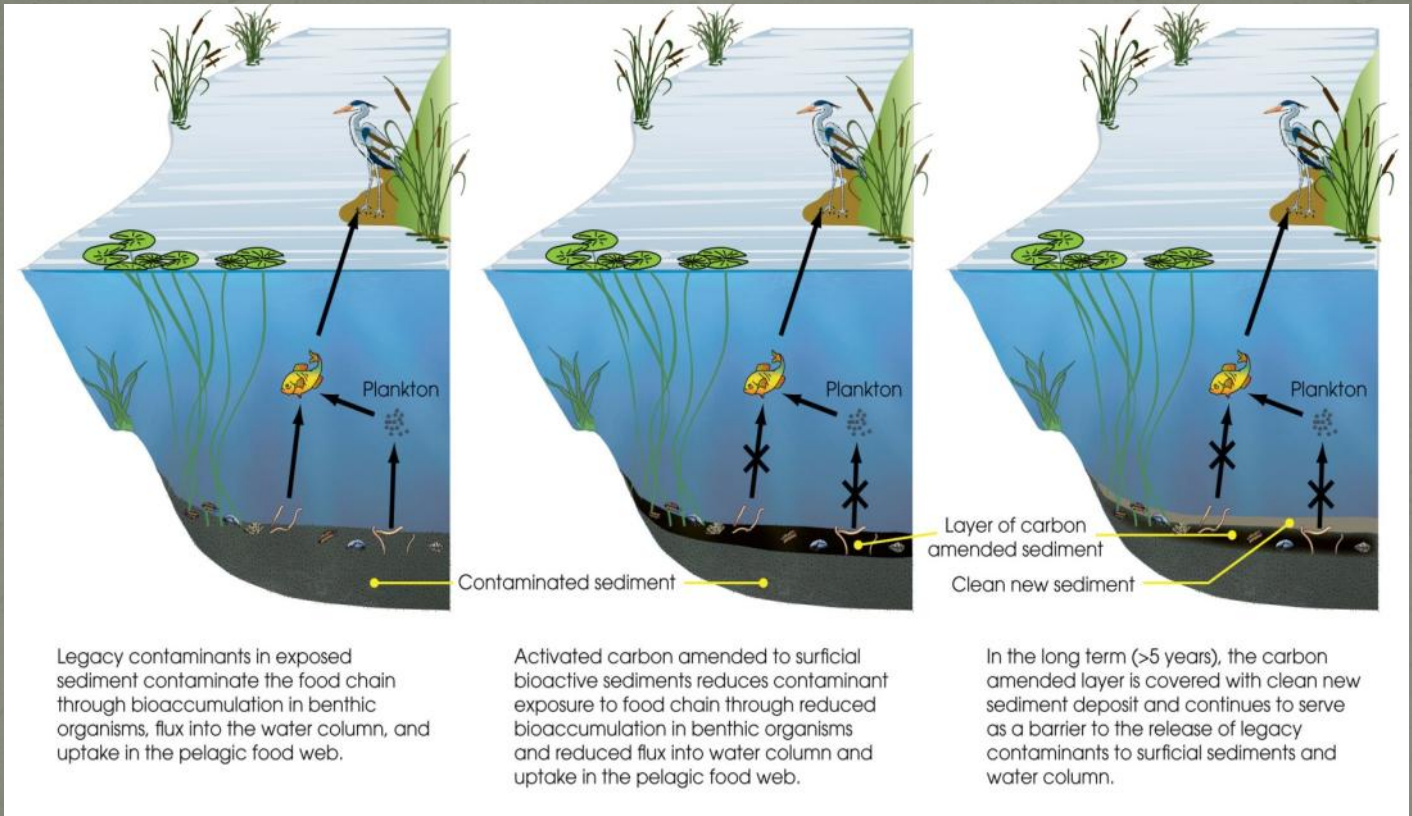
Proposal

- DNREC staff contacted international expert in 2011 to explore feasibility of carbon sequestration of contaminants in Mirror Lake & downstream channel
- Mirror Lake considered good candidate
- Expected Reduction of contaminant bioavailability: 70 – 90% or better in 5 years or less; much less than 50 to 70 years for no-action alternative.

Activated Carbon Sequestration

- Involves incorporating activated carbon directly into sediments to bind the contamination and reduce bioavailability.

How it works:

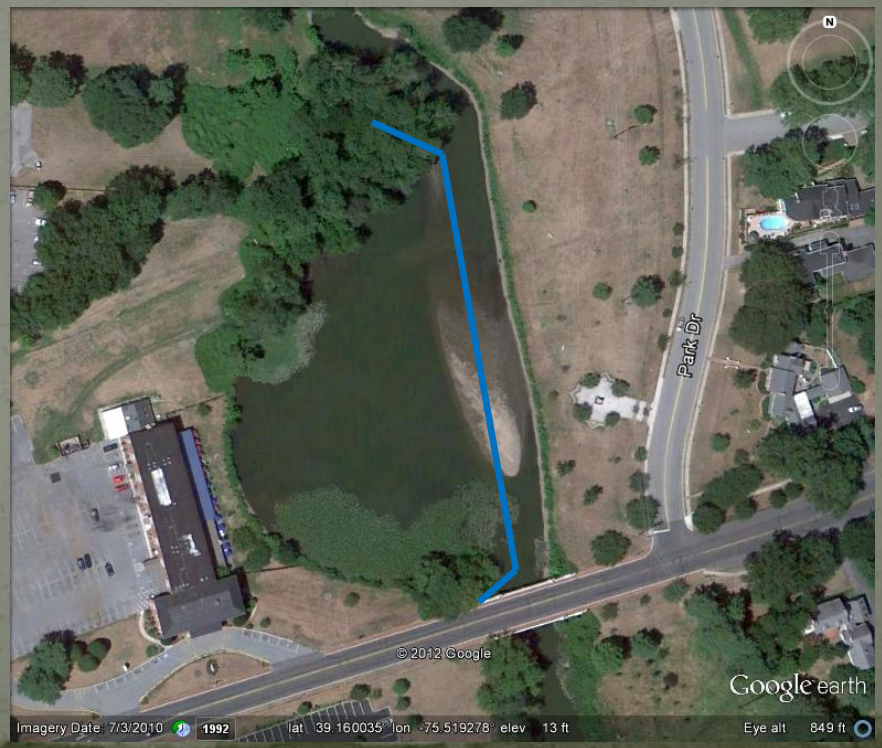


bioaccumulation → reduced bioaccumulation → new sediment=barrier

Dewatering Operation

- Optimum time is November
  - *Lower risk of hurricanes and frontal storms; also base flow still low*
  - *Avoids fish spawning runs; also recreational fishing winding down*
- Draw down Silver Lake as temporary buffer
- Install Portadam & dewater Mirror Lake w/ high capacity pumps





Improved Habitat & Aesthetics

- After carbon is incorporated, wetland areas on either side will be expanded & enhanced, while maintaining existing flow channel.
- Existing sand bar will be incorporated into the design
- New wetland areas will serve as natural cap for the contamination; improve ecological functions; and significantly improve aesthetics of the Lake with little maintenance.

Artist's rendering looking north



Artist's rendering looking east



Artist's rendering looking west



Funding

- Estimated Cost = $0.75 million (includes planning, design, construction, and monitoring)
- $0.68 million secured from State HSCA program
- $63K also secured from DNREC to develop plans & specs
- No costs to prepare Fed & State permit applications (will be done in-house by DNREC)
- Labor for much of construction from DNREC & Conservation District. Some labor from City of Dover would be very helpful.

How Can City of Dover Help?

- Enthusiasm & overall support for the project
- Access/staging agreement
- Draw down Silver Lake prior to dewatering (careful!)
- Labor:
  - Lift truck to help unload & load Portadam frames
  - 2 people to help set up & tear down the frames
- Plantings

Milestones

Task	Timing
Project Proposal	Complete – 5/2012
Artist's Renderings	Complete – 5/2012
Community Input & Support	Ongoing – Initiated Spring 2012
Plans & Specs	Target Completion – 1/2013
Secure Permits	Target Completion – 5/2013
Baseline Monitoring (water, sed & fish)	Target Completion – Summer /Fall 2013
Construction	Nov through Dec 2013
Post-construction Monitoring	Nov 2014 and Nov 2015
Reporting	Various

Acknowledgements

Scott Koenig
Silver Lake Commission, esp. Dean Holden
City of Dover Parks & Rec

- Upal Ghosh, UMBC
- Frank Piorko
- Marj Crofts
- Steve Williams
- Lyle Jones
- Brittany Sturgis
- John Cargill
- Melanie Tymes
- Steve Wright
- Mark Biddle
- Chuck Williams
- Dave McQuaide & Robin Tyler
- Lara Allison
- John Schneider
- Stew Michels & Cathy Martin
- Bob Enright
- Virgil Holmes
- Ed Bonner, USACE

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on September 10, 2012, at 12:03 p.m., with Councilman Bonar presiding in the absence of Chairwoman Russell. Members present were Mrs. Horsey and Mr. Lewis (departed at 1:15 p.m.). Mr. Anderson was absent.

AGENDA ADDITIONS/DELETIONS

Mr. Lewis moved for approval of the agenda, as presented, seconded by Mrs. Horsey and unanimously carried.

Presentation - Restoration and Remediation of Mirror Lake

Mr. Dean Holden, Chair, Silver Lake Commission, recognized the joint effort of the Commission and the Department of Natural Resources and Environmental Control (DNREC) in developing a project focusing on two (2) main areas of concern at Mirror Lake, mercury/PCB contaminants (which led to a prohibition against eating fish from the Lake) and visual aesthetics, related to the sandbar in the area. Mr. Holden stated that Mr. Rick Greene, Environmental Engineer, DNREC, had presented information to the Commission regarding ways to resolve the issues, including securing funding sources for the majority of the project, and that some members of Council had attended related meetings. In addition, he noted that Mr. Scott Koenig, City Manager, and other City officials had provided input and that public workshops were held to provide the community an opportunity to voice their concerns. Mr. Holden referenced a few ideas relating to the project that were in progress, including a volunteer program for clean-up and a biannual clean up schedule. He noted that, although some residents expressed concern regarding maintenance of plantings along the waterway, the overall public response to the project was supportive. He requested that members look upon the project favorably and move it forward for Council's consideration. He noted that it was hoped that construction could begin in the Fall of 2013.

Mr. Rick Greene provided members with an informational sheet, "Remediation and Restoration of Mirror Lake" ***(Attachment #1)*** and reviewed a presentation entitled "Restoration and Remediation of Mirror Lake, Dover, dated July 1, 2012." The presentation focused on four (4) main areas, including the vision for the project, a review of problems that the project presented, options to remedy the problems, and details regarding DNREC's preferred solution.

Responding to Mr. Bonar, Mr. Greene stated that the sediment involved with this project was not so heavily contaminated that it would be considered hazardous waste. He indicated that contaminants do the most damage in an aquatic environment and accumulate in high concentration; therefore, it would be preferable to move the sediment to a dry area that could be controlled and capped rather than spreading it in a marsh.

Mr. Greene indicated that if no action were taken, it would take approximately 74 years for the concentration of PCBs in Mirror Lake sediments to drop to the point that fish from the Lake would be edible; therefore, various alternative options were considered, along with the challenges associated with them. This led to DNREC's preferred method to "Sequester it in place," and he provided a detailed explanation of the process and the costs, challenges, and benefits of this option,

which would reduce the level of contaminants by 70% - 90% within five (5) years. He stated that, in an effort to further determine the feasibility of the project, DNREC reached out to Dr. Upal Ghosh, Professor, University of Maryland, Baltimore County, and it was concluded that the Mirror Lake project was a good candidate for the carbon treatment proposed by DNREC.

Mr. Greene estimated the cost of the project to be approximately $750,000, including planning, design, construction, and monitoring. He further advised that a great deal of funding had already been secured, including $680,000 from the State Hazardous Substance Cleanup Act (HSCA) program and $63,000 from DNREC, for the development of plans and specifications. Mr. Greene stated that additional funding and assistance were still needed from the City, including support for the project concept, authorization for access to the necessary areas, drawing down the lake prior to the inception of the project, and providing labor, the use of equipment and plants. Mr. Greene acknowledged those who had contributed to this project, including Mr. Koenig; the Silver Lake Commission (and specifically Mr. Holden); members of the Parks, Recreation, and Community Enhancement Committee; and many others.

In response to Mr. Lewis regarding the procedure for capping carbon pellets, Mr. Greene advised that fill would be added to create a wetland bench that would lock in the pellets, keep them from moving downstream, and ultimately allow them to be incorporated into the sediment. He noted some fish fatalities would be unavoidable, but by drawing down the lake slowly, fish would be driven into other areas and harm would be minimized. Mr. Greene explained the State of Delaware Division of Fish and Wildlife had agreed that the long-term benefits of the project would outweigh the short-term impact.

Responding to Mrs. Horsey, Mr. Greene stated that once the pellets were contained in the sandbar along with fill that would be added, the pellets would remain stable. He noted that the heaviest contaminants were on the western side of the Lake; however, he felt that both the eastern and western sides of the Lake were fairly stable.

In response to Mr. Bonar regarding the specific contributions that were being requested from the City, Mr. Greene indicated that labor, the use of a lift truck, and sandbags were desired and he estimated the cost of the City's contribution at approximately $25,000.

Responding to Mr. Bonar, Mr. Koenig confirmed that fountain pumps that the City previously purchased to aerate Mirror Lake (which cost approximately $5,000 - $8,000) became clogged with sediment and were being stored in the City warehouse. Mr. Holden noted that the Silver Lake Commission considered this option to address green algae; however, a consultant report determined that a number of aeration stations spread throughout the lake would be needed, which would be very costly, energy intensive, and would not address the issue. He explained that the lake contained 50% agricultural and 50% urban contaminants and noted that dredging the lake could eliminate blue/green algae but might cause different types of algae, such as brown or red, that could potentially be more threatening and damaging to the environment. Mr. Holden noted that the fact that the Lake is a manmade ecosystem makes remedying the situation very challenging. He indicated that there are a number of storm water discharges and highways that drain directly into the lake and suggested that

perhaps Delaware Department of Transportation (DelDOT) be approached to contribute funds toward remedying this problem. Mr. Holden explained that cost was a concern, noting that a study performed a number of years ago identified 80 storm water retrofits that were needed. He estimated that this would cost $50M and stated the need to establish a funding source for this purpose. He explained that no single project would eliminate blue-green algae and that appropriate expectations must be set up for what could be accomplished. Mr. Holden advised members that the project could be addressed in small increments, including aspects such as storm water retrofits and streambank restoration.

Mr. Bonar expressed his support for the project and encouraged the Commission and the City Manager to look for funding sources to remedy the deterioration of Mirror Lake and Silver Lake more effectively. Responding, Mr. Holden noted that obtaining funds was a challenge and that a grant proposal was recently submitted to improve the water quality behind Central Middle School. He indicated that it is difficult for the general public to understand that it costs a great deal of money to complete such projects and suggested that members of Council speak to the public on these issues so that a funding source could be developed to address the problem on a larger scale.

Mr. Koenig advised members regarding the challenge of maintaining related projects once they are complete, noting that a 15-page maintenance document was generated related to the repair of buffers in the area and that the City did not have adequate staffing to implement this document. In addition, he anticipated that some of the residents on Park Drive would object to the project, noting that they had expressed concerns about the buffer that was put in north of the area on Park Drive. Residents indicated that growth was too tall, obstructing their view of the water, and had not been properly maintained.

Mr. Greene assured members that the residents would be able to see the water following the planting that is planned for the Lake, as outlined in this project.

Mr. Holden pointed out that a program was being organized with citizen assistance to address these concerns.

Mr. Lewis moved to recommend support for the restoration and remediation of Mirror Lake, as presented, seconded by Mrs. Horsey and unanimously carried.

Presentation - Overview of City of Dover Recreation Programs

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that following the retirement of Mr. Zachery Carter, former Director of Parks and Recreation, in June 2012, the City Manager made the decision to remove funding for this position from the budget. The parks responsibilities of the position were then assigned to the Public Works Department and the recreation responsibilities to the Planning Department. Due to the change in structure, Mrs. Townshend felt it important for members to be introduced to recreation staff and receive information regarding programs and employee responsibilities. Mrs. Townshend introduced staff members, including Mr. Steve Pickering, City Sports Coordinator; Mr. Wayne Voshell, Recreation Center Coordinator; Ms. Peggy O'Brien, Office Clerk; Ms. Carolyn Courtney, Administrative

Assistant; and Mrs. Sherwanda Rachel-Speaks, Recreational Specialist. Mrs. Townshend also recognized the part-time employees who help the Pitts Center run successfully, including Ms. Katie Burns and Ms. Connie Dickerson (Building Supervisors) and Ms. Hollie Dee and Ms. Amy Webb, (Service Center Clerks), who were not present at the meeting.

Mrs. Townshend reviewed a presentation, entitled "City of Dover Recreation," ***(Attachment #2)*** highlighting the City's recreation programs. She advised members that the Recreation Division was faced with a number of challenges in maintaining its budget and increasing revenue. She acknowledged that recreation programs are typically not entirely self-supporting; however, she noted that the City's program was approximately 20% self-supporting, whereas Newark's program (the only comparable program in the area) was 50% self-supporting. Mrs. Townshend stated that the department was evaluating the revenue structure and fees and looking for ways to boost revenue. Some ideas that were presented included adding age 18+ drop-in basketball for a fee, offering birthday party packages, establishing a surcharge for non-residents or a discount for residents, starting a wellness program (which would include programs for healthy cooking, fitness trails, etc.), and incorporating bike safety into the programming. She noted that staff attempted to cut costs by discontinuing its newsletter; however, this proved detrimental and was reinstated in August. Mrs. Townshend indicated that a Facebook page for the Center had been established. She explained that the summer months bring a lull to the usage of the Pitts Center due to the lack of air conditioning; however, during the winter months it is in high demand. Mrs. Townshend advised members that Mr. Koenig has made rectifying this situation a priority because it presents a challenge when the Center is shut down during summer months due to high temperatures. Mrs. Townshend stated that staff would hold an all-day brainstorming and idea-sharing event on September 14, 2012 to look for ways to bridge the revenue gap by expanding on current offerings.

Mr. Bonar thanked Mrs. Townshend and her staff and expressed the Committee's support and appreciation for their efforts.

No further action was taken by the Committee regarding this matter.

UPDATES

The following updates were provided to members:

Planning and Funding for New Library

Mr. Scott Koenig, City Manager, stated that the Library was 10 days from completion and would open on time, with the Ribbon Cutting Ceremony scheduled for Thursday, September 20, 2012 at 10:00 a.m. Mr. Koenig advised members that Governor Jack Markell, members of Kent County Levy Court, and members of City Council would be in attendance, among others. Mr. Koenig acknowledged that the State of Delaware Division of Libraries had been assisting with setting up the computers and preparing for the opening.

CDBG Program

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Status of Community Development Block Grant (CDBG) Projects for FY 2011/2012.

By unanimous consent, the meeting adjourned at 1:18 p.m.

David L. Bonar
Acting Chairman

DLB/MFK/js/dd/tm
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Attachments
Attachment #1 - Informational Sheet - Remediation and Restoration of Mirror Lake
Attachment #2 - Presentation - Overview of City of Dover Recreation Programs

Remediation and Restoration of Mirror Lake

What: Mirror Lake, part of the tidal Saint Jones River, is located at the gateway to historic Dover, Delaware. Unfortunately, Mirror Lake is impacted by sedimentation, stormwater runoff, chemical contaminants, excess nutrients, invasive plant species and bacteria. The Department of Natural Resources and Environmental Control (DNREC) is proposing an innovative project to address these impacts and improve the visual appeal of the Lake. The Mirror Lake project is the largest and most ambitious part of the final phase of the Silver Lake Park Revitalization Plan that was initiated in 2007.

Why: Chemical contaminants, including polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs), and mercury entered the Lake from land-based sources, primarily in the past. These contaminants accumulated in fish and other aquatic life, leading to a fish consumption advisory in 1988 to protect public health. Although contaminant input has declined over time, the rate of ecosystem improvement is slow due to the persistent nature of the contaminants. If action is not taken, DNREC forecasts it will take several decades for the fish in Mirror Lake to be safe to eat and for the advisory to be lifted.

How: DNREC has developed a project that it expects will reduce the contaminants in fish that reside in Mirror Lake by up to 90% within 5 years, and will address several of the other problems. DNREC's remediation and restoration actions will include:

- Mixing activated carbon into the sediments to bind the contaminants in place and covering the most contaminated areas with clean sediments.
- Incorporating the existing unsightly sandbar into a habitat restoration design.
- Replanting Mirror Lake with native wetland plants to restore function to the aquatic ecosystem and enhance its aesthetic appeal.
- Monitoring the progress and success of the project.

Who: The project is a partnership between:

- All Divisions within DNREC
- University of Maryland Baltimore County (UMBC)
- Dover's Silver Lake Commission
- City of Dover
- Citizen volunteers

When: The project timeline is:

- Early 2013 – Finalize plans & specifications.
- Spring 2013 – Secure all necessary permits.
- Summer 2013 – Perform baseline monitoring of water, sediment, and fish.
- Fall 2013 – Begin construction (will last 4-6 weeks).
- 2014 and 2015 – Post-construction monitoring.

City of Dover Recreation

CITY OF DOVER
Parks & Recreation

ATTACHMENT #2
PR&CE Committee Meeting of September 10, 2012

Our Full Time Staff











Pitts Center Staff









Recreation Programs

- Fitness Classes
- Bus Trips
- Enrichment Classes
  - Soul Line Dancing
  - Cooking Classes
  - Jewelry Making
  - Chocolate Making





Youth Programming

- Sports Camps
- Camp Small Wonder
- After School Program – Town Point Elementary
- GAMES – Grant Sponsor/Administrator
- Holiday Events
  - Breakfast with Santa
  - Easter Egg Hunt
- Challenger Football
- Challenger Basketball





Sports Leagues

- Softball
- Field Hockey
- Volleyball
- Basketball
- Indoor Field Hockey
- Indoor Girls Lacrosse





Facility Rentals

- Pavilions
- Fields
- Pitts Center



Special Events/Other

- Amish Bike Tour
- Capital Holiday Celebration
- Old Dover Days
- Greater Dover Arts Council
- Silver Lake Commission

The Challenges

- Developing new programs
- Getting the word out
- Revenue – FY 2013 Revenue Projection is approximately 20% of operating budget
- Demands for facility usage – Pitts Center

Opportunities….

- New Opportunities for Partnerships
- Opportunities for Revenue – Cost Recovery
  - Re-evaluate field rental rates
  - Fee for open gym – Non-residents only?
  - Non-resident surcharge or Resident discount program
- Wellness programs – Grant opportunities?
  - Healthy cooking
  - Fitness trail

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on September 10, 2012 at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Rushe, and Mr. Shevock. Mr. Anderson was absent. Members of Council present were Council President Leary, Mr. Bonar (arrived at 5:59 p.m.), and Mr. Perza (arrived at 5:36 p.m.; departed at 5:57 p.m.). Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

Purchase of Police Department Parking Enforcement System

Police Chief James Hosfelt presented a request for approval of the sole vendor purchase of a new parking enforcement system for the Police Department from Cardinal Tracking, Inc., to be funded by the US Department of Justice, Office of Justice Programs, Justice Assistance Grant (JAG) Program, in the amount of $47,125.00, and State Aid to Local Law Enforcement (SALLE) Grant funds, in the amount of $2,875.00.

Chief Hosfelt explained that the system currently in use was obsolete and could not be updated to include the features needed to implement the recent changes incorporated by the City. He noted that, currently, data cannot be queried to allow retrieval of necessary information to support scofflaw (repeat/habitual offenders) reporting, which is vital to implementing the City's new Vehicle Immobilization law. The limitations of the current system do not permit the effective collection of unpaid debts. The new system allows for customized queries, which would enable the Department to retrieve data in almost any form; however, the old system does not have this capability. The new parking enforcement system would also update both the hardware and software components and eliminate the need to employ an outside collections agency. The new handheld computer units feature integrated cameras, eliminating the need for enforcement personnel to carry digital cameras, and the images would automatically flow with the violation data. A point-of-sale component in the Records Unit would allow for the immediate posting of payments to accounts. The cost also includes the conversion of current data, as well as on-site system set-up, installation and training.

Chief Hosfelt stated that Cardinal Tracking, Inc. would host the system; therefore, the City would not be required to purchase a server.

In response to Mr. Shevock, Chief Hosfelt stated that, unfortunately, the existing equipment could not be retrofitted to the new system. He stated that the current system would remain in use until all existing fines were paid and the new system would be used in parallel until that time.

In response to Mr. Hare, Chief Hosfelt confirmed that the existing equipment would not be discarded but kept as backup.

Mr. Lynn noted that, due to time constraints, staff requested that this matter be considered during the Council Meeting later in the evening.

Staff recommended approval of the sole vendor purchase of a new parking enforcement system for the Police Department from Cardinal Tracking, Inc.

Mr. Hare moved to recommend approval of staff's recommendation, seconded by Mr. Rushe and unanimously carried.

Transfer of Street Light Accounting to Electric Fund

Mrs. Donna Mitchell, Controller/Treasurer, reviewed correspondence received from Ms. Emilie Ninan, City of Dover Bond Counsel, dated August 24, 2012. She explained that it was the opinion of the Bond Counsel that attempting to charge for street lights through the Electric Fund could run the City in default of the bonds. Ms. Ninan recommended that the City transfer additional fundsfrom the Electric Fund, rather than charging individual customers for all of the street lights in the City of Dover.

In response to Mr. Lynn's question regarding the legality of charging through the Electric Fund, Mrs. Mitchell stated that it was the opinion of the Bond Counsel that the City would risk running in default of the Bond Covenants. Mrs. Mitchell explained that Ms. Ninan's correspondence indicated that the City could not provide for free electric in the Electric Fund and could be in default of bond covenants if this were attempted.

Mrs. Mitchell expressed her preference that the City use the electric transfer rather than a surcharge for street lights.

Mr. Lynn informed members that, during the Special Council Meeting - Budget Review session held on May 30, 2012, he proposed moving the street lights out of the General Fund into the Electric Fund to "free up" approximately $1M from the General Fund, thus reducing the budget deficits projected for the out years.

Mr. Lynn questioned if Mrs. Mitchell knew how the municipalities of Newark, Milford, Smyrna, New Castle, Seaford, Middletown, Clayton, and Lewes handle this issue. In response, Mrs. Mitchell stated that she contacted Smyrna, Middletown, and Newark but had not yet received a response from Newark. She stated that Smyrna allows the Electric Fund to absorb the street lights and does not charge the General Fund for the street lights or any municipal electric. Middletown has free meters, but this is not charged to individual departments or to the General Fund; the transfer is reduced by that amount. However, she stated that Smyrna and Middletown have no bond covenant restrictions because they are a part of Delaware Municipal Electric Corporation, Inc. (DEMEC); therefore, their bonds are covered through DEMEC, separate from the government. She explained that DEMEC is similar to an electric co-op; therefore, there are no bond covenants that restrict how electricity is charged.

In response to Mr. Shevock, Mrs. Mitchell stated that if the City were to be in default of the bond covenants, a suit could be filed by the bondholders and the City would have to pay the bonds.

Mr. Hare stated that he would prefer to wait to make a recommendation on this item until information could be provided by the other six (6) municipalities.

In response to Mr. Rushe, Mrs. Mitchell stated that she was unsure what municipalities the Bond Counsel consulted, although they were out of their client base. She indicated that Ms. Ninan discussed this matter with other attorneys to determine if they knew of any other municipalities using this method of allocation.

Mr. Leary expressed his thought that when credible opinions are received that indicate that the City may be running the risk of default on bonds, the discussion should stop. With heightened scrutiny from bond rating agencies, he stated his opinion that too much discussion of this issue was probably not a good thing. Although members relayed their desire to reach out to the other municipalities to determine how they handle this issue, it was Mr. Leary's opinion that an equal comparison could not be made and he felt that this was a moot point.

Mr. Perza thanked Mrs. Mitchell for following up on this issue and expressed his concurrence with Mr. Leary's statement.

Mr. Rushe moved to accept the recommendation of the Bond Counsel to use the provisions of 507A(e) of the resolution to transfer necessary funds to the general fund, (since) trying to get a general fund expense paid out of the electric fund in a different way runs the risk of bondholders claiming an event of default has occurred under the resolution and, ultimately, could result in acceleration of the bonds, seconded by Mr. Shevock, and unanimously carried.

Reduced Rates for All-Electric Homes in December, January, and February

During the Open Forum Segment of the April 9, 2012 City Council Meeting, Mr. Ted George, 77 Billings Drive, requested that members consider providing an electric rate discount during the months of December, January, and February for those customers with all-electric homes. During the Regular Council Meeting of July 9, 2012, City Council approved the recommendation of the Legislative, Finance, and Administration Committee that the proposal to reduce electric rates for all-electric homes be referred to staff for cost analysis and review.

Mr. Scott Koenig, City Manager, reviewed a memorandum regarding Reduced Rates for All-Electric Homes in December, January, and February dated September 4, 2012. He stated that he understood the interest in such a program, but that he could not support the request based on the current market conditions related to the City's Electric Utility. Mr. Koenig noted that the City's rate structure does not afford for this special classification of residential customers and the added staff burdens would not be beneficial to the remaining customers.

Mr. Shevock moved to not provide reduced rates for all-electric homes, as recommended by staff, seconded by Mr. Rushe and, by a vote of two (2) yes (Rushe and Shevock) and two (2) no (Hare and Lynn), the motion failed.

Mr. Hare stated that he was not opposed to the idea but requested more in depth information because he believed that there are a lot of people who heat with electric but use gas in their homes as well. He stated his opinion that this reduction should only be considered for City residents.

In response to Mr. Shevock's question regarding what constitutes an all-electric home, Mr. Koenig explained that determining this was part of the problem, since the current billing system does not distinguish between customers who have all-electric versus partial electric homes; therefore, staff would have to conduct investigations of all of these homes to determine if the customer would qualify for such a program. He expressed his belief that the City could not offer the reduction to only in-City customers, since the City has a uniform electric rate for all of its service territories, and offering the program to in-City customers would require distinguishing between that classification. He stated that, to his knowledge, the customer who requested consideration of this item was not an in-City customer.

Mr. Hare suggested, if this were approved, that customers would apply in the same manner that property owners apply for a tax exemption. The burden would be placed on each applicant to prove they have an all-electric home. If a cost were incurred because a member of staff was required to inspect the home, the customer would incur that cost to obtain the exemption. Responding, Mr. Koenig stated that staff could create such a program if this was Council's desire; however, he cautioned that when a house is built, there is no guarantee that conditions will remain the same because of renovations or changes in technology, noting that people "chase the market." He stated that market conditions have changed since the origin of this concept; therefore, this would not be a one-time issue but would need to be updated occasionally.

Mr. Hare stated his opinion that the program would not include a rate reduction; rather, customers would be required to apply and, based on square footage or the appropriate measurement, they would qualify for a credit during the three (3) specified months, and customers would have to reapply each year. Responding to Mr. Koenig, Mr. Hare confirmed that he was suggesting a program similar to the tax exemption program. He stated his feeling that this was an issue of fairness, since there are a number of people who have lived in Dover for many years and were told that they would have this opportunity, which was then taken away.

Mr. Lynn concurred with Mr. Hare; however, he understood the reasons behind Mr. Koenig's position as stated in the memo, due to staff resources being stretched so thin. However, he stated that he would like to see a more in-depth analysis to determine the cost, although he realized that it may be impossible to quantify how many houses would be affected by such a program at this point. Responding, Mr. Koenig stated that this could be quantified, but it would take a lot of "guess work."

Mr. Hare moved that the proposal to reduce electric rates for all-electric homes be referred back to staff for a more in-depth analysis, seconded by Mr. Lynn.

Mr. Shevock requested, if the proposal were referred back to staff, that staff determine the cost for the City to administer such a program (including whether an additional employee would be necessary) and the number of houses that would be involved, and provide a cost analysis to determine whether the program would be cost effective for the City, based on the additional cost to the City versus the savings that would be realized by the customers.

Mr. Hare expressed his opinion that a new employee should not be hired; rather, the City could contract out inspections and the applicant could incur the expense.

Mr. Hare and Mr. Lynn agreed to amend the motion to include Mr. Shevock's request.

The motion that the proposal to reduce electric rates for all-electric homes be referred back to staff for a more in-depth analysis, and that staff determine the cost for the City to administer such a program (including whether an additional employee would be necessary) and the number of houses that would be involved, and provide a cost analysis to determine whether the program would be cost effective for the City, based on the additional cost to the City versus the savings that would be realized by the customers, was carried unanimously.

Discussion - Renaming of Division Street as Martin Luther King, Jr. Boulevard
Mr. Lynn thanked members of the public for their attendance and interest.

Mr. Lynn stated that the proposal to change the name of Division Street to Martin Luther King, Jr. Boulevard had been under discussion for some time and that this issue was brought to his attention by the efforts of Mayor Carey as well as Senator Brian Bushweller.

Mr. Lynn expressed his concern with the current Code requirement that individuals must circulate a petition to secure the signatures of various land owners in order to begin the process of changing the name of a street. He stated that concerned citizens who want to change the name of a street could put hours of leg work and time in, and then come before Council and have the request "shot down" and have to start all over. He did not wish supporters to spend hours of time if their request would not garner the support that it needs.

Mr. Lynn stated that this was a two (2) part question; 1) should the City of Dover have a Martin Luther King, Jr. Boulevard, and (if so); 2) where it should be located. He felt that Division Street should be renamed Martin Luther King, Jr. Boulevard.

Mr. Lynn stated that in conversations with Mr. Nicholas Rodriguez, City Solicitor, Mr. Rodriguez opined that City Council could circumvent the petition portion of the street name change ordinance, since it was well within the City's purview to change the name of its own streets. Rather than having this group work to complete a petition, it was Mr. Lynn's thought to "just get it done," since this was an important issue that needed to be addressed.

Mr. Shevock questioned which sections of Division Street would be renamed. Responding, Mr. Hare stated that it was his understanding that the request was for the renaming to extend from Route 13 to Saulsbury Road.

Mr. Hare stated that he did not have a problem with the proposal but suggested another opportunity for public comment. He stated his opinion that this was an issue that was long overdue. He was aware that the community had previously discussed the possibility of renaming College Road; however, he was uncertain why that was not pursued.

Mr. Shevock questioned the ramifications this would have on the Delaware Department of Transportation (DelDOT) since Route 8 is a State road through the City. Responding, Senator Brian Bushweller stated that his office had contacted DelDOT regarding this specific question and DelDOT staff confirmed that the naming of streets in a City was up to the City and they have no role in this issue since the area in question is within the City limits.

Mr. Hare stated that the road would still be considered Route 8, as DuPont Highway is considered Route 13, and Senator Bushweller confirmed that the route markings would remain the same.

Mr. Shevock questioned who would be responsible for handling address numbering changes. Responding, Senator Bushweller stated that there are address numbering issues involved in a street renaming, for example, the 911 Center would have to be reprogrammed so that the correct address shows up when a call is received. Mr. Shevock stated that his concern was in regard to the post office refusing to deliver mail that was not properly addressed, which reportedly occurred in Sussex County. Senator Bushweller could not offer any guarantees but stated that he would be happy to be a part of the process in making sure that similar problem does not occur in Dover.

Senator Bushweller thanked Mr. Lynn for introducing this issue and allowing for public discussion. He stated that he was in attendance to reflect his personal support for the idea of renaming Division Street as Martin Luther King, Jr. Boulevard. He expressed his opinion that Martin Luther King, Jr. became a seminal figure in the development of our Constitutional republic and espoused the need for all Americans to enjoy the same rights, liberties, involvements, and access. He firmly believed that the capital city of the Delaware should have a street named after Martin Luther King, Jr. and stated that he had not heard from anyone who disagreed with that notion. It was his opinion that, given the significance of Martin Luther King, Jr. to our country, the street selected should be a significant street in the City, and as Division Street is located in the center of the City, he believed it to be a good choice. He indicated that his staff confirmed with the Division of Historical and Cultural Affairs and the Delaware Public Archives that there is no significant historical element to the name Division Street in Dover.

Mr. Lynn thanked Senator Bushweller for his support, and expressed his opinion that changing the name from Division Street to Martin Luther King, Jr. Boulevard symbolically carries great weight, and that simply changing the word “division” to recognize someone who preached unity was in and of itself symbolically powerful.

Mayor Carey concurred with Senator Bushweller's comments and expressed the importance of renaming Division Street. He reminded those present of Dr. Martin Luther King, Jr.'s concerns regarding education, and noted the presence of Booker T. Washington Elementary School, Central Middle School, Wesley College, and Elizabeth W. Murphey School in this area. He stated that this proposal meant a lot to the community and stated his support.

Mr. Lynn thanked Mayor Carey for his efforts regarding this matter.

Mr. Bonar felt that this change should have been accomplished 34 years ago. He noted that this roadway also encompasses East Division Street and Forrest Avenue within the City limits, and Forrest Avenue would soon be home to Dover High School, which is another plus from the educational standpoint of Dr. King's views. He stated that his initial reaction was not quite 100% enthusiastic because he would rather see Legislative Avenue renamed Martin Luther King, Jr. Avenue since that is where the laws of this State are made and, in his opinion, Dr. King had the greatest impact on social change and government in our country. However, given the fact that there has been discussion on changing Division Street, it was his suggestion that East Division Street and Forrest Avenue be included, from one end of the City to the other. He voiced his support for such a proposal.

Mr. Leary expressed his agreement with Mr. Lynn's opening comments and indicated he was heartened to see so many people in the Council Chambers for such an important subject. He requested that the Committee's motion encompass ample opportunity for public input.

On behalf of the Dover Human Relations Commission, Mr. Roy Sudler, Jr., Chairman, 57 Tallowick Lane, Dover, expressed support for the renaming Division Street to Martin Luther King, Jr. Boulevard. As a Fourth District constituent, Mr. Sudler expressed his hope that City Council would unanimously vote to make this change in the near future.

Reverend Michael Rogers, President, Interdenominational Ministerial Alliance (Dover vicinity), 118 Springfield Way, Dover, thanked the Mayor, Senator Bushweller, and Councilman Lynn for the opportunity to address this matter. He stated that this proposal had been discussed throughout the community for a long time, beginning with Pastor Rudolph Coleman, Mt. Zion A.M.E. Church, Dover, who initiated it between ten and fifteen years ago. He thanked members of the Committee for their comments and support and stated that this was an issue that he wanted to see come to fruition. Reverend Rogers informed members that the Interdenominational Ministerial Alliance, the Churches Association, and many groups from within the community have held several forums over the course of the past few months and asked that members call on them if there is anything they could do to move this matter forward.

Mr. Lynn thanked Reverend Rogers and Nelson Hill, President, White Oak/Towne Point Civic Association for bringing this matter to his attention during his attendance at a White Oak/Towne Point Community Outreach meeting.

Representative Donald Blakey, 956 Bison Road, Dover, Delaware, congratulated members for considering changing street that currently bears the name Division Street to Martin Luther King, Jr. Boulevard. He explained that dramatic changes had occurred in Dover since he moved here in the early 1950s, and that with this street name change, there may be a reversal in the character of the area, which he stated would be a "real bonus."

Mr. William T. Wilson, 838 Forest Street, Dover, expressed the honor he felt to be present. He stated that he had witnessed many changes in the City of Dover during his lifetime and faced trials and tribulations in regard to segregation, and was proud to hear the Committee "speak up" for renaming Division Street Martin Luther King, Jr. Boulevard.

Mr. Fred Tolbert, Vice Chairman, City of Dover Planning Commission, 35 Karen Place, expressed his full support for the renaming of Division Street to Martin Luther King, Jr. Boulevard, and read a statement into the record, as follows:

> The uniquely significant achievements of Reverend Martin Luther King has been acknowledged and memorialized with great pride around the world, including a Pulitzer Peace Prize. A large number of American cities and states have elected to memorialize the accomplishments of Reverend Martin Luther King and his leadership of the civil rights struggle. Unfortunately, the City of Dover, Delaware has not attempted to recognize the meaning of the civil rights struggle and Reverend Martin L. King's success, until this time, with leading America toward recognizing the real meaning of civil rights and equality. Dover, Delaware is the capital city of the First State and, as such, it should provide leadership for the State in the areas of governance, equality, and democratic beliefs and practices. The fact, to date, that the City of Dover has not officially recognized the accomplishments of Reverend Martin Luther King is unquestionably an unacceptable blemish on its record and should be corrected as quickly as possible, as this Committee is attempting to do. The renaming a portion of Division Street to honor the name of Reverend Martin Luther King is a very small way to honor such an internationally known hero and civil rights leader. In reality, it would be significantly more appropriate to name the new Dover library after Martin Luther King and/or to erect a memorial to him in a prominent place such as: 1) the front of the new library, 2) on Loockerman Street on the islands in front of City Hall, or 3) on The Green. These suggestions are offered not as an alternative to renaming Division Street but in addition to renaming Division Street. The action that Dover City Council takes on this issue is most important to all residents of the City and it will send a positive message to all that Dover, Delaware is finally approaching an area of progressive thinking that will be most beneficial to the City and all of its inhabitants.

Pastor Richard Avant, Calvary Baptist Church; President Emeritus of the Interdenominational Ministerial Alliance; and longstanding member of the Dover community, shared that his heart was lifted to see such support for this proposal from members of the Committee as well as the

community. In reference to Mr. Hare's earlier comments, he explained that Mayor Carey researched and developed the "College Road concept" which was discussed by members of the community; however, a consensus was reached that, due to the history involved in the naming of College Road, a different road should be selected in recognition of Martin Luther King, Jr. He stated that he was overwhelmed by the support shown by Senator Bushweller, Representative Blakey, and Mayor Carey, and that he would like to see this street renaming accomplished during his lifetime.

Mr. Theodore A. Hendricson, retired Air Force Lieutenant, shared a brief history regarding the freeing of slaves in Delaware.

Mr. Lynn acknowledged that, due to a prior obligation, Mr. Rushe had to excuse himself from the meeting but he asked Mr. Lynn to share his support for Martin Luther King, Jr. Boulevard and that, pursuant to his own research, he found that as of 2009, there were at least 730 cities, spanning 39 states, which had a Martin Luther King, Jr. Boulevard.

Dr. Wilma Mishoe, 353 Rita-Wilma Road, Dover, stated that she was glad to see such support in the audience from members of the Dover community. On behalf of herself and her sister, Reverend Rita Paige, she stated that she agreed with the comments of those who preceded her at the podium and was overjoyed by the opportunity that City Council had to write a new chapter in the history of Dover. She thanked the members of the Committee for their consideration.

Mr. Kenneth Roach, 816 Slaughter Street, Dover, stated that he was born and raised in Dover, Delaware and was overjoyed by the outpouring of community support for this proposal. He explained that Dr. Martin Luther King, Jr. "brought people together" and was always one of his heroes. He expressed his opinion that it was a great injustice that the capital of the First State did not have a street named after Martin Luther King, Jr. Mr. Roach thanked members of the Committee for their consideration of this matter.

Mr. Hare moved to recommend that a public hearing regarding this matter be set for Monday, October 8, 2012 at 7:30 p.m., seconded by Mr. Lynn.

Mr. Bonar requested that the language for the renaming of Division Street to Martin Luther King, Jr. Boulevard include Division Street from "City limit to City limit."

Mr. Hare moved to amend the motion to recommend that a public hearing regarding the renaming of Division Street as Martin Luther King, Jr. Boulevard be set for Monday, October 8, 2012 at 7:30 p.m. and that the language for the renaming of Division Street to Martin Luther King, Jr. Boulevard include Division Street from "City limit to City limit," seconded by Mr. Lynn and unanimously carried.

Mr. Lynn thanked the members of the public who came out in support of this proposal.

Mayor Carey thanked those present for their hard work thus far.

Mr. Hare moved for adjournment, seconded by Mr. Shevock and unanimously carried.

Meeting adjourned at 6:35 P.M.

Sean M. Lynn
Chairman

SML/TM/dd/js/mk
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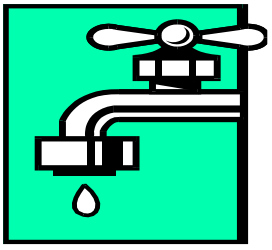
CITY OF DOVER

FINANCE & CENTRAL SERVICES DEPARTMENTS

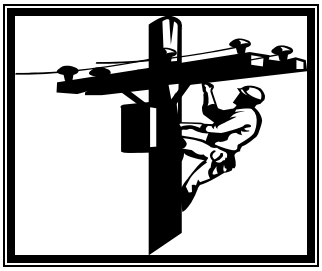
MONTHLY BUDGET REPORT

JULY 2012









PREPARED BY: FINANCE DEPARTMENT

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

City of Dover
July 2012 Monthly Budget Report

FINANCE DEPARTMENT ACTIVITY LEVELS

	FY12 YTD			FY13 YTD		
BANK TRENDS						
Number of Deposits Made	423			480		
Total Amount of All Deposits	$ 20,010,532			$ 21,259,083		
PAYROLL						
	Hours	%	Amount	Hours	%	Amount
Gross wages per registers	**106,089**	**100.0%**	**$ 2,473,729**	**68,463**	**100.1%**	**$ 1,621,194**
Wages and Hours Worked						
Regular	88,831	83.7%	$ 1,882,669	55,425	81.0%	$ 1,203,663
All over time	2,998	2.8%	$ 179,542	3,977	5.8%	$ 179,919
Other Paid or Unpaid Wages and Hours						
Vacation	8,860	8.4%	$ 241,940	5,040	7.4%	$ 130,683
Sick	4,074	3.8%	$ 126,033	1,617	2.4%	$ 39,041
Furlough (July 2010)	-	0.0%	$ -	-	0.0%	$ -
Terminal Leave - Retiree Vacation/Sick Payout	-	0.0%	$ -	1,412	2.1%	$ 30,667
Comp Time	950	0.9%	$ 29,503	797	1.2%	$ 21,705
Personal	161	0.2%	$ 4,562	216	0.3%	$ 3,293
Leave Without Pay	-	0.0%	$ -	-	0.0%	$ -
Other (description below)	216	0.2%	$ 9,481	63	0.1%	$ 12,222

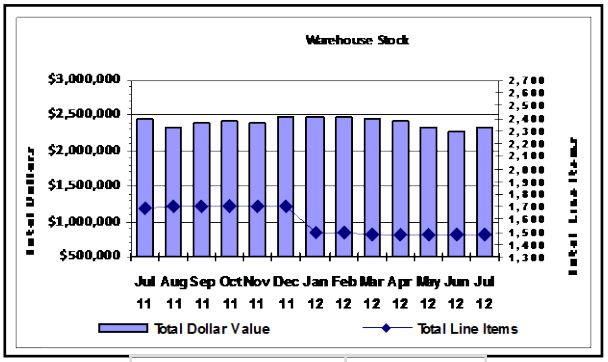
Other includes: pay adjustments, military differential pay, committee meetings, worker compensation tracking/adjustments, etc.

Other Activity		
Number of Pay Periods	3	2
Number of Payroll Checks & Direct Deposits Issued	1,189	753
Number of Pension Checks Issued	238	244
Total Pension Benefits Paid - Defined Benefit Plan	$ 379,018	$ 404,271

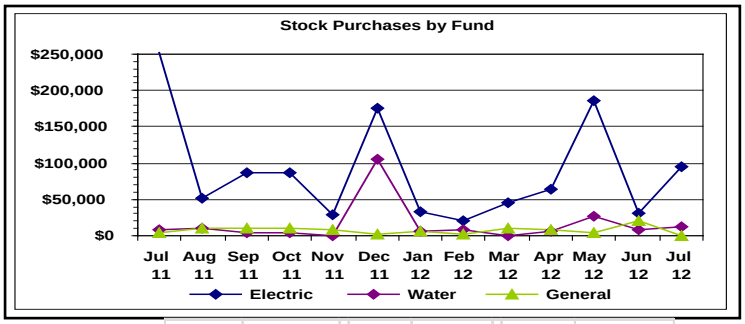
Payroll Checks & Direct Deposits issued: number of payroll checks issued for FY 2010 includes separate checks for shoe allowance & clothing allowance.

ACCOUNTS PAYABLE		
Number of Check Vouchers	7,116	158
Number of EFT Vouchers	2,413	59
Vouchers Dollar Amount Disbursed	$ 100,054,206	$ 2,159,766

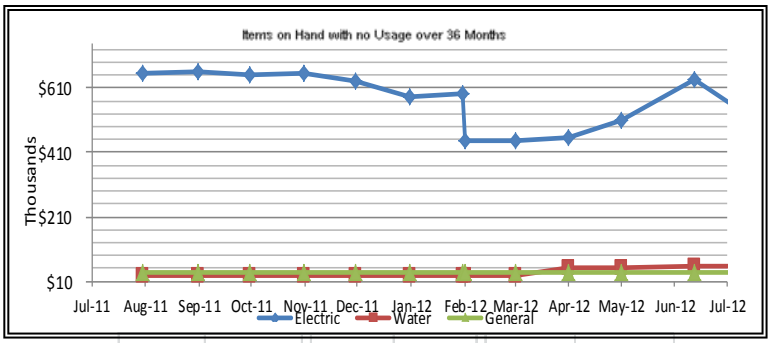
CENTRAL SERVICES JULY 2012 REPORT



Total Dollar Value:	$2,337,829
Total Line Items:	1,476



Electric:	$96,917	Water:	$12,705	General	$961



Electric:	$530,378	Water:	$54,668	General:	$36,895

Fuel Use		
Unleaded:	11,738.8	gallons
Diesel:	7,192.5	gallons
Total:	$ 55,182	

City of Dover
Finance Department
Monthly Report –July 2012

General Fund Summary

	Budget	YTD	Balance	8% of Budget
Beginning Balance - unaudited	$ 2,666,600	$ -	$ 2,666,600	0.0%
Revenues				
Court of Chancery Fees	753,800	-	753,800	0.0%
Fines & Police Revenues	1,162,400	159,206	1,003,194	13.7%
Franchise Fees	550,000	-	550,000	0.0%
Grants	708,500	100,000	608,500	14.1%
Intrafund Services	4,329,100	344,111	3,984,989	7.9%
Library & Recreation Revenues	602,100	7,675	594,425	1.3%
Licenses & Permits	2,508,300	1,371,482	1,136,818	54.7%
Property Taxes (Includes BID Revenue) (1)	11,049,000	10,645,341	403,659	96.3%
Other Miscellaneous Revenues	130,500	1,232	129,268	0.9%
Garrison Farm Rent Revenue	62,000	14,094	47,906	22.7%
Transfers-In from Special Funds & Utilities				
Civil Traffic Penalties	750,000	-	750,000	0.0%
Municipal Street Aid Fund	527,400	-	527,400	0.0%
Transfer Taxes	1,370,000	-	1,370,000	0.0%
Verizon and CI Reserves	11,000	-	11,000	0.0%
Water/Wastewater Fund	500,000	-	500,000	0.0%
Electric Fund	8,000,000	-	8,000,000	0.0%
Total Revenues	35,704,300	12,862,279	22,842,021	36.0%
Total Beginning Balance & Revenues	**$ 38,370,900**	**$ 12,862,279**	**$ 25,508,621**	33.5%
Expenditures				
City Clerk & Council	$ 441,100	$ 27,425	$ 413,675	6.2%
Mayor, City Manager & Human Resources	822,100	51,565	770,535	6.3%
Police & Police Extra Duty	13,774,600	862,873	12,911,727	6.3%
Public Services	4,359,300	262,328	4,096,972	6.0%
Central Services	1,968,400	112,391	1,856,009	5.7%
Planning & Inspections	1,996,600	107,930	1,888,670	5.4%
Finance, Info Tech & Customer Services	2,423,400	267,876	2,155,524	11.1%
Library & Recreation	1,963,600	114,872	1,848,728	5.9%
Fire Department	688,300	94,649	593,651	13.8%
Assessor	187,500	19,105	168,395	10.2%
Contribution to DDP	180,000	-	180,000	0.0%
Miscellaneous Grant Expense	25,000	-	25,000	0.0%
Other Employment Expenses	463,400	-	463,400	0.0%
Insurance	600,000	129,529	470,471	21.6%
OPEB - Retiree's Health Care Contribution	1,620,600	-	1,620,600	0.0%
Police Pension Trust Contribution - State Grant	500,000	100,000	400,000	20.0%
Appropriation to Pension Fund	1,405,500	1,405,500	-	100.0%
Street Lights	869,700	74,683	795,017	8.6%
Debt Service	624,200	309,506	314,694	49.6%
Provision for Uncollectible	10,000	-	10,000	0.0%
Transfers Out				
Capital Projects Fund	613,400	-	613,400	0.0%
Total Expenditures	35,536,700	3,940,232	31,596,468	11.1%
Budget Balance - Working Capital	2,834,200	-	2,834,200	0.0%
Total Budget Balance & Expenditures	**$ 38,370,900**	**$ 3,940,232**	**$ 34,430,668**	10.3%
Reserve Balances				
Contingency	$ 731,100	$ 721,193		

(1) Property Taxes are the taxes billed and not cash received. The outstanding receivable balance as of 07/31/12 is $1,885,585.27 as compared to $2,636,428.86 in July 2011.

City of Dover
Finance Department
Monthly Report –July 2012

Water/Wastewater Fund Summary

	Budget	YTD	Balance	8% of Budget
Beginning Balance - Water - unaudited	$ 865,100	$ -	$ 865,100	0.0%
Beginning Balance - Wastewater - unaudited	$ 853,000	$ -	$ 853,000	0.0%
Beginning Balance - Kent County Treatment - unaudited	$ (553,500)	$ -	$ (553,500)	0.0%
	1,164,600	-	1,164,600	0.0%
Revenues				
Water Fees	4,730,700	494,889	4,235,811	10.5%
Wastewater Fees	3,834,600	338,268	3,496,332	8.8%
Kent County Treatment Fees	3,090,800	280,114	2,810,686	9.1%
Ground Water Adjustment Fees	1,257,600	125,796	1,131,804	10.0%
Water Tank Leases	313,500	2,851	310,649	0.9%
Interest Earnings - Water	8,700	-	8,700	0.0%
Interest Earnings - Water/Wastewater	17,100	-	17,100	0.0%
Miscellaneous	77,000	3,716	73,284	4.8%
Impact Fees - Water	350,000	11,600	338,400	3.3%
Impact Fees - Wastewater	317,000	12,400	304,600	3.9%
Total Revenues	13,997,000	1,269,634	12,727,366	9.1%
Total Beginning Balance & Revenues	**$ 15,161,600**	**$ 1,269,634**	**$ 13,891,966**	8.4%
Expenses				
Water/Wastewater Operating Divisions				
Engineering & Inspection	$ 597,900	$ 22,546	$ 575,354	3.8%
Water	408,200	21,532	386,668	5.3%
Water Treatment Plant	1,522,600	83,045	1,439,555	5.5%
Wastewater	993,000	42,930	950,070	4.3%
Construction & Inspection	345,700	19,472	326,228	5.6%
Kent County Treatment Fees	3,600,000	321,675	3,278,325	8.9%
Intrafund Services	1,235,400	84,968	1,150,432	6.9%
Pension Unfunded Liability	309,800	309,800	-	100.0%
OPEB - Retiree's Health Care Contributions	220,000	-	220,000	0.0%
Debt Service	1,263,600	34,631	1,228,969	2.7%
Inventory/Fixed Asset Write-offs	5,000	-	5,000	0.0%
Other Employment Expenses	16,200	-	16,200	0.0%
Transfers Out				0.0%
General Fund	500,000	-	500,000	0.0%
Uncollectible Reserve	5,000	-	5,000	0.0%
Water I & E Fund	1,700,000	-	1,700,000	0.0%
Wastewater I & E Fund	1,200,000	-	1,200,000	0.0%
Capital Asset Reserve - Water	70,000	-	70,000	0.0%
Capital Asset Reserve - Wastewater	22,000	-	22,000	0.0%
Total Expenses	14,014,400	940,599	13,073,801	6.7%
Budget Balances				
Budget Balance - Working Capital - Water	482,700	-	482,700	0.0%
Budget Balance - Working Capital - WW	664,500	-	664,500	0.0%
Total Budget Balances	1,147,200	-	1,147,200	0.0%
Total Budget Balances & Expenses	**$ 15,161,600**	**$ 940,599**	**$ 14,221,001**	6.2%
Reserve Balances				
Contingency-Water	$ 110,900	$ 102,119		
Contingency-Wastewater	$ 182,000	$ 185,153		
Impact Fee Reserve - Sewer	NO BUDGET	$ 3,537,619		
Impact Fee Reserve - Water	NO BUDGET	$ 380,193		
Bond Coverage Ratio (Covenant 1.20)	3.73	3.45		

City of Dover
Finance Department
Monthly Report –July 2012

Electric Revenue Fund Summary

	Budget	YTD	Balance	8% of Budget
Beginning Balance - unaudited	$ 7,184,000	$ -	$ 7,184,000	0.0%
Revenues				
Sales to Customers	85,071,400	8,248,806	76,822,594	9.7%
Utility Tax	1,595,200	129,671	1,465,529	8.1%
Weyandt Hall Rents	225,000	39,109	185,891	17.4%
Miscellaneous Revenues	979,700	78,418	901,282	8.0%
Interest Earned	107,800	-	107,800	0.0%
Transfer from Rate Stabilization	5,400,000	-	5,400,000	0.0%
Intrafund Service Receipts Water/Wastewater	130,800	7,920	122,880	6.1%
Total Revenues	93,509,900	8,503,924	85,005,976	9.1%
Total Beginning Balance & Revenues	**$ 100,693,900**	**$ 8,503,924**	**$ 92,189,976**	8.4%
Expenses				
Power Supply & Generation				
Power Supply	$ 40,883,400	$ 4,223,076	$ 36,660,324	10.3%
Power Supply Management/Incentive	996,000	83,000	913,000	8.3%
Capacity Charges	12,564,800	950,098	11,614,702	7.6%
PJM Spot Market Energy	(772,700)	-	(772,700)	0.0%
PJM Charges - Load	17,508,300	1,720,357	15,787,943	9.8%
Total Power Supply	71,179,800	6,976,531	(6,976,531)	9.8%
Plant Operations	5,914,900	635,784	5,279,116	10.7%
Generation Fuels	586,000	621,519	(35,519)	106.1%
Capacity Credits	(14,318,600)	(1,205,978)	(13,112,622)	8.4%
PJM Credits	(427,000)	(1,402,162)	975,162	328.4%
Total Generation	(8,244,700)	(1,350,837)	1,350,837	16.4%
Total Power Supply & Plant	62,935,100	5,625,694	57,309,406	8.9%
Electric Operating Divisions:				
Transmission/Distribution	3,223,600	200,865	3,022,735	6.2%
Electrical Engineering	1,163,900	62,826	1,101,074	5.4%
Administration	501,200	20,615	480,585	4.1%
Meter Reading	212,500	18,774	193,726	8.8%
Systems Operations	517,600	32,371	485,229	6.3%
Intrafund Services	3,224,500	267,062	2,957,438	8.3%
Utility Tax	1,595,200	129,671	1,465,529	8.1%
OPEB - Retirees Health Care Contribution	696,500	-	696,500	0.0%
Pension Trust Contribution - Unfunded liability	1,074,200	1,074,200	-	100.0%
Interest on Deposits	35,000	3,796	31,204	10.8%
Green Energy Payment to DEMEC	129,000	12,172	116,828	9.4%
Accounts Receivable Write-Offs	150,000	-	150,000	0.0%
Inventory Write-Offs	175,000	-	175,000	0.0%
Other Employee Expenses	157,900	-	157,900	0.0%
Contractual Services Power Supply	190,000	-	190,000	0.0%
Debt Service	3,323,600	281,797	3,041,803	8.5%
Transfers Out:				0.0%
General Fund	8,000,000	-	8,000,000	0.0%
Electric Improvement & Extension Fund	3,500,000	-	3,500,000	0.0%
Total Expenses	90,804,800	7,729,843	83,074,957	8.5%
			-	
Budget Balance - Working Capital	9,889,100	-	9,889,100	0.0%
Total Budget Balance & Expenses	**$ 100,693,900**	**$ 7,729,843**	**$ 92,964,057**	7.7%
Reserve Balances				
Contingency Reserve	$ 816,200	$ 1,070,814		
Insurance Reserve	$ 750,000	$ 337,265		
Rate Stabilization Reserve	$ 4,947,600	$ 10,230,133		
Bond Coverage Ratio (Covenant 1.25)	2.74	3.81		
Megawatt Hours Sold & Purchased				
Sales to Customers MWh (excluding Street Light MWh)	709,972	67,767		9.5%
Sales per MWh	$ 119.824	$ 121.723		101.6%
Purchased/Generated MWh	750,297	80,172		10.7%
All In MWh Supply & Generation	83.88	$ 70.170		83.7%

City of Dover
Finance Department
Monthly Report –July 2012
General Capital Project Fund Summary

	Budget	YTD	Balance	8% of Budget
Beginning Balance - Projects - unaudited	$ 294,400	$ -	$ 294,400	0.0%
Beginning Balance - Library - unaudited	$ -	$ -	$ -	0.0%
Revenues				
Transfer from General Fund for Projects	613,400	-	613,400	0.0%
State Grant - Library	884,200	765,956	118,244	86.6%
State Grant - Other	108,000	-	108,000	0.0%
Police Grant	33,800	-	33,800	0.0%
Library Gifts/Donations	-	-	-	0.0%
Debt Issuance - FY12/FY13 Street Program	2,000,000	-	2,000,000	0.0%
Debt Issuance - Garrison Farm Infrastructure	2,000,000	-	2,000,000	0.0%
Library Bond Issue	317,500	940,000	(622,500)	296.1%
Income from Sale of Assets	1,200,000	16,970	1,183,030	1.4%
Total Revenues	7,156,900	1,722,926	5,433,974	24.1%
Total Beginning Balance & Revenue	**$ 7,451,300**	**$ 1,722,926**	**$ 5,728,374**	23.1%
Expenditures				
Fire	$ 238,500	$ 145,614	$ 92,886	61.1%
Grounds Maintenance	112,000	-	112,000	0.0%
Library	2,535,000	24,920	2,510,080	1.0%
Recreation	30,000	-	30,000	0.0%
Police	197,000	-	197,000	0.0%
Streets (1)	1,974,000	-	1,974,000	0.0%
Sanitation	150,000	-	150,000	0.0%
Information Technology	57,000	-	57,000	0.0%
Facilities Management	381,000	-	381,000	0.0%
Mayor	33,000	-	33,000	0.0%
Loan Issuance Costs	56,000	-	56,000	0.0%
Transfer to Community Transportation Fund	1,606,700	-	1,606,700	0.0%
Total Expenditures	7,370,200	170,534	7,199,666	2.3%
Budget Balance - Projects	81,100	-	81,100	0.0%
Total Budget Balance & Expenditures	**$ 7,451,300**	**$ 170,534**	**$ 7,280,766**	2.3%
Reserve Balances				
Capital Asset Replacement Reserve	$ 503,000	$ 498,467		
Parkland/Recreation	$ 202,600	$ 199,282		

(1) Street program - Budget includes $2 million for street repaving and City Hall improvements to be completed over two years (FY12 &
Will be funded by bond issue or commercial bank loan.

City of Dover
Finance Department
Monthly Report –July 2012

Water/Wastewater Improvement & Extension Fund Summary

	Budget	YTD	Balance	8% of Budget
Beginning Balance - Water - unaudited	$ 3,071,800	$ -	$ 3,071,800	0.0%
Beginning Balance - Wastewater - unaudited	$ 1,013,600	$ -	$ 1,013,600	0.0%
Revenues				
Bond Proceeds - Water	$ 2,000,000	$ -	$ 2,000,000	0.0%
Bond Proceeds - Wastewater	2,000,000	-	2,000,000	0.0%
Income from Sale of Assets	-	3,321	(3,321)	0.0%
Interest Earned	25,000	-	25,000	0.0%
Transfer from Water Operating Fund for Water	1,700,000	-	1,700,000	0.0%
Transfer from Wastewater Operating Fund for Wastewater	1,200,000	-	1,200,000	0.0%
Transfer from Impact Fee Reserve - Water	300,000	-	300,000	0.0%
Transfer from Impact Fee Reserve - Wastewater	250,000	-	250,000	0.0%
Total Revenues	7,475,000	3,321	7,471,679	0.0%
Total Beginning Balance & Revenues	**$ 11,560,400**	**$ 3,321**	**$ 11,557,079**	0.0%
Expenses				
Bond Issue Costs	$ 344,000	$ -	$ 344,000	0.0%
Engineering & Inspection	23,400	-	23,400	0.0%
Water	5,140,000	1,032	5,138,968	0.0%
Wastewater	3,817,300	-	3,817,300	0.0%
Water Treatment Plant	24,100	-	24,100	0.0%
Water Construction	31,000	-	31,000	0.0%
Total Expenses	9,379,800	1,032	9,011,368	0.0%
Budget Balance - Working Capital - Water	1,675,500	-	1,675,500	0.0%
Budget Balance - Working Capital - Wastewater	505,100	-	505,100	0.0%
Total Budget Balances	2,180,600	-	2,180,600	0.0%
Total Budget Balances & Expenses	**$ 11,560,400**	**$ 1,032**	**$ 11,191,968**	0.0%
Reserve Balances				
Capital Asset Replacement - Water	$ 501,100	$ 427,104		
Capital Asset Replacement - Wastewater	$ 501,100	$ 473,645		

City of Dover
Finance Department
Monthly Report –July 2012

Electric Improvement & Extension Fund Summary

	Budget	YTD	Balance	8% of Budget
Beginning Balance - unaudited	$ 2,714,600	$ -	$ 2,714,600	0.0%
Revenues				
Interest Earnings	40,700	-	40,700	0.0%
Transfer from Electric Revenue Fund	3,500,000	-	3,500,000	0.0%
Transfer from Future Capacity Reserve	550,000	-	550,000	0.0%
Total Revenues	4,090,700	-	4,090,700	0.0%
Total Beginning Balance & Revenues	**$ 6,805,300**	**$ -**	**$ 6,805,300**	0.0%
Expenses				
Power Plant	$ 1,441,300	$ 11,720	$ 1,429,580	0.8%
Transmission/Distribution	596,000	16,513	579,487	2.8%
Electrical Engineering	1,932,700	-	1,932,700	0.0%
Meter Reading	-	-	-	0.0%
Total Expenses	3,970,000	28,233	3,941,767	0.7%
Budget Balance - Working Capital	2,835,300	-	2,835,300	0.0%
Total Budget Balance & Expenses	**$ 6,805,300**	**$ 28,233**	**$ 6,777,067**	0.4%
Reserve Balances				
Depreciation Reserve	$ 9,864,800	$ 9,742,058		
Future Capacity Reserve	$ 9,362,000	$ 9,805,482		

City of Dover
Finance Department
Monthly Report –July 2012

Community Transportation Improvement Fund

	Budget	YTD	Balance	8% of Budget
Beginning Balance - unaudited	$ 435,700	$ -	$ 435,700	0.0%
Revenues				
Grants Revenue	300,000	-	300,000	0.0%
Transfer from General Fund	1,606,700	-	1,606,700	0.0%
Interest Earned	500	-	500	0.0%
Total Revenues	1,907,200	-	1,907,200	0.0%
Total Beginning Balance & Revenues	**$ 2,342,900**	**$ -**	**$ 2,342,900**	0.0%
Expenses				
Program Expenses	$ 700,000	$ -	$ 700,000	0.0%
Program Expenses - City appropriated	1,546,700	-	1,546,700	0.0%
Program Expenses- Concrete Program	60,000	-	60,000	0.0%
Total Expenses	2,306,700	-	2,306,700	0.0%
Budget Balance - Working Capital	36,200	-	36,200	0.0%
Total Budget Balances & Expenses	**$ 2,342,900**	**$ -**	**$ 2,342,900**	0.0%

City of Dover

Capital Investment Plan

Project Tracking Report

July 31, 2012

Points to Remember -

* Original Project Budget = Original Total Project Budget initially included in approved annual budget.
* Latest Project Budget = Revised Total Project Budget included in most recent approved annual budget or one of the following: bond resolution, revolving fund loan agreement, Council approved budget amendment, or City Manager approved amendment as per the Budget Amendment Procedure.
* Current Fiscal Year - Revised Fiscal Year Budget = Current Year approved project budgets plus carry forward balances of unspent budgets in the prior fiscal year. Project Carry Forward balances will be submitted to City Council for amendment in January 2010. Can also be amended with City Manager approval per the Budget Amendment Procedure.
* Water Quality, Inflow/Infiltration, Distribution Upgrades and New Development projects are budgeted as a blanket project and once individual projects are identified and estimated they are created using an allocation of the overall budgeted amount.
* Status and Comments provided by City Manager.
* For Finance purposes projects are considered completed when placed in service and **all** charges have been processed.

Current Year Budget Funding Sources	General	Community Transportation	Water & Wastewater	Electric	Total CIP
Budget Balance	$ 92,000	$ 298,800	$ 4,463,500	$ 234,700	$ 5,089,000
Budget Balance - Restricted MSA (non Public Safety)	132,200	-	-	-	132,200
Library Funding - FY11 Budget Balance	(127,000)	-	-	-	(127,000)
Federal and/or State Grants	1,746,000	-	-	-	1,746,000
Transfer from Library Foundation	71,000	-	-	-	71,000
Friends of the Library Donation	102,400	-	-	-	102,400
Kent County Library Contribution	250,000	-	-	-	250,000
Sale of Assets - Library	1,200,000	-	-	-	1,200,000
Debt Financing - Green Energy Components	648,500				648,500
Construction Loan	289,400	-	-	-	289,400
Community Transportation Fund - FY11 Balances	-	1,630,050	-	-	1,630,050
Debt Financing	4,000,000	-	4,000,000	-	8,000,000
Other State/Federal Grants	108,000	-	-	-	108,000
Police Grants	33,800	-	-	-	33,800
Transfer from Capital Reserves	-	-	-	550,000	550,000
Impact Fee Reserves	-	-	550,000	-	550,000
State Community Transportation Funds	-	700,000	-	-	700,000
Transfer Loan Proceeds to CT Fund - Street Program	-	1,606,700	-	-	1,606,700
Transfer from Operating Funds	613,400	-	2,900,000	3,500,000	7,013,400
Interest Income	-	-	25,000	40,700	65,700
Total Funding Sources (Unaudited)	$ 9,159,700	$ 4,235,550	$ 11,938,500	$ 4,325,400	$ 29,659,150

City of Dover
General Fund - Major CIP Projects
July, 2012

Project Code	Type	Description	TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS: Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	CURRENT FISCAL YEAR: Current Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
		FY2009											
LB0901	M/G/L	New Library Project	$ 18,200,000	$ 20,469,080	$ 16,313,700	$ 4,155,380	79.7%	$ 2,535,000	$ 4,180,300	$ 24,920	0.6%	In Process	Overall project 80% Complete on 7/31/12
ST1203		Dump Truck Refurbishment	30,000	24,000	12,021	11,979	50.1%	-	12,000	-	0.0%	In Process	
		FY12 MSA - Capital non-safety	-	132,200	-	132,200	200.0%	-	132,200	$ -	0.0%		Restricted MSA Funding
		Totals - FY09	$ 18,230,000	$ 20,625,280	$ 16,325,721	$ 4,299,559	79.2%	$ 2,535,000	$ 4,324,500	$ 24,920	0.6%		
		FY2013											
---		Vehicles & Equipment	$ 399,900	$ 399,900	$ -	$ 399,900	0.0%	$ 399,900	$ 399,900		0.0%		
---		Annual Fire Truck Payments	238,500	238,500	145,614	92,886	61.1%	238,500	238,500	145,614	61.1%		
Mayor		Security Cameras	33,000	33,000	-	33,000	0.0%	33,000	33,000		0.0%		
FC1302	B/L	City Hall Fire Suppression	288,000	288,000	-	288,000	0.0%	288,000	288,000		0.0%		Financed by PNC Loan - FY12
FC1303	G	City Hall Emergency Generator	93,000	93,000	-	93,000	0.0%	93,000	93,000		0.0%		DEMA Grant funded;
IT1301	G	Server & Backup Solution	57,000	57,000	-	57,000	0.0%	57,000	57,000		0.0%		$15K is DEMA grant funded;
PR1301		Dover Park- Roof Replacement	30,000	30,000	-	30,000	0.0%	30,000	30,000		0.0%		
ST1303	B/L	Salt Storage Facility-Schutte Park	50,000	50,000	-	50,000	0.0%	50,000	50,000		0.0%		Financed by PNC Loan - FY12
ST1304	B/L	Garrison Farm Improvements	1,924,000	1,924,000	-	1,924,000	0.0%	1,924,000	1,924,000		0.0%		Financing to be determined
PD1301	G	Police Elec Breaker Rplcmnt	33,800	33,800	-	33,800	0.0%	33,800	33,800		0.0%		Police Grant funded
PD1302	B/L	Police Micro Seal Parking Lots	25,300	25,300	-	25,300	0.0%	25,300	25,300		0.0%		Financed by PNC Loan - FY12
		Totals - FY12	$ 2,501,100	$ 2,501,100	$ -	$ 2,501,100	0.0%	$ 3,172,500	$ 3,172,500	$ 145,614	4.6%		
		Debt issuance cost - PNC/Other	56,000	56,000	-	56,000	0.0%	56,000	56,000	-	0.0%		
		Transfer to CT Fund - Streets	1,606,700	1,606,700	-	1,606,700	0.0%	1,606,700	1,606,700	-	0.0%		PNC Loan for FY12/FY13 Street Prog.
		Grand Totals	$ 22,393,800	$ 24,789,080	$ 16,325,721	$ 8,463,359	65.9%	$ 7,370,200	$ 9,159,700	$ 170,534	1.9%	1.9%	

Legend

M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
G = Grant funded project
B/L = To be financed through bonds or commercial loan; Projects will be completed through CT Fund, therefore the loan proceeds will be transferred from Capital Fund into the Community Transportation Fund;

City of Dover
Community Transportation & General Fund Street Funds - Major CIP Projects
July, 2012

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR						
Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	Budget Balance	% Budget Spent	Status	Comments
	FY 2002												
	North Street sidewalk	$ 80,400	$ 80,400	$ -	$ 80,400	0.0%	$ -	$ 80,400	$ -		0.0%		Waiting on DDP improvements
	Totals	$ 80,400	$ 80,400	$ -	$ 80,400	0.0%	$ -	$ 80,400	$ -		0.0%		
	FY 2009												
	Little League Park paving	$ 11,600	$ 11,600	$ -	$ 11,600	0.0%	$ -	$ 11,600	$ -	11,600	0.0%		Re-program for signage
	Totals	$ 11,600	$ 11,600	$ -	$ 11,600	0.0%	$ -	$ 11,600	$ -	$ 11,600	0.0%		
	FY 2007												
	E. Water Street Brick	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ -	$ 65,000	$ -		0.0%		Specialty contract needed.
	Totals	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ -	$ 65,000	$ -		0.0%		
	FY 2009												
M	Schutte Parking Lot	$ 21,950	$ 21,950	$ -	$ 21,950	0.0%	$ -	$ 21,950	$ -	21,950	0.0%		Deferred
	Totals	$ 21,950	$ 21,950	$ -	$ 21,950	0.0%	$ -	$ 21,950	$ -	$ 21,950	0.0%		
	FY2012												
M	North Street Roundabout	$ -	$ 500,000	$ -	$ 500,000	0.0%	$ -	$ 500,000	$ -		0.0%	35%	Site work initiated.
	Stoney Creek Lighting	-	40,000	-	40,000	100.0%	-	40,000	-		0.0%		
M	Lincoln Park Center	900,000	1,423,500	515,039	908,461	0.0%	-	911,100	2,711		0.3%	Started	
	Street & Alley Program	300,000	298,800	-	298,800	100.0%	-	298,800	-		0.0%		General Fund Appropriaitons
	Totals	$ 1,200,000	$ 2,262,300	$ 515,039	$ 1,747,261	22.8%	$ -	$ 1,749,900	$ 2,711	$ -	0.0%		
	FY2013												
	Unapplied CT Projects (placeholder)	$ 700,000	$ 700,000	$ -	$ 700,000	0.0%	$ 700,000	$ 700,000	$ -		0.0%		Future CT Agreements
	FY13 Concrete Program	60,000	60,000	-	60,000	0.0%	60,000	60,000	477		0.8%		Financed by PNC Loan - FY12
	FY12/FY13 Street & Alley Program	1,546,700	1,546,700	-	1,546,700	0.0%	1,546,700	1,546,700	$ -		0.0%		Financed by PNC Loan - FY12
		$ 2,306,700	$ 2,306,700	$ -	$ 2,306,700	0.0%	$ 2,306,700	$ 2,306,700	$ 477	$ -	0.0%		
	Grand Totals	$ 3,593,650	$ 4,655,950	$ 515,039	$ 4,140,911	11.1%	$ 2,306,700	$ 4,235,550	$ 3,188	$ 21,950	0.1%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
C = Project funded by combination of CT Funds and General Fund
B/L = To be financed through bonds or commercial loan; Projects will be completed through CT Fund, therefore the loan proceeds will be transferred from Capital Fund into the Community Transportation Fund;

City of Dover
Water/Wastewater Improvement & Extension Fund - Major CIP Projects
July, 2012

Project Code	Type	Description	TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS: Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	CURRENT FISCAL YEAR: Approved Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status / % Complete	Comments
		FY 2008											
WD0804	M	1.0 MG Elevated Water Storage	$ 4,196,600	$ 2,590,000	$ 12,925	$ 2,577,075	0.5%	$ 2,000,000	$ 2,166,000	$ -	0.0%	Started	Staff reviewing agreement docs
WD0805	M	Piney Point Well	398,800	665,000	6,728	658,272	1.0%	450,000	505,600	-	0.0%	Started	Staff reviewing RFP
		Totals - FY08	$ 4,595,400	$ 3,255,000	$ 19,653	$ 3,235,347	0.6%	$ 2,450,000	$ 2,671,600	$ -	0.0%		
		FY2009											
WQ0907	SL/C	Rt. 13 Water Main	1,023,700	2,214,600	2,058,327	156,273	92.9%	-	192,600	-	0.0%	100.0%	Complete; Awating final charges
		FY2010											
WW1007	M/SL	Fox Hall Pump Station	427,900	358,900	214,087	144,813	59.7%	-	144,800	-	0.0%	98.0%	Final punchlist items outstanding
WW1010	I	Tar Ditch Interceptor Upgrade	518,230	495,400	5,143	490,257	1.0%	-	490,300		0.0%	Started	Easement request sent to residents
		Totals - FY10	$ 427,900	$ 358,900	$ 214,087	$ 144,813	59.7%	$ -	$ 635,100	$ -	0.0%		
		FY2011											
WW1104	SL	Lepore Road P/S Replacement	350,000	402,000	17,850	384,150	4.4%	-	384,200	-	0.0%	Started	Contractor ordered Station;
		Totals - FY11	$ 350,000	$ 402,000	$ 17,850	$ 384,150	4.4%	$ -	$ 384,200	$ -	0.0%		
		FY2012											
WD1201		Pay-As-You-Go Water Station	30,200	30,200	-	30,200	0.0%	-	30,200	-	0.0%	Started	Specs being developed
WQ1202		WQI - New Street	-	113,960	26,600	87,360	0.2334	-	87,400	-	0.0%	Started	Project on hold - Design complete
WQ1203		WQI - Silver Lake	-	279,840	190,030	89,810	67.9%	-	90,800	1,032	1.1%	100.0%	Complete; Awaiting final charges
WW1201	M/SL	Inflow/Infiltration Removal **(1)**	1,000,000	971,900	55,075	916,825	5.7%	-	-		0.0%		See FY13 I & I Program; $916,800
WW1202	M	SCADA Equpment Upgrade	84,900	84,900	76,389	8,511	90.0%	29,300	29,300		0.0%	Started	Awaiting delivery of materials
WW1204	M	Baltray Pump Station Rplcmnt	125,000	125,000	20,581	104,419	16.5%	100,000	100,000		0.0%	Started	Project on hold - Bid specs ready
WW1205	M	Dover Brook Gardens Pump Station	65,000	65,000	9,852	55,148	15.2%	50,000	50,000		0.0%	Started	Project on hold - Bid specs ready
WW1206	M	Brandywine Pump Station Rplcmntq	402,000	402,000	33,582	368,418	8.4%	350,000	350,000		0.0%	Started	Project on hold - Bid specs ready
WW1207	M	McKee Pump Station Comm Rplcmt	55,000	55,000	7,431	47,569	13.5%	45,000	45,000		0.0%	Started	Project on hold - Bid specs ready
		Totals - FY12	$ 1,762,100	$ 2,127,800	$ 419,540	$ 1,708,260	99.8%	$ 574,300	$ 782,700	$ 1,032	0.1%		
		FY2013											
—		Vehicles & Equipment	$ 524,500	$ 524,500	$ -	$ 524,500	0.0%	$ 524,500	$ 524,500	$ -	0.0%	Started	All ordered or bid;
WW1301	M	Hazlettville Road Interceptor	770,000	770,000	-	770,000	0.0%	30,000	30,000	-	0.0%	Not started	Project on hold
WW1302	M	Lakeview Drive PS Replacement	502,000	502,000	-	502,000	0.0%	52,000	52,000	-	0.0%	Not started	Project on hold
WW1303	M	Westover Pump Station	768,800	768,800	-	768,800	0.0%	65,000	65,000	-	0.0%	Not started	Project on hold
WW1304	M	Garrison Farm Improvements	1,828,000	1,828,000	-	1,828,000	0.0%	1,828,000	1,828,000	-	0.0%	Started	Pending Council approval 9/24
WD1302	M	Garrison Farm Storage Tank	1,828,000	1,828,000	-	1,828,000	0.0%	1,828,000	1,828,000	-	0.0%	Started	Pending Council approval 9/24
WD1304		Future Columbia Well Design	55,000	55,000	-	55,000	0.0%	55,000	55,000	-	0.0%	Not started	Project on hold
WD1301	R	Wellhead Redevelopment	70,000	70,000	-	70,000	0.0%	70,000	70,000	-	0.0%	15.0%	Contractor finishing Well 10 & 14
N/A		Water Quality Improvements	479,000	479,000	-	479,000	0.0%	479,000	479,000	-	0.0%		Locations to be determined;
N/A	R	I & I Improvements **(1)**	1,000,000	27,000	-	27,000	0.0%	1,000,000	943,800	-	0.0%		Locations to be determined;
II1301		New/Reed Street	-	330,000	-			-	330,000	-	0.0%	65.0%	Contractor finishing New Street
II1302		Fox Hall	-	142,000	-			-	142,000	-	0.0%	Scheduled	
II1303		Morris Estates	-	276,000	-			-	276,000	-	0.0%	Scheduled	
II1304		Wesley College	-	10,000	-			-	10,000	-	0.0%	Scheduled	
II1305		NRG sanitary sewer upgrade	-	175,000	-			-	175,000	-	0.0%	Not started	Bids due 10/4/12
II1306		I & I Design	-	40,000	-			-	40,000	-	0.0%	In progess	Staff reviewing consultant report
WD1306	R	Emergency Generators	80,000	80,000	-	80,000	0.0%	80,000	80,000	-	0.0%	85.0%	Start on bid docs 10/1/12
			$ 7,905,300	$ 7,905,300	$ -	$ 6,932,300	0.0%	$ 6,011,500	$ 6,928,300	$ -	0.0%		
N/A		Debt issuance cost-Garrison Farm	344,000	344,000	-	344,000	0.0%	344,000	344,000		0.0%		
		Grand Totals	$ 16,408,400	$ 16,607,600	$ 2,729,457	$ 12,905,143	16.4%	$ 9,379,800	$ 11,938,500	$ 1,032	0.0%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
SL = State Loan Project - construction phase is financed
I = Impact Fee (partially) financed project

(1) Transferred remaining project balance from FY12 to the FY13 I & I Project $916,800
Adjusted Project Budget for FY13 will be $1,916,800 for I & I; Locations to be determined;

City of Dover
Electric Improvement & Extension Fund - Major CIP Projects
July, 2012

Project Code	Type	Description	TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS: Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	CURRENT FISCAL YEAR: Current Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
		FY2012											
EE1205	M	Frazier Substation Upgrade	765,200	765,200	153,359	611,841	20.0%	610,200	611,800	-	0.0%	In process	Materials ordered
EG1202	M	Unit 3 Boiler Systems	390,000	250,000	84,409	165,591	33.8%	129,000	167,300	1,757	1.1%	In process	Will complete Spring outage;
EG1212	M	Unit 3 Turbine Inspection/Repair	1,494,000	1,494,000	406,786	1,087,214	27.2%	115,000	115,000	9,963	8.7%	In process	Will complete Spring outage;
EG1214	M	Industrial WW Discharge System	272,000	272,000	30,345	241,655	11.2%	-	242,000	-	0.0%	In process	
EU1202	M	Persimmon Tree Lane Feeder Rplcmt	113,500	113,500	103,549	9,951	91.2%	-	8,500		0.0%	In process	
		Total	$ 3,034,700	$ 2,894,700	$ 778,448	$ 2,116,252	26.9%	$ 854,200	$ 1,144,600	$ 11,720	1.0%		
		FY2013											
N/A	R	Vehicles & Equipment	$ 146,000	$ 146,000	$ -	$ 146,000	0.0%	$ 146,000	$ 146,000	$ -	0.0%		All vehicles received
N/A	R	FY13 New Dvlpmnts - UG Transformers	50,000	(66,100)	-	(66,100)	0.0%	50,000	(66,100)	-	0.0%		Over Budget; Revenue offset;
EE1302		Bayard Plaza	-	21,000	-	21,000	0.0%	-	21,000	-	0.0%		
EE1310		YMCA	-	22,000	-	22,000	0.0%	-	22,000	-	0.0%		
EE1311		Super 8 Motel	-	5,200	5,136	64	98.8%		5,200	5,136	98.8%		
EE1315		State Street Plaza	-	5,800	-	5,800	0.0%	-	5,800		0.0%		
EE1317		The Grand Apartments	-	42,000	-	42,000	0.0%	-	42,000	-	0.0%		
EE1318		M & L Ventures Warehouses	-	12,500	-	12,500	0.0%	-	12,500	-	0.0%		
EE1322		Grottos Pizza	-	7,600	-	7,600	0.0%	-	7,600	-	0.0%		
N/A	R	FY13 New Dvlpmnts - UG Conductors	350,000	37,800	-	37,800	0.0%	350,000	37,800	-	0.0%		
EE1301		Willow Tree Park	-	9,800	7,727	2,073	78.8%	-	9,800	7,727	78.8%		
EE1302		Bayard Plaza	-	9,000	1,237	7,763	13.7%	-	9,000	1,237	13.7%		
EE1311		Super 8 Motel	-	1,000	666	334	66.6%	-	1,000	666	66.6%		
EE1315		State Street Plaza	-	2,900	-	2,900	0.0%	-	2,900	-	0.0%		
EE1317		The Grand Apartments	-	23,500	-	23,500	0.0%	-	23,500	-	0.0%		
EE1318		M & L Ventures Warehouses	-	15,000	1,747	13,253	11.6%	-	15,000	1,747	11.6%		
EE1319		Proctor & Gamble	-	30,000	-	30,000	0.0%	-	30,000	-	0.0%		
EE1320		Generals Green Lights	-	7,200	-	7,200	0.0%	-	7,200	-	0.0%		
EE1322		Grottos Pizza	-	37,800	-	37,800	0.0%	-	37,800	-	0.0%		
EE1323		Dover High Lighting	-	176,000	-	176,000	0.0%	-	176,000	-	0.0%		
N/A	R	FY13 New Dvlpmnts - 1 Phase Meters	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%		
EE1304	R	FY13 Lighting Project & Rehab	100,000	100,000	-	100,000	0.0%	100,000	100,000	-	0.0%		Route 13 LED Lighting
EE1309	R	Distribution Capacitors	125,000	125,000	-	125,000	0.0%	125,000	125,000	-	0.0%		
EE1307		Division Sub Fence	70,000	70,000	-	70,000	0.0%	70,000	70,000	-	0.0%		
EE1308	M	Horsepond Substation Upgrade	761,800	761,800	-	761,800	0.0%	170,000	170,000	-	0.0%		
EE1305	M	FY13 69kv Switch Rplmnt Program	135,000	135,000	-	135,000	0.0%	55,000	55,000	-	0.0%		
EE1306	R	Trans Line Maint Program	75,000	75,000	-	75,000	0.0%	75,000	75,000	-	0.0%		
EE1312	M	General Scott Switchgear	1,155,000	1,150,000	-	1,150,000	0.0%	50,000	50,000	-	0.0%		
N/A	R	FY13 Distribution Upgrades	400,000	12,000	-	12,000	0.0%	400,000	12,000	-	0.0%		
EE1314		Capitol Park Upgrade	-	308,000	-	308,000	0.0%	-	308,000	-	0.0%		
EE1321		Pleasanton Acres	-	80,000	-	80,000	0.0%	-	80,000	-	0.0%		
N/A	R	FY13 Distribution Feeder Rplcmts.	277,500	213,500	-	213,500	0.0%	277,500	213,500	-	0.0%		
EE1316		Wyoming Avenue Feeder Rplcmt	-	64,000	-	64,000	0.0%	-	64,000	-	0.0%		
EG1301		Units 1 Repair - Gasket leak	-	65,000	-	65,000	0.0%	-	65,000	-	0.0%		New Project; Not budgeted;
EG1304	R	Units 1 & 2 Component Repairs	52,000	52,000	-	52,000	0.0%	52,000	52,000	-	0.0%		
EG1305	R	Units 1 & 2 Cooling Tower Life Ext.	37,300	37,300	-	37,300	0.0%	37,300	37,300	-	0.0%		
EG1306		Turbine Level Window Modifications	85,000	85,000	-	85,000	0.0%	85,000	85,000	-	0.0%		
EG1307		Unit 3 Air Heater Expansion Joint	80,000	80,000	-	80,000	0.0%	80,000	80,000	-	0.0%		
EG1309		Unit 3 Stack Repairs	27,000	27,000	-	27,000	0.0%	27,000	27,000	-	0.0%		
EG1310		Units 1 & 2 Stack Repairs	75,000	75,000	-	75,000	0.0%	75,000	75,000	-	0.0%		
EG1311		Van Sant Capacity Increase	550,000	550,000	-	550,000	0.0%	550,000	550,000	-	0.0%		
EG1312		Unit 3 Generator Repairs	236,000	236,000	-	236,000	0.0%	236,000	236,000	-	0.0%		
EG1313	R	Unit 3 Aux Sys Components	55,000	55,000	-	55,000	0.0%	55,000	55,000	-	0.0%		
			$ 4,892,600	$ 4,952,600	$ 16,513	$ 4,881,087	0.3%	$ 3,115,800	$ 3,180,800	$ 16,513	0.5%		
		Grand Totals	$ 7,927,300	$ 7,847,300	$ 794,961	$ 6,997,339	96.4%	$ 3,970,000	$ 4,325,400	$ 28,233	0.7%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
B = Bonded Project
S = State fully or partially reimbursed project

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works - Wastewater	**DATE SUBMITTED**: 09/14/12
PREPARED BY: Sharon Duca, P.E., Interim Public Works Director/City Engineer	
SUBJECT: Engineering Design of Wastewater Facilities – Garrison Farm Subdivision	
REFERENCE: N/A	
RELATED PROJECT: Garrison Farm Subdivision	
APPROVALS: City Manager and Controller	
EXHIBITS: Proposal	
EXPENDITURE REQUIRED: $365,000	**AMOUNT BUDGETED**: $2,000,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Wastewater Management, Garrison Farm Wastewater, CIP Account Number 417-6900-569.40-31, Project #WW1306. This is one component of the tasks proposed within this project.	
TIMETABLE: Authorization of Proposal following Council Meeting, approximately four (4) months of design work for Bid Documents.	
RECOMMENDED ACTION: Staff recommends authorizing Pennoni to produce Invitation to Bid Documents	

BACKGROUND AND ANALYSIS

Pennoni is currently one of three approved consulting engineers that the City of Dover has entered into an agreement of professional services contract. In order to meet the wastewater demands of the proposed Garrison Farm Subdivision, wastewater facilities upgrades need to take place. The proposal can be divided into four separate tasks:

1. Design of a wastewater pump station on the Garrison Farm Subdivision.
2. Analysis and design of upgrading existing force main and gravity sewer main from the Garrison Farm Subdivision to the White Oak Farms Pump Station (Pump Station #5).
3. Analysis of existing White Oak Farms Pump Station (Pump Station #5) and design necessary upgrades to properly convey the increased flow from the Garrison Farm Subdivision.
4. Abandonment of the White Oak Road Pump Station (Pump Station #14).

Each task has an estimated cost, the estimates are based on limited knowledge of the facilities, site visits and surveying will provide proper information to better define the upgrades necessary. The proposal cost is reflective of a “worse-case scenario” with each task. It is possible that the cost for design could be reduced. Pennoni is well versed with our wastewater pump station requirements, as they have designed multiple pump stations throughout our system. With council approval, Pennoni will produce bid documents for this project that the City of Dover to publicly advertise and bid. This design will take into consideration the overall subdivision plan and water main layout provided by Becker Morgan Group. Due to the purchasing policy, this work could not be accomplished by Becker Morgan Group, because they are not one of the three consulting engineers that are entered into an agreement of professional service.

TASK ORDER NO. 9 - SCOPE OF SERVICES

FOR

PROFESSIONAL ENGINEERING SERVICES

ENGINEERING DESIGN OF SEWER FACILITIES FOR GARRISON FARM

PREPARED FOR:

CITY OF DOVER
DEPARTMENT OF PUBLIC WORKS

PREPARED BY:

PENNONI ASSOCIATES INC.
121 CONTINENTAL DRIVE
NEWARK, DELAWARE

September 11, 2012

SCOPE OF SERVICES

TASK DESCRIPTION

The City of Dover has identified a need for improvements to their sewer system in order to serve the Garrison Farm property development. This task order is for engineering design to accommodate the sewer flows from the property and includes the resulting improvements necessary to the City's collection, conveyance and pumping system.

The project includes three major parts: design of a new pump station on the Garrison Farm and sewer to convey flows to the downstream point of discharge at existing Pump Station #5; the abandonment and diversion of the existing Pump Station #14; and the upgrade of the existing Pump Station #5.

The Garrison Farm Pump Station will be designed to accommodate sewage from the Garrison Farm subdivision in addition to the flows currently handled by Pump Station #14. The final flow calculations for the Garrison Farm will be performed by the subdivision engineer and approved by the City of Dover, but we anticipate a flow rate of approximately 400 gallons per minute (gpm). Adding this flow to the 350 gpm for Pump Station #14 provides the approximate design flow of 750 gpm. This new pump station will be named Pump Station 14R (replacement), and will include the City's current standards for pump stations and equipment.

The design of Pump Station 14R includes the design of a new force main and gravity sewer to convey flows to the existing Pump Station #5. Pump Station #5 is located on the opposite side of Route 1. Sewage from the existing Pump Station #14 is conveyed by approximately 5,000 feet of 4-inch force main and 2,200 feet of 8-inch gravity sewer which discharges to Pump Station #5. It is evident that the existing 4-inch force main cannot carry 750 gpm. It is anticipated that the force main will be upgraded to 6 or 8 inch pipe. The gravity sewer is anticipated to be upgraded from 8-inch to 10-inch diameter.

Because the flows from existing Pump Station #14 will be diverted to the new Pump Station in Garrison Farm, the existing pump station will be abandoned. This task involves engineering to delineate and define the pump station abandonment, leaving a lot with no visible improvements. This work will require our coordination with the site design engineer (Becker Morgan) for the Garrison Farm. Design of the gravity sewer diversion to the new Pump Station #14 will be completed by Becker Morgan.

The third task in this project is the evaluation and upgrade of Pump Station #5. The pump station is currently rated for 1,500 gpm. The addition of approximately 750 gpm of additional flow will require significant upgrades and improvements to the pump station. The pump station is several decades old and will require upgrades for code compliance, hydraulic capacity, and for renewal of aged equipment. Our goal in this task is assess the facility on the basis of these three criteria and present a plan for the least capital intensive upgrades.

Design work completed on this project will conform with the current standards detailed in the City of Dover Water/Wastewater Handbook, Ten States Standards for Water and Wastewater Utilities, and current building codes.

The final deliverable for each of these tasks will be a full set of construction drawings, technical specifications and bidding documents.

LOCATION

Project area is located along White Oak Road, on each side of Route 1.

EXISTING CONDITIONS

The project involves existing Pump Stations #5 and #14.

SCOPE OF WORK

The scope of work will be accomplished through the following tasks:

Task 1a – Garrison Farm Pump Station (#14R)

- Meet with the City and the Site Engineer to finalize the peak flow for the Garrison Farm subdivision.
- Analyze the flows at the existing Pump Station #14 to confirm the flow to be diverted to Pump Station #14R.
- Design a new wetwell/drywell type pump station of approximately 750 gpm at a location in the subdivision determined by the City.
- Design a masonry pump station building to house controls, electrical equipment, and accessories necessary for the pump station. Character, mass and style will be in keeping with other City pump station buildings. We will present several Architectural concepts in advance of the design for the City to choose from.
- Design will include site design, grading, utilities, landscaping/screening, HVAC, generator, electrical, mechanical, and geotechnical design. The intent of the design is to create a complete pump station design package.
- Becker Morgan will provide details on existing utilities including electric. We assume that our electrical service design will begin at the property line of the pump station lot. Any other required site utilities for the pump station such as natural gas or water will also begin at the pump station lot line.
- Complete DNREC paper work for an Application to Construct the wastewater system improvements.
- Prepare an opinion of probable construction cost.

- SCADA and system integration will be completed by the City. We will coordinate our design efforts with the City's integrator.
- Site survey will be completed by Becker Morgan. We require the use of their AutoCAD files for the site including topography, boundary and existing conditions.
- Equipment selection will follow the City's current standards. Any major equipment not listed will be discussed in advance and recommendations for this equipment will be provided to the City.

Task 1b – Force Main and Gravity Sewer Design

- Conduct a site visit to inspect the existing force main and sewer alignment.
- Review existing drawings if available.
- Perform hydraulic calculations based on the design flows from the new Pump Station #14R to select pipe sizes for the force main and gravity sewer that will convey flows to Pump Station #5.
- Design of the force main will begin at discharge point of the new Pump Station #14R and terminate at the existing discharge point of the existing 4-inch force main, which is approximately 5,000 feet from the proposed pump station.
- Design of the gravity sewer will begin at the terminal point of the force main described above and end at the existing Pump Station #5 for a total length of approximately 2,200 feet.
- All survey required for the sewer design including but not limited to right of way, property boundary, existing utilities, existing sewer inverts, elevations, and existing improvements will be completed by Becker Morgan. Survey files and working plans shall be provided to Pennoni in AutoCAD format for our use in our design effort.
- Force main design will include directional drilling details for the crossing of Route 1 and an existing Tax Ditch. Subaqueous Lands Permitting for drilling is not included in our Scope of Work.
- Our design will include a sequence of construction and preliminary bypass pumping plans to accomplish the sewer tie-ins.
- Complete DNREC paper work for an Application to Construct the wastewater system improvements.
- Prepare an opinion of probable construction cost.

Task 2 – Abandonment of Existing Pump Station 14

- Prepare an existing conditions plan of the pump station facility.
- Survey will be complete by Becker Morgan and must include visible improvements, topography, existing utilities and improvements, and property boundary. Survey files shall be provided to Pennoni in AutoCAD format for our use.
- Prepare a demolition and decommissioning plan for the pump station facility. Engineering work for this task is limited to the pump station property. Becker Morgan will complete the design of the sewer to divert sewer flows from White Oak Road to the new Pump Station #14R.
- Provide recommendations for the salvage or reuse of equipment removed from the site.
- Assist Dover with paperwork and coordination to terminate utilies at the site.
- Coordinate with Becker Morgan to assist with their development of bypass pumping plans and sewer diversion plans.
- Prepare an opinion of probable construction cost.

Task 3 – Pump Station #5 Upgrades

- Document existing conditions, configuration and operations at the pump station.
- Becker Morgan will provide an existing conditions site survey to include visible improvements, utilities, topography and boundary. Files from this survey shall be provided to Pennoni in AutoCAD format for our use.
- Perform a structural review of the wetwell, drywell, and building.
- Perform a condition review of the existing equipment and site.
- Perform a code review of the existing pump station and site.
- Review the existing electrical service capacity.
- Using the design flow data from the proposed Pump Station #14R, determine the upgrades necessary to accommodate the additional flow. Upgrades are anticipated to include pump and motor replacement, motor control center replacement and electric service upgrade, as well as reconfiguration and upsizing of piping, valves and meters.
- Recommendations for upgrade will consider the age of existing equipment, hydraulic capacity and compliance with current codes. Of particular importance are the current requirements and considerations for Arc Flash protection, explosion protection, and National Electric Code (NEC). These considerations together will form the basis for our proposed upgrade plan.

- Following consensus on the preliminary layout for the upgrades, we will prepare plans and specifications to include mechanical and electrical details, pump station hydraulic calculations, sequence of construction, bypass pumping plans, building modifications and site improvements.

- We will complete DNREC paper work for an Application to Construct the wastewater system improvements.

- Prepare an opinion of probable construction cost.

Assumptions:

- Building permits, zoning applications, land development applications, Subaqueous Lands and Army Corps permit are not included in our Scope of Work.

- The City will provide all available information on the pump stations including operation and maintenance manuals, drawings, operator logs, and historical information. The City will locate existing utilities on site.

- We will respond to one set of DNREC comments on the pump station and sewer permit submissions. Repetitive comments from DNREC under the premise that our original response was responsive to comments will be considered additional work.

- No survey work is included.

- Our Scope or Work and Fee are based on current and limited knowledge of the facilities. Upon our initial investigation and review of the facilities and completion of the conceptual design for improvements, if we determine that a significantly simpler solution to any of the tasks is possible, we will discuss the Scope of Work and Fee with the City to determine if reduction of our Fee is appropriate. Our goal in these tasks is to determine the simplest and most economical solution while maintaining the City's standards of construction and design.

SCHEDULE

We will complete design and present bid document by the end of January, 2013.

FEE

We estimate the total cost for the Task Order to be approximately **Three Hundred Sixty Five Thousand Dollars ($365,000).** This fee will not be exceeded without written authorization from the City. The estimated cost breakdown by task is listed below:

Task No.	Task Description	Estimated Cost
1a	Garrison Farm – PS #14R Design	$145,000
1b	Force Main and Gravity Sewer Design	$60,000
2	PS #14 Abandonment	$25,000
3	PS #5 Upgrade Design	$135,000
	TOTAL	**$365,000**

BILLING AND PAYMENT

Work will be completed on a time and materials basis billed at the rates approved by the City on March 10, 2011. Invoices will be prepared on a monthly basis. If additional services are performed, an hourly breakdown and description of the additional services will be provided on the invoice.

TERMS AND CONDITIONS

The General Terms and Conditions (Form LE01, dated 11/2006) executed with the City on March 10, 2011 are considered part of this proposal. The Client indicates by the execution of this task order proposal that the General Terms and Conditions have been reviewed and understood.

Prepared by:
PENNONI ASSOCIATES INC.

Daniel P. Barbato, P.E.
Senior Engineer

Approved:
CITY OF DOVER

_____
Name

_____
Signature

_____
Date

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works - Water	**DATE SUBMITTED**: 09/14/12
PREPARED BY: Sharon Duca, P.E., Interim Public Works Director/City Engineer	
SUBJECT: Engineering Design of Elevated Water Storage Tank – Garrison Farm Subdivision	
REFERENCE: N/A	
RELATED PROJECT: Garrison Farm Subdivision	
APPROVALS: City Manager and Controller	
EXHIBITS: Proposal	
EXPENDITURE REQUIRED: $49,000	**AMOUNT BUDGETED**: $2,000,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Water Management, Garrison Farm Water, CIP Account Number 417-6800-568.40-31, Project #WD1303. This is one component of the tasks proposed within this project.	
TIMETABLE: Authorization of Proposal following Council Meeting, approximately two (2) months of design work for Request for Proposal Documents.	
RECOMMENDED ACTION: Staff recommends authorizing URS to produce “Design-Build RFP”	

BACKGROUND AND ANALYSIS

URS is currently one of three approved consulting engineers that the City of Dover has entered into an agreement of professional services contract. In order to meet the hydraulic demands of the proposed Garrison Farm Subdivision, a new 1.5 million gallon elevated water storage tank is required. URS is currently designing a separate elevated water storage tank for the City of Dover at a different location; therefore, they have proper knowledge of our requirements in regards to the water distribution system. With council approval, URS will produce a Design-Build Request for Proposal (RFP) Bid Documents for the City of Dover to publicly advertise and bid. This RFP will take into consideration the overall subdivision plan and water main layout provided by Becker Morgan Group. Due to the purchasing policy, this work could not be accomplished by Becker Morgan Group, because they are not one of the three consulting engineers that are entered into an agreement of professional service.

URS

September 11, 2012

Mr. Jason A. Lyon, E.I.T.
City of Dover Department of Public Works
P.O. Box 475
Dover, DE 19903

Re: 1.5 MG Garrison Tank Design-Build RFP Documents
Engineering Services Contract (11-0025DPU)

Dear Mr. Lyon:

URS Corporation d/b/a URS Corporation Americas is pleased to submit our proposal to the Dover Department of Public Works for professional services related to the conceptual design and development of Design-Build Request for Proposal (RFP) documents.

I. BACKGROUND

The Department of Public Works plans to construct a new elevated tank to support the proposed energy center on Lot 7 of the Garrison Oak Technical Park located at 1499 White Oak Drive, Dover DE 19901. Dover intends to execute the work through a design-build contract arrangement.

II. SCOPE OF WORK

The City requests engineering services for the development of Design-Build RFP documents for the elevated tower, valving/finished water piping, and appurtenances for the new 1.5 million gallon (MG) elevated storage tank. The deliverables will include conceptual design of the storage tank, a geotechnical investigation report documenting site conditions for the Contractors, conceptual drawings of the site plan and elevated tank, a scope of work for the Design-Build Contractors, and technical specifications and/or design criteria for any proposed materials of construction and equipment.

III. SERVICES TO BE PROVIDED

The following specific services will be provided with this effort:

- Perform site visit to gather information.
- URS will provide information on the elevated tank style alternatives including advantages and disadvantages and pricing to City for review and tank style selection.
- URS will review and provide tower mixing options to Dover for consideration to maintain water quality due to the anticipated cyclical demand of the energy facility.
- Geotechnical investigation including three borings with two borings to a depth of 50 ft. and one to a depth of 80 ft. at the location of the proposed tank. Boring logs will be prepared over the depth of the borings. The geotechnical evaluation will include:
  - Geotechnical recommendations: Foundation type, bearing capacity, estimated settlement, earth pressure properties, seismic site classification, earthwork, dewatering, etc.
  - Description of type of soils, soil resistance (standard penetration tests, pocket netrometer readings, etc.), and groundwater reading for the borings.
  - Lab testing, physical properties.
  - Drilling will be conducted over a two day period with URS personnel on site for the duration.

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Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, DE 19713
Tel: 302.781.5900
Fax: 302.781.5901
www.urscorp.com

- Develop basis of foundation design for elevated water storage tank.
- Review existing and proposed water main information for connection of the new elevated tower into the existing/future distribution system.
- Water modeling of the new tank impacts on the distribution system. We anticipate the following evaluation:
  - Update infrastructure of the model and update present day demands and future demands
  - Investigate fire flow impacts with new tank
  - Investigate water age issues with new tank
- Investigate control valves and baffling with separate inlet/outlet piping in the proposed tower.
- URS will coordinate with the local utility company for the new service connection to the site.
- Prepare draft technical specifications and/or design criteria for the materials of construction that are expected by the City.
- Develop a preliminary opinion of probable cost based on the conceptual design.
- Develop a Scope of Work for the Design-Build RFP document.
- Determine electrical, alarm conditions, and communication requirements for the Project.
- Develop conceptual drawings in AutoCAD.
- Attend one meeting with the City of Dover to review the draft documents.
- Attend pre-bid meeting.
- Respond to technical bidding questions. We have assumed 14 hours of engineering effort.
- Submit deliverable to City in AutoCAD 2009 format with accompanying "pdf" file.

IV. INFORMATION TO BE MADE AVAILABLE BY THE DEPARTMENT OF PUBLIC UTILITIES

We request that the following information be made available for the completion of the Scope of Services:

- The City will provide locations of existing or proposed water infrastructure for connection.
- The City will provide input on requirements, equipment preferences, SCADA needs, etc. of the proposed elevated tank.
- Ground survey within vicinity of proposed facilities. Survey will include property boundary and City negotiated easement information.
- The City will provide all General Conditions, procurement requirements, and legal contracting information necessary for the Design-Build RFP.
- City of Dover to provide Utility contact for the property.
- Proposed Site and Grading Plan of the development at the property where the tank will be situated.
- The City will provide the desired communication needs for tower signals.

V. ASSUMPTIONS

URS has made the following assumptions when developing the budget for this proposal:

- Plans to be developed in accordance with the City of Dover Water/Wastewater Handbook.
- Design-Build RFP documents to follow *Engineers Joint Contract Documents Committee Guidelines for Design/Build Documents.*
- Conceptual documents will provide enough information for the Contractors to understand intent of project and develop a price for completion of design and construction costs.
- An altitude valve will be provided for the inlet piping.
- Level control will be provided for the tank.
- The tank will be equipped with mixing capabilities to maintain water quality.

- Heat is required inside of the tank enclosure.
- No heat tracing required for the piping serving the tank.
- No mechanical ventilation systems are required for the tank enclosure.
- The interior space of the composite tank will not be designed to accommodate office or occupied spaces.
- While considering water age/residual chlorine issues/DBP formation, the average day demand will be used in the extended period runs. Maximum day demands will be utilized for fire flows and minimum pressures.
- An all-terrain drill rig will be used for the borings due to the proposed tank location in the existing farm field.
- No environmental site conditions at the property will preclude access and completion of geotechnical investigation.

VI. SERVICES NOT INCLUDED

URS routinely provides the following additional services for this type of project and welcomes the opportunity to further assist the Department, if desired. However, these tasks have not been included in this proposal:

- Final design.
- Survey.
- Wetland delineations.
- Development of a construction schedule.
- Provision for a booster chlorination feed system at the tank.
- Federal Aviation Administration permit submission/coordination.
- Permitting assistance including construction permits and any necessary approvals by the Office of Drinking Water, State/local permits, DelDOT, and State Fire Marshal.
- Evaluation of alternate value engineering proposals as submitted by the Design-Build firms with their bid.
- Construction administration or review services.

VII. SCHEDULE

We will begin our services, as described in Section II, immediately upon receipt of written authorization to proceed. We anticipate eight weeks to complete the preparation of the deliverables with an anticipated start date of September 25, 2012. We will schedule a kick-off meeting for the first week in October and provide draft documents as they become available for review and comment by Public Works throughout the RFP development/conceptual design period. The geotechnical investigation will be scheduled for mid to late October as the driller needs a few weeks to get the work scheduled. The geotechnical investigation report will be completed within three weeks after drilling commences.

VIII. FEE AND CONTRACT CONDITIONS

Our lump sum fee is $49,000 for the completion of the work as identified above. This fee will not be exceeded without written authorization from the Department of Public Works. The project will be billed on monthly basis based on a percent completion of the lump sum cost.

This proposal is subject to the conditions stated in Agreement for Engineering Services and Project Management for Water and Wastewater Utilities, 11-0025DPU between Dover and URS dated April 26, 2011.

If you have any questions or need additional information, please do not hesitate to contact us. Thank you for the opportunity to serve the Department of Public Utilities.

Sincerely,

URS Corporation d/b/a URS Corporation Americas

Christopher T. Curran, PE
Project Manager

Evan R. Andrews, PE
Principal Environmental Engineer

Approved by: _____ Date: _____

CITY OF DOVER

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2012-05

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

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-3 - Impairment of Fire Protection Equipment, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-3. - Impairment of fire protection equipment.

(a) *Prohibited*. It shall be a violation of this chapter for any owner, renter, lessor, or contractor, after having been notified, in writing, by the fire marshal or code enforcement officer of any impairment to fire protection equipment, including but not limited to fire hydrants, fire alarm systems, sprinkler systems, commercial cooking ventilation and fire suppression systems, standpipes, and smoke removal or pressurization systems, to allow it to remain impaired for any time beyond that allowed by the fire marshal for repair. For the purposes of this section, the term "impairment" means any effective lessening of the equipment to operate as designed, including times of maintenance and annual testing.

(b) Impairment of fire protection systems. All fire protection systems, devices, units, and service equipment shall be maintained in an operational condition at all times, and it shall be unlawful for any person owning, controlling, or otherwise having charge of any fire protection system to willfully or knowingly tamper with or impair the system from operating as designed without proper approval. An approval form may be obtained from the fire marshal's office. Approvals will not be required for temporary impairments caused by periodic testing and inspection. Any impairment which will render the system non-operational or out of service for more than eight hours for testing and inspection purposes must be approved prior to the start of work.

(~~b~~*c*) *Notification required*. The owner, tenant, or contractor shall notify the Robbins Hose Company ~~of the city~~ of any impaired fire protection equipment, and shall renotify the Robbins Hose Company when the fire protection equipment has been restored to normal service. Certification from the repairing contractor shall be required to verify that the system has been fixed and is functioning as designed.

(~~c~~*d*) *Fire watch required*. When any impairment would cause a sprinkler system not to operate or a fire alarm system not to detect and signal a fire, and if the building is to remain occupied, a fire watch shall be established in that building or that portion of a building affected. It shall be the responsibility of the owner or tenant to set up the fire watch. The fire watch shall consist of an hourly check of the building or portion of the building affected, and a log kept, there stating the date, time of the checks, and who was making the checks. This log shall be accessible for immediate inspection by the fire chief, fire marshal, or code enforcement officer.

(e) Authority of fire marshal. The fire marshal or his/her designee is authorized to close any such building or property where fire protection equipment is found to be impaired or non-operational to ensure the life safety of the occupants.

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(~~d~~*f*) *Fines*. Any owner, occupant, contractor or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F—Fees and Fines.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-5 - Open burning, Paragraph (f) - Prohibited, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-5. - Open burning

(a) *Definitions*. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Barbecuing - Commercial. The preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the sale to and/or consumption by the general public.

Barbecuing—Recreational. The preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the consumption by a family and/or guests or by the membership of a private organization or church congregation.

Open burning. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Outdoor fireplace. Any homemade or commercially produced fireplace, fire pit, or fire ring used for the kindling of wood.

(b) *Permit required*. Open burning of structures, brush, or bonfires shall not be permitted without a permit obtained from the fire marshal.

(c) *Fire dimensions*. Open burning, when permitted, shall be kindled in such a manner as not to be a danger to other campers, recreational vehicles, tents, or structures and shall not be of a size greater than 18 inches by 18 inches by 18 inches. Height of the fire shall be measured from the ground or from the bottom of the inside of the container being used to kindle the fire. Open burning shall not be kindled directly on the ground unless contained in a fire ring.

(d) *Fire clearances and time restrictions*. Outdoor fireplaces shall have 36 inches clearance from all combustibles when in use. Portable fireplaces, fire pits, or fire rings shall be extinguished in a residential area between the hours of 12:00 midnight and 8:00 a.m.

(e) *Commercial barbecuing*. Commercial barbecuing shall be permitted under the following conditions:

(1) The location has been approved by city licensing and inspections and the fire marshal and an outdoor public gathering permit has been obtained.

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(2) One fire extinguisher of not less than five pounds ABC is to be located within ten feet of the cooking area. Cooking area and cooking fuels shall be secured from public access.

(3) Approval from the board of public health has been obtained.

(4) The operator shall make all reasonable attempts to avoid causing a nuisance to nearby property owners with smoke, fumes, or sparks.

(5) All compressed flammable gas containers used for cooking shall be secured in such a way as to prevent them from being knocked, tipped, or blown over.

Any commercial barbecuing operations which are a continual nuisance because of smoke, fumes, or sparks shall be terminated by the code official or fire marshal and the outdoor public gathering permit revoked until such time as the director of licensing and inspections is satisfied that the problem has been corrected.

Barbecuing of any kind shall not be kindled within 200 feet of any fuel pump or storage tank fill. Cooking grease shall not be disposed of by placing it directly on the ground or in storm water drains.

(f) *Prohibited.* ~~**Multifamily residential dwelling units. In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.**~~

(1) Multifamily residential dwelling units. In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.

(2) Unattended burning. It shall be prohibited for open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time. In the event that any open burning, commercial barbecuing, or outdoor fireplaces are found to be unattended, the fire marshal, code official, fire officer, or police shall order the open burning extinguished.

(g) *Fines*. Any owner, occupant, contractor, or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F—Fees and Fines.

(h) *Authority of the fire marshal*. The fire marshal is authorized to impose a ban on open burning if weather conditions do not safely permit open burning. The fire marshal or fire officer shall order any fire extinguished that is deemed unsafe or not in compliance with this section of the Dover Code.

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BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-7 - Preventable and Malfunctioning Alarms to the Fire Company, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-7. - Preventable and malfunctioning alarms to the fire company.

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Automatic telephone dialing device and *digital alarm communicator system* mean an alarm system which automatically sends a prerecorded voice message or coded signal over regular telephone lines, by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

~~***Fee***~~ ***Fine*** means the assessment of a monetary charge, payable to the city, authorized pursuant to this section, to defray the expenses of responding to a preventable alarm or alarm malfunction.

Fire alarm installation report means a report, in a form approved by the fire marshal, with the following minimum information:

(1) The name, address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed.

(2) The name***,*** address***,*** and telephone number of a minimum of two persons who can be notified by the Robbins Hose Company in the event of the activation of the alarm system, who shall be capable of responding to the premises within 30 minutes, and who ~~is~~ ***are*** authorized to enter the premises to ascertain the status thereof.

Fire alarm malfunction means the activation of any alarm, which results in the response of the fire department, caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance.

Fire alarm system means any mechanical, electrical or radio-controlled device which is designed to emit a sound or transmit a signal or message when activated or any such device which emits a sound and transmits a signal or message when activated because of smoke, heat or fire. Without limiting the generality of the foregoing, the term "fire alarm system" shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone direct dial devices or digital alarm communicator systems. A single station alarm device shall not be deemed to be an alarm system under this section.

Fire alarm technician means any person who inspects, installs, repairs or performs maintenance on fire alarm systems and is licensed by the state or works under a state licensed alarm contractor.

Operative alarm system means an alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of the state or the city.

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Owner means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.

Premises means any building or structure, or combination of buildings and structures, which serve as dwelling units, single-family or multifamily, or any other area within a building or structure, or combination thereof, which is used for any purpose, other than residential, wherein an alarm system is installed.

~~***Preventible***~~ ***Preventable*** *alarm* means the activation of any alarm, which results in the response of the fire department, caused by the negligence or intentional misuse of the system by the owner or his***/her*** employees, servants or agents; or any other activation not caused by heat, smoke or fire, exclusive of a "fire alarm malfunction" as defined in this section. An alarm is not considered a ~~**preventible**~~ ***preventable*** alarm if the alarm is activated due to malicious causes beyond the control of the owner.

Serve means hand-delivery, by a representative of either the fire department or police department, to the owner or authorized representative who responded to the premises. In the event the owner or authorized representative fails to respond to the premises within 30 minutes, the term "serve" shall mean placing the form or other matter in the United States mail, addressed to the owner or authorized representative.

Single-station alarm device means an assembly incorporating the detector, control equipment and alarm-sounding device in one unit, operated from a power supply either in the unit, or obtained at the point of installation.

~~**(b) *Fire alarm installation report.***~~

~~**(1) *Required.* Every person who installs, owns, leases, possesses or operates any fire alarm system within the city shall notify the office of the fire marshal of the alarm system and necessary information about the system through a fire alarm installation report, which shall be completed and forwarded to the office of the fire marshal. When any of the information required has changed, it shall be reported by the owner within 15 days of such change.**~~

~~**(2) *Test.* No fire alarm system acceptance test shall be performed until the fire alarm installation report is complete. It shall be the duty of the fire alarm installation company to provide the owner with a current copy of the fire alarm installation report.**~~

(~~**c**~~***b***) *Responsibility for malfunctioning and* ~~**preventible**~~ ***preventable*** *alarms, owner response, and corrective action.*

(1) *Generally*. The responsibility for a preventable or malfunctioning alarm shall be that of the owner of the premises in which the fire alarm system is installed. A response to a preventable or malfunctioning alarm shall result when any fire marshal or member of the fire department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system, by any means whatsoever, and responds thereto by traveling to that premises. After responding to a malfunctioning or preventable alarm, the responding official shall notify the owner or his***/her*** authorized representative and such person shall thereupon travel to the premises to ascertain the status thereof. Should the person notified

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fail to appear at said premises within 30 minutes after being notified to do so, the ~~city may charge~~ ***fire marshal may issue*** the owner of the premises a ~~fee~~ ***fine*** as provided for in Appendix F—Fees and Fines. The official or member of the fire department who responded to said premises shall ~~forward a fire alarm activation report to~~ ***notify*** the fire marshal's office.

(2) *Malfunction*. In the event of a fire alarm deemed by the responding official to be the result of a fire alarm malfunction, the owner will be served a ~~fire alarm activation report~~ ***notice of violation form***, indicating that the activation was deemed to be the result of a fire alarm malfunction, and requiring the owner to ~~return a completed affidavit of service/repair within 15 days of said alarm activation, which can verify~~ ***provide documentation that the fire alarm component that caused the fire alarm malfunction has been corrected***, to the satisfaction of the fire marshal, ***and*** that the fire alarm system in question has actually been examined by a fire alarm technician and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the fire alarm malfunction. Failure to return ~~an affidavit~~ ***documentation*** of service/repair within ~~said 15-day period,~~ ***the period of time stated on the notice of violation,*** which is satisfactory to the fire marshal, will result in assessment against the owner of a ~~fee~~ ***fine*** for the fire alarm malfunction as provided for in Appendix F—Fees and Fines.

(~~d~~***c***) ~~Fee~~ ***Fine*** *charges; multiple fire alarm malfunctions or* ~~preventible~~ ***preventable*** *alarms.*

(1) *Amount of* ~~fee~~ ***fine***. A ~~fee~~ ***fine*** may be assessed for the third and subsequent malfunctioning or preventable alarms at the same premises responded to by the fire department within the prior 12-month period. Thereafter, the ~~fees~~ ***fines***, as provided for in Appendix F - Fees and Fines, shall be paid by the owner for each preventable or malfunctioning fire alarm responded to by the fire department at the same premises during a 12-month period beginning with the date of the first alarm.

(2) *Panel reset*. Once a preventable alarm or fire alarm malfunction has been responded to by the fire department, it shall be unlawful for the alarm panel to be reset by any person until the authorization of the fire department has been obtained. A ~~fee~~ ***fine*** as provided for in Appendix F—Fees and Fines may be assessed to the owner of a premises where the fire alarm has been reset before the fire department or assisting fire department arrives.

(3) *Insufficient alarms*. When any premises are protected by a fire alarm system that, in the opinion of the fire marshal or his***/her*** deputy(ies), will not safely alarm the occupants of a fire, the fire marshal or his***/her*** deputy(ies) may close said building, or a portion of said building, to human occupancy until the problem with the fire alarm is corrected and a written report from a licensed fire alarm company is submitted to the fire marshal.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-9 - Fire Hydrants and Fire Department Connections, to read as follows:

Sec. 46-9. - Fire hydrants and fire department connections.

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(a) It shall be unlawful for any person to park, place, or keep any vehicle or object within ten feet of a fire hydrant or fire department connection on any city street or public property.

(b) Fire hydrants public and private shall have their tops painted with the appropriate color to indicate flow, and the remainder of the hydrant shall not be painted any color other than red unless approved by the fire marshal and public works department.

(c) It shall be unlawful to knowingly impair or tamper with a fire hydrant or fire department connection so as to make it non-operational when needed.

(d) It shall be unlawful for any person other than members of a fire department engaged in the performance of their duties, any person in the event of an emergency endangering life or property, or any city department for authorized purposes to open, use or take water from any fire hydrant.

(e) During times of inclement weather, snow shall not be plowed or piled as to obstruct the use of fire hydrants on private property.

(f) Fire hydrants shall be installed per the requirements of City of Dover Public Utilities Water/Wastewater Handbook, NFPA requirements, and Delaware State Fire Prevention Regulations.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-10 - Notifying the Fire Department, to read as follows:

Sec. 46-10. - Report of fires required; spreading of alarm.

It shall be the duty of the owner, manager, occupant, responsible person or any person in direct control of any building or premises of any kind, upon discovery of a fire or evidence of there having been a fire even though it has apparently been extinguished, or upon receiving information that there is or was a fire on the premises, to immediately and with all reasonable dispatch and diligence call or otherwise notify the fire department of the existence, circumstances, and location of such fire and to spread an alarm to all occupants of the building. This requirement shall not be construed to forbid any person to use all diligence necessary to extinguish such fire prior to the arrival of the fire department.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-11 - Unlawful Regulation or Order, to read as follows:

Sec. 46-11. - Unlawful regulation or order.

No person shall make, issue, post, or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the fire department.

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BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-12 - Maintaining Records for Inspections, to read as follows:

Sec. 46-12. - Maintaining records for inspections.

The building or property owner or manager of any occupancy required to have an annual fire/life safety inspection conducted by the fire marshal's office shall maintain a fire inspection log with the documentation pertinent to that occupancy for the preceding three years, as follows:

(a) Annual fire alarm system certificate of inspections
(b) Annual fire suppression system certificate of inspections
(c) Annual hood suppression system certificate of inspections
(d) Annual elevator certification of inspection
(e) Annual fire extinguisher inspection paperwork
(f) Six-month steam cleaning paperwork for hood suppression system
(g) Two year boiler inspection paperwork
(h) Three or five year electrical inspection paperwork
(i) Current respondent information
(j) Monthly fire extinguishers visual check
(k) Monthly exit lights test
(l) Monthly emergency lighting test.
(m) Monthly generator run
(n) Self-closing fire door & exit hardware
(o) Fire drills

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal, be amended by inserting the text indicated in bold, blue, italics as follows:

Sec. 46-124. - Fire marshal.

(a) *Selection*. There shall be a fire marshal, who shall be selected by the city council at its annual meeting.

(b) *Fire prevention*. The fire marshal or his***/her*** authorized agent shall enforce this article and any other fire prevention provisions of this Code and any other fire prevention regulations applicable to the city.

(c) *Investigation of fires*. The fire marshal or his***/her*** deputies shall be responsible for the investigation of the origins and causes of fires and explosions within the corporate limits of the city, which involve the loss of life or injury or cause destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion. Upon request of the fire marshal, the city police shall be authorized to assist the fire marshal in the performance of his***/her*** duties. When any fire or explosion is found to be suspicious or criminal in nature or causes serious injury or death, the fire marshal or his***/her*** deputies shall contact the city police and, per the agreement of the fire marshal and chief of police, conduct a joint investigation into the origin and cause of the fire or explosion.

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(d) *Hazardous conditions*. When, in the opinion of the fire marshal or code official, a fire or life safety hazard is of imminent danger to occupants of a building, structure or outdoor event, the fire marshal or code official may order the unsafe condition removed, said building or structure evacuated or outdoor event terminated.

(e) Right of entry. The fire marshal or his/her designee is authorized at all reasonable times to enter and examine any building, marine vessel, vehicle, or premises for the purposes of making fire safety inspections. Before entering a private building or dwelling, the fire marshal or his/her designee shall obtain the consent of the occupant thereof or obtain a search warrant authorizing his/her entry for the purpose of inspection, except in those instances where an emergency exists. As used in this section, "emergency" means circumstances which the fire marshal or his/her designee knows or has reason to believe exist, and which reasonably may constitute immediate and grave danger to life or property.

(f) Implied consent. Application for, or acceptance of, any license or permit requested or issued pursuant to City Code constitutes agreement and consent by the person making the application or accepting the license or permit to allow the fire marshal or his/her designee to enter the premises at any reasonable time to conduct such inspections as required by this code or deemed necessary by the fire marshal or his/her designee to determine compliance with the requirements for such license or permit.

(g) The fire marshal or code official may placard any building damaged by fire or explosion as being a health hazard and unsafe to enter. No one shall enter any building having been placarded by the fire marshal or code official as being a health hazard and unsafe without first contacting the fire marshal.

(h) It shall be unlawful to enter any premise, structure, building, or vehicle which has been damaged by fire or explosion for the purpose of removing, altering or tampering with any part of the structure, appliance, or object identified and tagged by the fire marshal as being a possible ignition source or cause of the fire or explosion, without approval of the fire marshal, until the conclusion of the investigation.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, be amended by inserting a new Section 46-128 - Marking Rated Walls, to read as follows:

Sec. 46-128. - Marking Rated Walls

(a) Fire walls, fire barriers, shaft enclosures, fire partitions, and smoke barriers shall be labeled with their rating. Markings shall be red in color, located on both sides of the separation wall, a minimum of four inches in height, and no more than fifteen feet apart for the length of the wall. Markings shall be visible when ceiling tiles are removed for inspection.

(b) Ratings are to be marked as follows:

One hour separation. 1HR
Two hour separation. 2HR
Three hour separation. 3HR
Four hour separation. 4HR
Smoke Barriers. . . . . SB

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BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 46-168 - Reinspection Fee, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

Sec. 46-168. - Reinspection fee.

(a) *Amount*. There is hereby created a reinspection fee as provided for in Appendix F—Fees and Fines that shall be charged for any repeated violation cited by the fire marshal, determined to be a violation and which requires a follow up inspection to confirm the correction of the violation.

(b) ~~***Sending of bill.* Reinspections for the above referenced violations shall cause the fire marshal to direct a bill to be sent to the operator having had such violations.~~ ***Fee attached. A fee may be attached to any summons written for any violation found to still be uncorrected upon reinspection.***

~~**(c) *Failure to pay*. Failure to pay the reinspection fee within ten days from the receipt of such bill may permit the city's fire marshal to suspend, without warning, notice or hearing, any permit to operate a public occupancy for noncompliance with the requirement of this section**~~.

BE IT FURTHER ORDAINED THAT

Appendix F - Fees and Fines, be amended by inserting the text indicated in bold, blue, italics, as follows:

Sec. 46-3	Impairment of Fire Protection Equipment		
	Subsec. ~~(d)~~***(f)***	Fines	$50.00 first offense; $100.00 second and subsequent offenses
Sec. 46-7	Preventable and malfunctioning alarms to the fire company		
	Subsec. ~~(c)~~***(b)***(1)	Responsibility for malfunctioning and preventable alarms, owner response, and corrective action; Generally	Should the person notified fail to appear at said premises within 30 minutes after being notified to do so, the city may charge the owner of the premises a ~~fee~~ ***fine*** of $75.00
	Subsec. ~~(c)~~***(b)*** (2)	Responsibility for malfunctioning and preventable alarms, owner response, and corrective action; Malfunction	Failure to return ~~an affidavit~~ ***documentation*** of service/repair within ~~said 15-day period,~~

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				the period of time stated on the notice of violation, which is satisfactory to the fire marshal, will result in assessment against the owner of a ~~fee~~ ***fine*** for the fire alarm malfunction
	Subsec. ~~(d)~~*(c)* (d)(1)	~~Fee~~ ***Fine*** charges; multiple fire alarm malfunctions or preventable alarms; Amount of ~~fee~~ ***fine***		
		Number of preventable or malfunctioning fire alarms		~~Fee~~ ***Fine*** per preventable or malfunctioning fire alarm
			Third	$75.00
			Fourth	$100.00
			Fifth	$200.00
			All over fifth, each	$250.00
	Subsec. ~~(d)~~*(c)*(2)	~~Fee~~ ***Fine*** charges; multiple fire alarm malfunctions or preventable alarms; Panel reset		A $25.00 ~~fee~~ ***fine*** may be assessed to the owner of a premises where the fire alarm has been reset before the fire department or assisting fire department arrives
Sec. 46-168	Reinspection Fee			
	Subsec. (a)	Amount		$25.00 for any repeated violation cited by the fire marshal, determined to be a violation and which requires a followup inspection to confirm the correction of the violation

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	Subsec. (b)	***Fee Attached***	***A fee may be attached to any summons written for any violation found to be uncorrected upon reinspection.***

ADOPTED: *

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SYNOPSIS

This proposed ordinance would amend Chapter 46 - Fire Prevention and Protection and Appendix F - Fees and Fines to clarify existing language and create new subsections which would make it unlawful for any person to tamper with or impair any fire protection system from operating as designed; specify the authority of the fire marshal; prohibit open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time and authorize the fire marshal, code official, fire officer, or police to order the open burning extinguished; and remove the requirement for fire alarm installation reports. It would also create new sections to address fire hydrants and fire department connections; the report of a fire and spreading of alarm; unlawful regulations or orders; maintaining records for inspections; and marking rated walls.

(SPONSORS: STAFF)

Actions History

September 24, 2012 - Scheduled for Final Reading by City Council
September 10, 2012 - Public Hearing/First Reading by City Council
August 29, 2012 - Considered by the Safety Advisory and Transportation Committee

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