REGULAR COUNCIL MEETING
A G E N D A

REVISED 09/23/2011 (ITEM #5-B)

September 26, 2011 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

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 is prohibited and 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 HARE

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 12, 2011**

2. Presentations
- **A. Certificate of Appreciation - Chick-Fil-A**
- **B. Friends of the Dover Library**

3. Proclamation - Prostate Cancer Awareness Month

* **4. Utility Committee Report - September 12, 2011**
- **A. Presentation - Power Plant Revenues**
  (Committee Action Not Required)

5. Legislative, Finance, and Administration Committee Report - September 12, 2011

* **A. Proposed Resolution No. 2011-11 - Request to General Assembly to Amend the City of Dover Charter - Length of Terms for Mayor and Council**
(Committee Recommended Tabling this Matter Pending Additional Review of Actions Taken by Previous Charter Review Committees)

* **B. Proposed Ordinance #2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Associations** ***(See Item #7-A)***
(Committee Recommended Adoption of Proposed Ordinance #2011-15)

5. Legislative, Finance, and Administration Committee Report - September 12, 2011 (Continued)

* **C. Evaluation of Bids - Municipal Street Sweeper**
(Committee Recommended Approval of the Purchase of a Tymco Model 600 Street Sweeper from Mid-Atlantic Waste System in the Amount of $164,700)

* **D. Review of Policy for Physical Posting of Properties Proposed for Rezoning**
(Committee Recommended Approval of the Physical Posting of Properties for Rezoning Policy)

* **E. Financial Policy - Carry-Forward Balances**
(Committee Recommended Approval of the Financial Policy, as Amended)

F. Elimination of Delinquent (Blue) Notices
(Committee Recommended Adoption of a Policy Change to Add a Delinquent Notification to Utility Bills and Eliminate a Separate Mailing of Delinquent Notices, and to Request Staff to Address the Committee's Concerns Regarding Public Notification When Presented to Council)

* **G. Implementation of Social Media Policy**
(Committee Recommended Withdrawing the Social Media Policy from Any Further Consideration)

* **H. Public Comment Period** *(Committee Action Not Required)*

* **6. Monthly Report - July 2011 - Capital Investment Plan (CIP) Report**

7. First Reading - Proposed Ordinance
The First Reading is offered on Proposed Ordinance #2011-15. It is recommended for referral to the Planning Commission on October 17, 2011. Final action by Council will take place during the Second Reading of the ordinance on November 14, 2011. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Proposed Ordinance #2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Associations *(Legislative, Finance, and Administration Committee)*

8. Final Reading - Proposed Ordinance
The First Reading of Proposed Ordinance #2011-22 was accomplished during the Council Meeting of September 12, 2011. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

A. Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking Related to Immobilization of Vehicles

9. Council Members Announcements

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

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 12, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, 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.

Mr. DeWitt Peterkin, 101 Chatham Court, relayed appreciation to the City of Dover for commemorating the events of September 11, 2001. He also thanked the *Delaware State News* and the *Dover Post* for their coverage and Delaware Meals on Wheels for their remembrance celebration on Saturday, September 10, 2011.

Mr. Albert D. Faust, Westminster Village, stated that there was a tremendous drainage problem during recent storms and questioned if the City has analyzed the current drainage system throughout the City. He suggested the development of a solution for "bottleneck" areas and suggested that cleaning tax ditches might help with the drainage problem.

The invocation was given by Councilwoman Russell, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda as presented, seconded by Dr. McGlumphy and unanimously carried.

Mr. Bonar requested that Item #5A - Utility Committee Report - Discussion on Informational Presentation by Delaware Electric Cooperative, be removed from the consent agenda and that Item #6C - Legislative, Finance, and Administration Committee Report - Discussion on Hotel/Motel Tax, be included on the consent agenda.

Mr. Bonar moved for approval of the consent agenda as amended, seconded by Mrs. Williams and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 22, 2011

The Minutes of the Regular Council Meeting of August 22, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Hutchison and bore the written approval of Mayor Carey.

CERTIFICATE OF CONGRATULATIONS - DOVER AIR FORCE BASE

The City Clerk read the following Certificate of Congratulations into the record:

CERTIFICATE OF CONGRATULATIONS

Presented to

Colonel Mark Camerer - 436th Wing Commander

in honor of the dedicated men and women at the Dover Air Force Base for achieving the following awards at the annual rodeo

Best Airland Team
Best C-5 Team
Best C-5 Preflight Team
Best C-5 Aircrew
Best C-5 Maintenance Team
Best C-5 Maintenance Skills Team
Best C-17 ERO Team
Best C-5 AAR Crew
Best C-5 ERO Team

The City of Dover extends its congratulations!

Presented on September 12, 2011

Mayor Carey presented the Certificate of Congratulations to Col. Mark Camerer, 436th Wing Commander for Dover Air Force Base. Mayor Carey stated the importance of Dover Air Force Base to the residents of Dover and to all American citizens and expressed his appreciation for the men and women serving at the Base who put themselves in harm's way to protect our nation's freedom. Mayor Carey stated it was an honor to present the awards received at the annual Rodeo, noting that Base personnel captured all awards pertaining to C-5's and additional awards related to C-17's.

Col. Camerer thanked the City of Dover for the recognition and, on behalf of the 4,000 men and women stationed at Dover Air Force Base, stated their appreciation for the support received from the City. He introduced Major Patrick Schuldt, who served as the Captain of the RodeoTeam and Airman Collin Cenci, who serves as a C-17 Loadmaster, and noted that it is a tribute to the C-17 and C-5 combined that Dover Air Force Base was deemed to be the best air/land team.

Mr. Hutchison relayed congratulations to the men and women of the Dover Air Force Base and introduced Judge Ernst Arndt, Honorary Commander, who attended the week-long Rodeo Event.

Judge Arndt stated that, although he is a long-time resident of Kent County, he was only recently made aware of the extent of the activities performed at the Base. He stated that the men and women who serve give their "all" and that the receipt of nine (9) trophies is a small reflection of the efforts and excellent team at Dover Air Force Base.

Mrs. Williams felt that the receipt of the trophies is an indication that Dover Air Force Base is the best in the world and relayed congratulations.

Mr. Bonar stated his pride in Dover Air Force Base and acknowledged the very large role it plays in the defense of the United States. He relayed appreciation to the contribution the Base makes to the community and country.

Mrs. Fran Hettinger, retired City employee, stated that she came to Dover in 1958 from Pittsburgh, Pennsylvania as the result of her husband's military service (retired in 1971). She thanked the Dover Air Force Base for all their contributions and the protection they provide our nation.

PRESENTATION - DOVER SUN PARK

Mr. Nathan Hanson, of LS Power Development, LLC, reviewed a Presentation - "Dover SUN Park Project - White Oak Solar Energy LLC" (***Exhibit #1***). He relayed appreciation to the Mayor and members of Council for their support and participation in the Dover Sun Park Dedication Ceremony that was held on August 17, 2011.

Responding to Mr. Anderson, Mr. Hanson indicated that the Park has been running for approximately one (1) month and that, during the peak times of the day, the Park has reached up to 10 megawatts. He explained that the energy increases in the morning and achieves its maximum generation during peak sunlight hours. Mr. Hanson anticipated that maximum generation will typically occur in the July to August timeframe, when the sun is at its highest point in the sky and during the "off-shoulder" months, the facility will not reach 10 megawatts. Mr. Hanson reminded members that the peak obligation, which is what the City pays Pennyslvania, Jersey, Maryland Interconnection, LLC (PJM), is typically reached during the July to August time period when the load in the area is highest. Mr. Hanson stated that the maximum benefit to the City is provided when the facility reaches the 10 megawatt capacity during this time.

Mr. Anderson noted that the market price related to environmental credits has decreased and, since the City's financial agreement with White Oak Solar Energy has not been disclosed, he requested assurance that the citizens of the City are not obligated to pay above market price. Responding, Mr. Hansen stated that this agreement with the City is now public and that any resident may submit a request for a copy to obtain detailed information. He assured members that, to his knowledge, the contract with the City of Dover is one of the lowest solar contracts available.

PRESENTATION - THE GREATER DOVER COMMITTEE

Mr. Tom Burns, President of the Greater Dover Committee, advised members of some of the accomplishments of the Greater Dover Committee, such as the installation of the community clock, coordination of First Night Dover, involvement with the Downtown Dover Partnership, and the institution of new programs, such as the Kent County Center for Arts and Capital Mentoring. He introduced Mr. Bill Strickland and Mr. Gregg Moore, representatives of the Greater Dover Committee, who reviewed a Presentation entitled "Kent County Sports Complex" (***Exhibit #2***).

Responding to Mrs. Williams, Mr. Strickland indicated that up to 15 simultaneous events could occur at the proposed complex.

In response to Mr. Anderson, Mr. Strickland stated that the Greater Dover Committee was requesting the City of Dover to endorse the project. Concurring with Council President Leary, Mr. Strickland felt that a letter of support from the City of Dover would be beneficial.

Mr. Hutchison moved to embrace and support the Kent County Sports Complex, seconded by Mr. Anderson and unanimously carried.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2011-18 - REZONING OF PROPERTY LOCATED AT 601 FULTON STREET, OWNED BY HARRINGTON COMMERCIAL, LLC

A public hearing was duly advertised for this time and place to consider rezoning of property located at 601 Fulton Street, consisting of .486$^{+/-}$ acres, owned by Harrington Commercial, LLC. The property is currently zoned M (Manufacturing) and the proposed zoning is C-3 (Service Commercial). (Tax Parcel: ED-05-076.08-01-14.00-000, Fourth Council District; Planning Reference: Z-11-05)

Mr. Bonar moved that the Final Reading of Proposed Ordinance #2011-18 be acknowledged by title only, seconded by Mr. Hare and unanimously carried. *(The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of July 25, 2011.)*

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. It was noted that the Planning Commission recommended approval of the zoning request.

Public Hearing

Council President Leary declared the public hearing open.

Mr. Mike Harrington, owner of Harrington Commercial, stated that, due to the lengthy process involved with conditional use which would be required in the Manufacturing zoning classification, it is difficult to acquire tenants for the property. He noted that half of the property houses an ambulance company and the other half is occupied by a contractor. He requested support for the rezoning request and indicated that, if approved, the current tenants would remain.

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

Mr. Anderson moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Bonar and by a unanimous roll call vote, Council adopted Ordinance #2011-18, 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 601 FULTON 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 M (Manufacturing Zone) to C-3 (Service Commercial 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 M (Manufacturing Zone) to C-3 (Service Commercial Zone) on that property located at 601 Fulton Street (on the north side of Fulton Street between Ridgely Street and the railroad corridor), consisting of .0486+/- acres, owned by Harrington Commercial, LLC.
   (Tax Parcel: ED05-076.08-01-14.00-000; Planning Reference Z-11-05; Council District: 4)

ADOPTED: SEPTEMBER 12, 2011

UTILITY COMMITTEE REPORT - AUGUST 22, 2011

The Utility Committee met on August 22, 2011 with Chairman Bonar presiding.

Discussion - Informational Presentation by Delaware Electric Cooperative

During their meeting of June 27, 2011, members were provided an informational presentation by Delaware Electric Cooperative (DEC) on the Pros and Cons of DEC Purchasing the City of Dover Electric System.

Mr. Scott Koenig, Interim City Manager, presented a response to the DEC presentation explaining why Dover residents should continue to own the electric system.

In response to Dr. McGlumphy, Mr. Koenig explained that it was his understanding that DEC indicated in their presentation that the City's rates could be reduced by approximately 25% if the utility were sold, based on the 2010 electric rates. He advised members that, since 2010, there have been two (2) power cost adjustments; therefore, he felt that the savings realized would be less than 25%. As to the benefits to the citizens of maintaining City ownership of the electric system, Mr. Koenig stated that this would allow the City to better control its future, since the City would have the ability to manage and plan the system through local officials and local talent and recover costs through the transfer of profits to the General Fund to help reduce the City's property tax base. He noted that the City has an obligation to maintain competitive rates.

Council President Leary reminded members that the City's electric utility is an asset that allows the City to keep property taxes low, which was its initial purpose and continues today.

Responding to Mr. Bonar, Mr. Koenig confirmed that one (1) cent of property taxes equates to approximately $300,000. He noted that approximately $7M to $8M per year is transferred from the Electric Fund to balance the City's budget and that it would be necessary to increase property taxes

by approximately 25 cents to cover this cost if the utility were sold. Mr. Koenig stated this does not include income that would be generated by investing funds received from the sale. In regard to businesses, he advised members that it was his understanding that the City's larger industrial customers are concerned with the 25% gap that DEC mentioned, since it affects their ability to compete in the industry. Mr. Koenig questioned if any of the losses or "contractions" of local businesses are directly attributable to the electric rate versus the decline in the economy. It was his feeling that during this difficult economic market, business losses occur for a variety of reasons.

Ms. Judy Diogo, President, Central Delaware Chamber of Commerce (CDCC), stated that the CDCC membership has indicated a desire for City Council to conduct a feasibility study to determine if it would be advantageous for the City to sell its electric system. She advised members that their current concerns are with the cost of conducting business and, since there has been an indication that there are potential savings, the membership would like for the issue to be investigated as thoroughly as possible.

Mr. Bonar felt that in order for the Committee and City Council to make such a decision, a thorough, independent, and unbiased review would be necessary and that such a review should include what the utility means to the City, what is happening in this regard throughout the country and region, the effect of new Environmental Protection Agency (EPA) rules, etc. He estimated that such a study would cost approximately $30,000 and noted that these funds are available in the Reserve Fund. Should the City be required to increase property taxes to offset monies lost from the Electric Fund, Mr. Bonar suggested that the increase could be offset by the income tax deduction permitted for property taxes. Until all information is obtained, he did not feel that a decision could be made and suggested that the Committee recommend that City Council approve further review of this matter.

Mr. Snaman relayed concern with the figures quoted by DEC, stating that DEC did not have complete information regarding the cost of the City's electricity, including the cost of assuming the City's gas purchase contracts.

Mrs. Williams reminded members that DEC provides only distribution and not generation. As a resident, she stated her appreciation for the current quick response time provided by the City, which would be lengthened if the utility was purchased by DEC. She also indicated a concern that the City's ability to obtain "the best deal" would be compromised by not being an owner, explaining that, currently, there are companies who are willing to come to the City of Dover and build a plant at no cost to the City because the City owns an electric company and service and has land available. Mrs. Williams felt that being independent and self-sufficient in electricity is of primary importance and that if Philadelphia Electric Company (PECO) went down, it would not result in a blackout for the City, since the City currently has the ability to generate its own electricity.

Responding to Mrs. Williams, Mr. Ron Lunt, Public Utilities Director, confirmed that the City would be totally electrically self-sufficient in an emergency. He stated that the City's current capacity is approximately 175 megawatts and that the peak for the City this past summer was 160 megawatts. Mr. Lunt advised members that, due to the age of the system, it would take apprxoimately eight (8) to ten (10) hours for the City to become totally self-sufficient in covering its entire service area; however, a portion of the load could be carried within half an hour with the 40 megawatt unit. This power would be dedicated to critical assets such as the hospital, certain water facilities, etc.

In response to Mr. Bonar, Mr. Lunt stated that the two (2) 17 megawatt units were built in the early 1960s, the 100 megawatt unit was built in early 1970s, and the cost of replacing them would amount to hundreds of millions of dollars. He estimated that the two (2) 17 megawatt units are nearing the end of their life cycle, which he estimated would extend for approximately five (5) years.

The Committee recommended that the City proceed with a Request for Proposals (RFP) for an independent study to be conducted by an entity that is not currently or planned to be associated with the City of Dover, the Delaware Electric Cooperative (DEC), or any other local electric company, to determine the feasibility of the City remaining in the electric business, the possibility of getting out of the electric business, and the anticipated ramifications of either approach.

Mr. Bonar explained the importance and complexity of this issue and the need for further review by individuals who are more qualified than members of the Utility Committee and less biased than the City of Dover or a potential buyer. He indicated that he had discussed this matter with Mr. Lunt, who suggested that the proposed study be expanded to include a Cost of Service Study. The purpose would be to determine whether or not the City has all the proper mechanisms to operate the electric department in the most profitable fashion. An attendant portion of such a study, in Mr. Lunt's opinion, would be consideration of providing a provision that would allow customers in the City of Dover to begin the process of shopping for their electric at a cheaper rate. Mr. Bonar suggested that this also be considered, noting that the cost of such a study would increase the price projection from approximately $30,000 to $50,000. He recommended that this matter be referred back to the Utility Committee to begin the process of authorizing staff to gather information to proceed with a Cost of Service Study.

In response to Mr. Hare, Mr. Bonar explained that the study originally requested by the Committee would be a part of the Cost of Service Study, which would assist the City in making a decision as to whether or not the City should remain in the electric business. The purpose for referring this matter back to the Committee was to determine the cost of such a study.

Mr. Anderson stated that such a study would not only help to determine the feasibility of the City remaining in the electric business but also provide the City with the framework necessary to operate the electric business more profitably and efficiently; therefore, the study would serve as an investment for the City.

Mr. Bonar moved to refer further discussion of the sale of the electric department and the issuance of a Request for Proposal (RFP) for an independent study regarding the possible sale and disposition of the utility, including a Cost of Service Study, to the Utility Committee. The motion was seconded by Mr. Anderson and unanimously carried.

Discussion - Infrastructure Improvements to the Garrison Tract

Members were advised that on August 3, 2011, senior City staff met with representatives of the Calpine Corporation to discuss the potential construction of a new power generation facility to be located on the Garrison Oak Tract and provided members with a summary status of the proposed project.

Mr. Scott Koenig, Interim City Manager, reviewed the outline provided by Calpine Corporation regarding the infrastructure update on the Garrison Energy Center development project (GEC), as follows:

1. GEC is anticipated to be a nominal 618 MW power generation facility which is planned to be built in two (2) phases (each nominally rated at 309 MW). Targeted commercial operation date for the first phase is June 1, 2015;

2. Updated permitting for GEC is underway as the project is being enhanced to employ a more energy efficient technology;

3. Calpine is presently in negotiations with Eastern Shore Natural Gas to bring natural gas to GEC and the Garrison Oak Technology Park via a new gas pipeline – presently anticipated to be a six (6) mile 16" lateral pipeline;

4. GEC's electric interconnection process with PJM has been delayed by over three (3) months. Calpine expects to receive GEC's System Impact Study from PJM by the end of September 5, 2011; and

5. Calpine is working with Becker Morgan to integrate GEC's infrastructure requirements with those of the Garrison Oak Technology Park.

Responding to Mr. Blakemen's inquiry regarding Item# 2 - Updated Permitting, Mr. Ron Lunt, Public Utilities Director, stated that this reference is in regards to GEC's plans to upgrade the generator from 150 to 300+ megawatts.

No further action was taken by the Committee.

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

Members were provided a "Preliminary" Project Tracking Report, as of June 30, 2011, for the Utility (Electric and Water/Wastewater) Related Capital Investment Plan (CIP).

Referring to the Fox Hall Pump Station and Heatherfield Force Main Rerouting Projects, Mr. Ron Lunt, Public Utilities Director, stated that these projects are no longer "out to bid" but have been awarded to Teal Construction and that construction is anticipated to begin in September 2011. In addition, he noted that the SCADA Technology Equipment Upgrade Project has been completed.

Mr. Lunt advised members that the Water Quality Improvement Projects that were scheduled for this upcoming year will be east of North State Street (Phase 2) and that staff has re-prioritized some projects, explaining that water and sewer line work will be performed in the area of Wesley College due to their Streetscape Project. In addition, due to the receipt of grant monies for paving New Street, staff plans to review the water infrastructure in this area.

PACE/NAES Monthly Report *(May and June)*

The PACE/NAES Monthly Reports for May and June 2011 were provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

The Committee recommended acceptance of the PACE/NAES Monthly Reports for May and June 2011.

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

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - AUGUST 22, 2011

The Legislative, Finance, and Administration Committee met on August 22, 2011 with Chairman McGlumphy presiding.

Review and Recommendation - Filling of Critical Positions

During their meeting of February 23, 2009, members recommended approval of a Hiring Freeze for Fiscal Year 2008-2009, but to allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council. It was suggested that there be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

Dr. McGlumphy noted that there were no critical positions to consider.

Review of Draft Analysis of Impediments to Fair Housing Choice

Members were advised that the Delaware State Housing Authority, the City of Wilmington, the City of Dover, and New Castle County have collaborated to prepare an Analysis of Impediments to Fair Housing Choice. As a federal entitlement community that receives Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development (HUD), the City is required to certify that funds will be carried out and administered according to the Fair Housing Act, and that due diligence is made to affirmatively further fair housing. It was noted that HUD defines an impediment to fair housing choice as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices based on race, color, religion, sex, disability, familial status, or national origin.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the consulting firm of Mullin & Lonergan Associates (M&L) was contracted to conduct the Analysis of Impediments. The analysis included a review of each entitlement community's laws, regulations, and administrative policies and procedures affecting the location, availability, and accessibility of housing. She stated that M&L has developed a Fair Housing Action Plan which outlines the impediments for Dover and provides recommendations and strategies in order for the City to meet fair housing goals. Mrs. Townshend explained that although Dover Housing Authority is a separate entity from the City, they have been included in this study because they are a federal entitlement community located within the City's jurisdiction and will ultimately be responsible for addressing their impediments. Approval and implementation of the Fair Housing Action Plan will preserve the City's eligibility for funding from HUD and protect the City in the event of litigation relating to fair housing.

Mrs. Townshend and Mrs. Tracey Harvey, Community Development Director, reviewed a Presentation of the Analysis of Impediments to Fair Housing Choice. Staff recommended approval of the report recommendations.

In response to Mr. Anderson, Mrs. Townshend stated that the current definition of family, in this context, is "not more than five (5) unrelated people functioning as a household, not including a butler." She explained that the difficulty is determining whether or not people are functioning as a household. Mrs. Townshend indicated that staff plans to conduct research on this topic and will submit an ordinance to redefine "family." Mr. Anderson felt that there should not be any amendment that would hinder college students who are residing together from obtaining affordable housing, noting this is a very important industry for the City.

Responding to Dr. Jones, Mrs. Harvey advised members that 2012 timelines were provided for some of the Strategies to Address Impediments since the consultants felt that these measures could be implemented within one (1) year; however, others were assigned a later date for completion since the Comprehensive Plan will not be released until 2014. She noted that the consultants suggested a five (5) year timeframe for implementation of many of the strategies. Mrs. Townshend explained that she and Mrs. Harvey plan to set annual goals for achievement of the objectives listed.

The Committee recommended approval of the report recommendations.

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

Discussion - Hotel/Motel Tax

Mr. Scott Koenig, Interim City Manager, stated that staff is beginning the preparation of the FY2013 Budget, which will begin July 1, 2012. As part of the process, staff will review potential revenue sources and expenses. Mr. Koenig noted that there was discussion during several Council Retreats regarding the possibility of instituting a hotel/motel tax for the City of Dover. As a result, staff conducted research on this topic.

Mr. Koenig advised members that the State of Delaware, Rehoboth Beach, Lewes, Wilmington, Fenwick Island, Bethany Beach, and Dewey Beach have implemented some form of hotel/lodging

tax. Title 30, Chapter 61, Lodging Tax, of the Delaware Code imposes an excise tax at the rate of 8% of the rent upon every occupancy of a room or rooms in a hotel, motel, or tourist home within the State. The proceeds from this tax are distributed as follows: 5% to the State General Fund, 1% to the Beach Preservation Program of the State Department of Natural Resources and Environmental Control, 1% annually is designated in the proportion in which it was collected to the duly established convention and visitors bureau in each county, and 1% to the Delaware Tourism Office.

Mr. Koenig advised members that, in accordance with Title 22, Chapter 9 - Municipal User Tax, the State authorizes any municipality with a population greater than 50,000 to impose a lodging tax of no more than 3% of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel, or tourist home (as defined in SS6101 of Title 30) located within the boundaries of the municipality. He stated that Wilmington uses this statute to levy a 2% tax. According to discussions with Mr. Robert Greco, Budget Director in Wilmington, he stated that the implementation of the tax did not have an impact on occupancy rates in the five (5) hotels in Wilmington. Mr. Greco stated that occupancy rates actually increased after the tax was implemented and revenue from this tax is approximately $500,000 per year. He noted that other municipalities recover the tax through a gross receipts business license tax.

Mr. Koenig indicated that there are 22 hotels/motels within Dover corporate limits and complete information pertaining to the number of rooms and rates was obtained for 16 hotels/motels. In order to estimate the revenue that would be generated from a 1% or 2% hotel tax, staff polled the internet for room rates of the hotels/motels known to be in Dover's corporate limits. Mr. Koenig noted that staff averaged the room rates for each hotel/motel and full occupancy for one (1) day was calculated. According to information from Pricewaterhouse Coopers LLP (1958 to 1986) and Smith Travel Research (1987 to 2007), the average hotel occupancy rate in 2009 was projected to be over 58 %. Staff prepared estimates based on both a 50% and 25% occupancy rate for the city's hotels/motels. Based on a 50% occupancy rate for the 16 hotels/motels, a 1% tax could yield approximately $426,000 in revenue for the City. A 2% tax could yield approximately $853,000. Based on a 25% occupancy rate, the estimated revenue is as follows: a 1% tax could yield approximately $213,000; a 2% tax could yield approximately $426,000.

Mr. Koenig reviewed potential options for implementing a proposed tax, as follows:

> OPTION 1: Adopt the fee through ordinance as the beach area municipalities have. It appears that this may be considered a business license based on gross receipts. An option to consider may be changing the way Dover charges for hotel business licenses. Under the current method, the City of Dover charges a flat fee of $7 per room and $9 per suite. Based on our current revenue method, we receive approximately $15,869.90 annually. As stated above, our revenue estimates using a gross receipts tax method and depending on occupancy and a percentage of tax, would be between approximately $853,000 and $213,000. Adopting this method would not allow taxable entities to pass this charge onto lodgers without raising advertised fees.
>
> OPTION 2: Seek a change under State Code Title 22 through state legislation by removing the population requirement of 50,000. This would allow the tax for all

municipalities in the State. The charge could be passed on to lodgers without raising hotel rates. This option would need to be pursued though our State representatives.

In addition, Mr. Koenig stated that staff would recommend that a certain percentage of revenues received be dedicated to the Kent County Tourism Office. The percentage should be proportional to the reservation of revenue to the Delaware Tourism Office under the state excise tax.

Dr. McGlumphy noted the receipt of correspondence regarding the issue of a hotel/motel tax.

Mr. Scott Kidner, Delaware Hotel Lodging Association, stated that there were several individuals present wishing to address members to explain why the Hotel Lodging Association, local businesses, and the hotel and lodging industries are opposed to a proposal to institute a hotel/motel tax in the City.

Mr. George Fiorile, Chairman of the Delaware Hotel Lodging Association and Vice-President/General Manager of Dover Downs Hotel/Casino, advised members that Wilmington's hotel/motel tax was enacted approximately six (6) years ago, at the height of the economic boom and before the recession. He also noted that the City of Wilmington regularly hosts many major Fortune 500 companies. Mr. Fiorile read a statement and provided members with an analysis conducted in 2008, as well as The Tax Institute Travel Report from April 2011.

Mr. Gordon Basht, Director of Hotel Sales at Dover Downs Hotel and Casino, read a statement into the record.

Mr. Victor Schimp, General Manager of the Sheraton Dover Hotel and Chairman of the Board of Directors for the Central Delaware Chamber of Commerce, advised members that the hotel/motel tax issue is a critical issue to the industry and read a statement into the record.

Ms. Cindy Small, Executive Director of Kent County Tourism, noted that a letter has been submitted from the Board of Directors in opposition to the proposed tax. Referring to the amount of revenue projected for Rehoboth Beach ($720,000) and Bethany Beach ($892,000), she stated that these figures include taxes imposed on short-term rental units, which are completely different from hotels/motels; therefore, the data does not reflect an accurate comparison. Ms. Small noted that, according to the most recent data on visitation in Sussex County (beach resorts), only 30% of visitors actually stay in hotels and 70% in short-term rental units. In addition, she stated that for Fiscal Year 2010 and 2011, the 1% lodging tax for all of Kent County (not just the City of Dover) amounted to $254,862. She reminded members that during these difficult economic times, the hotel community is struggling to make ends meet and keep people employed. She urged members to consider all the information provided.

Mr. Kishor Sheth, Owner of Super 8 and Fairfield Inn Hotels, explained the difficulty and costs associated with the hotel/motel business. He noted that many owners are leaving the hotel business and and that the closing of hotels in the City affects property taxes collected. In addition, Mr. Sheth reminded members that the Capital School District recently imposed a tax increase. He advised members of the many steps taken by owners in an attempt to save money. Mr. Sheth questioned where hotel/motel business owners are to obtain additional money to pay for the additional fees and

cautioned members that many owners will be forced to leave the business. He requested that members reconsider the proposed action, noting that instituting such a tax may discourage entrepreneurs from considering Dover as a place to conduct business, and warned members of the ripple affect this could create in the community.

Ms. Judy Diogo, President of the Central Delaware Chamber of Commerce, noted that members have heard from the hotel community regarding the impact the proposal could have on them; however, she relayed concern with the impact the proposal could have on the City of Dover. She advised members that the Chamber feels that the proposal would provide a short-term gain with a long-term loss, explaining that many hotels/motels are already in financial trouble, which could affect the City's property tax revenue, as well as gross sales tax. Ms. Diogo noted that the City is attempting to become an "A-Rated Community," which will create a need to meet certain criteria and require a marketing campaign to change attitudes. She stated that it is the Chamber's suggestion that the City partner with the hotel industry, which already has huge marketing budgets and does a good job in this regard. She felt that such a partnership would assist the City in achieving the desired "A" rating.

Mr. Tom Smith, owner of Delaware Made, read a statement into the record.

Noting that there was no one else wishing to speak, Dr. McGlumphy suggested that anyone wishing to submit correspondence or further information do so.

Mr. Bonar questioned the amount of funds brought into the City from the fees for hotel/motel licenses. Responding, Mr. Koenig stated that, currently, approximately $15,000 is collected from 22 hotels.

Mr. Bonar explained that the principal functions of City Council are to balance the budget and provide the best services possible. He indicated that one of Council's additional purposes is to provide dialogue and new ideas, and that this suggestion was brought forward for this reason. Mr. Bonar requested that the members of the hotel/motel association consider that the City has a $5M deficit. He stated his feeling that raising hotel/motel taxes a minimal amount would be reasonable, versus having to increase property taxes by 15% to 20%. Although he understood the dilemma which has been created by the economic decline, City Council has the responsibility to balance the City's budget, which will not be accomplished by cutting and laying off employees. Mr. Bonar stated that it would take a concerted citizen and business effort to assist in the balancing of the City's budget. He stated that the proposed hotel/motel tax is just one possible means of raising additional revenue.

Mr. Hutchison stated his strong opposition to a hotel/motel tax. He acknowledged that Council has critical issues that need to be addressed; however, it was his opinion that were other means to address the issues and that the City should "clean house" first. He felt that the hotel/motel industry has contributed greatly to the City's success. Mr. Hutchison agreed that Council will have difficult decisions to make in the near future; however, he did not feel that an additional burden on the hotel/motel industry should be considered.

Dr. Jones relayed her concurrence with Mr. Hutchison and suggested that City staff look within for possible savings. She thanked those individuals who addressed members and stated that, based on information provided, the City should conduct additional research into this matter.

There was no recommendation submitted by the Committee.

No further action was taken by City Council.

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - AUGUST 24, 2011

The Safety Advisory and Transportation Committee met on August 24, 2011 with Chairman Hutchison presiding.

Updates

The following updates were provided:

Purchase of Collegian Property on Loockerman Street and North Street Parking Lot

Mr. William Neaton, Economic Development Director, and Mr. Gregg Moore, President, Downtown Dover Partnership (DDP), reminded members that following the construction of the Dover Transit Center, the Metropolitan Planning Office (MPO) decided that a neighborhood study should be conducted to determine appropriate uses for properties surrounding the area. Mr. Moore stated that a Master Plan was completed for the entire downtown area. He indicated that several project sites were identified for improvement in the Master Plan, and presented information on the North Street Parking Lot and the Collegian Property located at 114, 116, 126, and 128 W. Loockerman Street.

Mr. Moore noted that, currently, there are seven (7) different parking lots on North Street, separated by fences, with individual entrances and exits. He reviewed the North Street Parking Lot Consolidation - Concept Design and explained that by consolidating the seven (7) parking lots into one (1), 35 additional parking spaces would be made available downtown. In addition, he stated that it would be possible to install a sidewalk at the location to provide for pedestrian traffic.

Mr. Moore provided members with an aerial map of North Street, which depicted properties in the area. He advised members that the City leases property from Rudolph Von Croy to provide for permitted parking. Mr. Moore stated that there are 30-40 parking spaces available each day; however, he noted that the parking area is "hidden." He stated that the consolidation project would provide an entrance to the parking lot off Bank Lane as well as North Street and provide more visibility for the parking lot. The project would allow for paving, landscaping, lighting, etc. Mr. Moore explained that this project would then allow the DDP to market the former Sears Building (20,000 sq. ft.) more effectively, noting that without available parking it would be challenging to find a viable user. He stated that the additional 35 parking spaces would benefit other businesses in the area as well.

In conjunction with the Parking Lot Consolidation Project, Mr. Moore stated that it would be necessary to make improvements to North Street, which currently has inadequate sidewalks, lighting, and utilities. The desire is to install brick sidewalks, new curb gutters, new pathways, etc. to make North Street aesthetically pleasing and allow it to serve as another gateway to the City.

In addition, Mr. Moore reviewed three (3) concept plans for the Collegian Property which would maintain pedestrian pathways from Loockerman Street to and from North Street. In reviewing Concept 3, he noted that, due to the number of vacant buildings in the downtown area, it would not be appropriate to construct additional buildings at this time. Therefore, Mr. Moore noted that Concepts 1 and 2 would maintain pedestrian pathways and create a plaza for the community's use until it becomes feasible to construct the building(s). He reiterated that the ultimate goal would be to construct buildings on the property.

Mr. Neaton advised members that architectural and engineering Requests for Proposals (RFPs) have been issued for the entire project and are due to be returned by September 14, 2011. In addition, an RFP has been issued for legal advice for consolidation of the parking lots, with a return date of September 14, 2011. Once the RFPs are received, architecture and law firms will be selected to provide guidance on moving forward with the projects. Mr. Neaton stated that construction is anticipated to begin after the first of the year. He stated that staff is extremely excited about these projects and that they are the first steps toward real revitalization of the downtown area.

Mr. Moore reminded members that the vacant building at 22-24 W. Loockerman Street, which was formerly occupied by W.T. Grant and consists of 20,000 sq. ft., was purchased by the DDP. He provided members with a sketch of suggested upgrades to the building being proposed by the DDP in an attempt to make the property more appealing, including refacing the rear of the building to become the front entrance. Mr. Moore felt that the improvements to the building, the parking lots, and North Street would make the property more marketable to businesses. He noted that although this project is not a part of the $3M that the DDP received through the FY 2012 State Bond Bill to finance area improvements, it is a part of the overall plan to make investments in the heart of downtown in an effort to upgrade Loockerman Street and The Green, and to improve parking.

In addition, Mr. Moore explained how the proposed upgrades would "invite" Wesley College students and their parents to the downtown area by providing a passageway. He advised members that the Frear Building was recently purchased by Wesley College to be used as their nursing school. The plan would allow for pedestrian traffic between the college and the Frear Building and bring people to the downtown area.

Chairman Hutchison relayed his appreciation for the dedication and enthusiasm of those working on the proposed project and urged members to support these plans for the betterment of the community.

Sex Offender Unit

Police Chief James Hosfelt reviewed a Presentation of the Sex Offender Mandates & Reporting Requirements for the City of Dover, noting that there were currently 221 registered offenders in the City, which included an increase of 14 since the beginning of month. He noted that there are two

(2) police officers assigned to the Sex Offender Unit whose sole responsibility is to manage and supervise sex offenders.

Mr. Koenig questioned if there was data available on programs implemented by other states to manage the sex offender registry. He inquired if there were any other options that would alleviate the use of certified police officers. Responding, Police Chief Hosfelt stated that other states utilize the Dover Police Department program as a model. He noted that the Delaware State Police currently utilize retired police officers as civilian Sex Offender Agents due to the need to carry a badge and gun. Chief Hosfelt explained that arrest powers for these individuals are limited to crimes involving sex offenses.

Dover High School Construction

Mr. Scott Koenig, Interim City Manager, advised members that several City Staff members, along with representatives of the Delaware Department of Transportation (DelDOT), Mr. Gregg Moore, Becker Morgan Group, and EDiS recently met to review the current status of the Dover High School construction. He stated that Capital School District is currently working on some issues related to the Department of Natural Resources and Environmental Control (DNREC) and the Soil Intrusion Control Program. Mr. Koenig indicated that work has begun on underground utilities and the foundation package has been let. An agreement with DelDOT and the City is being discussed to issue a "foundation only" permit in October in order to allow for work during the winter months on the foundation before setting steel in the spring. Mr. Koenig noted that there are several issues that remain to be resolved related to the road design, an adjacent apartment complex, and coordination of responsibilities. He stated that, as a result, a complicated series of discussions would be held and relayed appreciation for the quarterly coordination meetings.

Although the completion of the project is not anticipated until 2014, Mr. Koenig indicated that it is important for certain milestones to be met this fall in order to remain on schedule and noted that there are third parties involved who could impact the schedule. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that if the foundation is not started this fall, it would set back the opening of the school another school year; therefore, the City of Dover and DelDOT are trying to be very helpful, while at the same time assuring that authorizations are not issued too far in advance.

Responding to Chairman Hutchison, Mrs. Townshend stated that coordination meetings are being held quarterly involving this project, as well as additional monthly meetings as needed.

In response to Mr. Davis, Chairman Hutchison suggested that staff present information on the project milestones to the Committee as they are met so that Council can be informed.

Briefing on Delaware Department of Transportation (DelDOT) Projects - *Gary Laing*

Due to the absence of Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT) , Mr. Scott Koenig, Interim City Manager, provided a briefing on DelDOT Projects, as follows:

West Dover Connector

Mr. Koenig stated that, to his knowledge, DelDOT is working on the preliminary engineering for the West Dover Connector and that approximately $5M has been budgeted for the planning and preliminary engineering for this project.

Route 8 and Hazlettville Road Corridor

Mr. Koenig stated that DelDOT has held preliminary meetings on the Route 8 and Hazlettville Road Corridor Project.

Mr. James Galvin, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), indicated that DelDOT has amended the Dover MPO 2012-2015 Transportation Improvement Program to include the Hazlettville/Route 8 Connector; therefore, funding has been allocated to the project and it is planned for completion in 2015.

Water Street Railroad Crossover

Mr. Koenig stated that the Water Street Railroad Crossover is a concept plan to extend Water Street across the railroad into the Eden Hill area. He indicated that it would be difficult to move forward with this project due to Conrail's strict policy that one (1) or more railroad crossings must be surrendered in order to obtain an additional crossing. Mr. Koenig noted that there are no crossings in the City that could be easily eliminated. He stated that he believed that this project would only be considered if a commuter rail service were proposed in the future in the area of the Dover Transit Center.

Wyoming Mill Road Project

Mr. Koenig advised members that work has begun on the Wyoming Mill Road Project and it is hoped that paving will begin within the next month.

Transit Center

Mr. Koenig stated that, to his knowledge, Requests for Proposals (RFPs) were solicited for the Transit Center building project and he had no further information regarding this project.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - *Richard Vetter*

Mr. Richard Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), reminded members that the Regional Bicycle Plan for 2030 was developed as a by-product of the Dover/Kent MPO Long-Range Transportation Plan. He reviewed both the Off-Road and On-Road Project Recommendations. Mr. Vetter stated that the public comment period for these recommendations has been completed. In addition, he provided members with a 2011 Bicycle Map for Kent County Delaware issued by DelDOT that lists challenging areas, primary routes, regional routes, etc.

Mr. Vetter also provided members with Map 5-2 from the Transportation Improvement Districts Study and explained that the MPO is coordinating with Kent County and DelDOT to review transportation improvement districts in an attempt to develop a Master Plan. He noted that the only area involving the City of Dover is a relatively small area located in the southern portion of the Cheswold Plan. He anticipated the Study would take one (1) year to complete.

Proposed Ordinance #2011-22 - Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking Related to Immobilization of Vehicles

Members were provided Proposed Ordinance #2011-22, which would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due.

Lt. Alan Rachko, Special Enforcement Unit Commander, advised members that the Dover Police Department has accumulated over $226,000 in uncollected parking fines over the last two (2) years (July 15, 2009 through July 15, 2011). From January 2011 through July 2011 the Dover Police Department wrote $82,595 in parking fines. He stated that past methods for recovering this money have had little success and have required valuable work hours by police officers which could be used elsewhere. Lt. Rachko noted that current procedure provides for a collection agency to be used in an attempt to recoup these fines; however, this has met with little success. He noted that there are six (6) individuals who owe over $1,000 in fines, two (2) that owe $3,700 and $3,300, an additional seven (7) individuals who owe over $500, and 35 individuals who owe in excess of $200.

Lt. Rachko stated that he met with members of the Dewey Beach Police Department who use vehicle immobilization, which is commonly known as "a parking boot," for such problems. They indicated that this has allowed them to recover a large percentage of fines with less impact on the workforce and that the boot takes just minutes to install and to remove. Lt. Rachko advised members that this tool is used across the country by municipalities to collect monies owed to them and that the Wilmington Police Department has used these devices for years with great success. It was his opinion that the use of this tool by the City of Dover would allow the Dover Police Department to recover a large portion of overdue fines owed with little impact on the department's staffing and, as the public becomes aware of this tool, it will act as a deterrent and the amount of unpaid fines will decrease.

Staff recommended adoption of Proposed Ordinance #2011-22 which would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due. Lt. Rachko provided members with the warning notice provided by Dewey Beach when the parking boot is utilized.

Responding to Chairman Hutchison, Police Chief James Hosfelt stated that the cost of a parking boot is less than $700. Lt. Rachko stated that there are grant funds available for the purchase cost of the parking boots; therefore, there should be no cost to the City. It was anticipated that five (5) parking boots would be necessary.

Lt. Rachko assured members that, if approved, there would be ample notification of the change to alert the public to the use of the parking boot.

The Committee recommended adoption of Proposed Ordinance #2011-22 that would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote. *(The First Reading of Proposed Ordinance #2011-22 will take place during the latter part of the meeting.)*

Discussion - Alcohol Control Measurers (*Referred back to Staff during the Meeting of April 27, 2011 to Conduct Further Research)*

During their meeting of April 27, 2011, members discussed various alcohol control measures to address concerns related to alcohol misuse in the Downtown Dover area and, after much discussion, referred the matter back to staff for further research.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that consideration of developing alcohol control measures was the result of problems that primarily involved one (1) establishment located in the downtown area. After several meetings with the business community, she stated that it was apparent that there was clearly no appetite for additional regulations in this regard. Mrs. Townshend stated that it was the sense of the business community that if the City were to institute such regulations, it would penalize those who are conducting business correctly. She reminded members that there were volunteers who agreed to meet to develop a brochure of "responsible management practices;" however, the City has been unsuccessful in having the volunteers meet and the business community prefers that the City handle these problems within the framework that is currently available rather than addressing all businesses.

Mrs. Townshend stated that the Division of Tobacco and Alcohol Enforcement has relocated their headquarters from New Castle County to the City of Dover and it was her understanding that they have a desire to work with the City to address problems as they arise. Police Chief James Hosfelt stated that it is hoped that with the headquarters being close, there will be greater cooperation by the Division of Tobacco and Alcohol Enforcement.

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

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that each year, City Council develops a list of transportation priorities and shares these priorities with the Secretary of Transportation for consideration as the Department of Transportation develops the State's Capital Transportation Plan (CTP). Members were provided a copy of last year's transportation priorities, as approved by City Council on October 11, 2010. Upon reviewing last years' approved priorities, staff submitted the following priority ranking for the coming year.

1. West Dover Connector
2. Route 8/Hazlettville Road Connector (formerly identified as North/South Road between Route 8 and Hazlettville Road on the West Side of the Capital School District Property and the Village of Cannon Mills)
3. Garrison Oak Connector Road

4. Dover Transit Hub (Intermodal Transportation Center) – This represents the building associated with the Dover Transit Hub, which will be constructed as a public/private partnership.
5. Loockerman Street/Forest Street Improvements
6. US Route 13 Service Road Corridor
7. US Route 13 Sidewalk Construction
8. Kenton Road Corridor Upgrades
9. College Road Corridor Upgrades
10. Crawford Carroll Avenue Extension

Mrs. Townshend noted that last year, a prioritization list of programs and policies was also included; however, staff did not recommend that a ranking of programs and policies be forwarded to the Department of Transportation for the coming year.

The Committee recommended approval of the Prioritization of City of Dover State Capital Transportation Program (CTP) Projects, as recommended by staff.

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

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 12, 2011 - LAW ENFORCEMENT TRAINING FOR FIRE MARSHAL

The Legislative, Finance, and Administration Committee met on September 12, 2011 with Chairman McGlumphy presiding. (*City Clerk's Office Note: During the Committee meeting held earlier this evening, members considered a request for sending a Deputy Fire Marshal to Police Academy Training. It was noted due to time constraints, this matter was deferred by the Committee during their meeting of August 22, 2011. As a result, this matter would be forwarded to City Council during their meeting held later in the evening. Except for this time sensitive issue, the Committee Report from September 12, 2011 will be presented to Council during their Regular Meeting of September 26, 2011 for Council's review and consideration.*)

Law Enforcement Training for Fire Marshal

Members were advised that, for the past 15 years, the Fire Marshal's Office has relied on the Dover Police Department to assist with fires that are determined to be of a criminal nature, since City Fire Marshals do not have law enforcement powers. State Fire Marshals and City of Wilmington Fire Marshals do have these powers. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Mr. Jack Roe, the first paid Fire Marshal for the City of Dover, was a member of the Police Department prior to being appointed Fire Marshal, and that former Fire Marshal Jimmy Melvin was given police powers though a Dover Police training academy in 1991.

Mrs. Townshend stated that, although the present joint investigation method has served the City well in past years, the complexity and time needed to make an arrest for the crime of arson makes this system cumbersome. Based on the cost of overtime for a Dover police detective, with approximately eight (8) to ten (10) responses to fire calls each year, it was estimated that a savings of approximately $3,000 per year in Police Department overtime would result if a Deputy Fire Marshal were granted police power. In addition to the overtime savings, this approach would allow the Fire Marshal's Office to complete criminal fire investigations, relieve Dover Police Department staff from having to conduct criminal fire investigations, and increase public safety by ensuring thorough investigations.

Mrs. Townshend indicated that the cost of training was estimated at $2,500 and the cost of equipment is estimated at $1,300. She stated that if a Deputy Fire Marshal received police training, he would be able to participate in training offered by the Police Department to maintain police certification with no additional cost to the City. She noted that there are no promotions, upgrades, or anticipated increases in salary associated with this training.

Staff recommended that the Committee support sending a Deputy Fire Marshal to Police Academy Training. Mrs. Townshend noted that, due to time constraints, this matter was deferred by the Committee during their meeting of August 22, 2011 and, as a result, this matter would be considered by City Council during their meeting held later in the evening.

The Committee recommended approval of sending a Deputy Fire Marshal to the Police Academy Training.

Dr. McGlumphy moved to support sending a Deputy Fire Marshal to the Police Academy Training, as recommended by the Committee. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

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

MONTHLY REPORTS - JULY 2011

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

Budget Report
Chief of Police Report
City Assessor Report
City Manager's Report
City Planner's Report
Dover Fire Department Report

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT LEARY - SALARY AND BENEFITS COMPENSATION COMPARISON COMMITTEE

During their Regular Meeting of August 22, 2011, City Council approved appointments to the Salary and Benefits Compensation Comparison Committee and that two (2) additional members be appointed by the Council President.

Council President Leary recommended the following appointments to the Salary and Benefits Compensation Comparison Committee: 1) Ms. Prameela Kaza; and 2) Dr. Margaret McKay.

Mr. Bonar moved for approval of the appointment of Ms. Prameela Kaza and Dr. Margaret McKay, as recommended by Council President Leary. The motion was seconded by Mrs. Williams and unanimously carried.

FIRST READING - PROPOSED ORDINANCE #2011-22

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. Final action by Council on the proposed ordinance will take place during the Council Meeting of September 26, 2011.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Proposed Ordinance #2011-22 as read by the City Clerk, by title only, as follows:

> CHAPTER 106 - TRAFFIC AND VEHICLES, ARTICLE III - STOPPING, STANDING AND PARKING, DIVISION 2 - METERED PARKING RELATED TO IMMOBILIZATION OF VEHICLES

FINAL READING - PROPOSED ORDINANCE #2011-20

The First Reading of the following Proposed Ordinance was accomplished during the Council Meeting of August 22, 2011.

Chapter 110 - Utilities, Article III - Water Service, Division I - Generally, Section 110-67 - Private Wells

Mr. Hare moved that the Final Reading of Proposed Ordinance #2011-20 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried.

Mr. Hare moved for adoption of the Proposed Ordinance, seconded by Mr. Hutchison and, by a roll call vote of eight (8) yes and one (1) no (Mr. Anderson), Council adopted Ordinance #2011-20, as follows:

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

That Chapter 110 - Utilities, Article III - Water Service, Division 1 - Generally, Section 110-67 - Private Wells, be amended to read as follows:

Sec. 110-67. Private wells.

(a) When authorized. It shall be unlawful and a nuisance for any person to dig, drill or otherwise excavate any well more than 150 feet below the surface of the ground within the city, or one mile thereof, without the permission of the city council given by resolution. No permission shall be given for a well on any property where a potable water supply is available.

(b) *Geothermal wells.* Wells may be drilled for the purpose of the installation of a geothermal heating and cooling system within the limits of the city, subject to the following:

(1) These wells shall not be authorized for withdrawal or injection. They will function as borings, filled with a bentonite grout, with a piping system that acts as a heat exchanger to dissipate/absorb heat from the system to the ground.
(2) There shall be no interconnection with any public water supply, nor shall the geothermal well be used as a potable water supply for human consumption.
(3) No well shall be located within any city right-of-way or utility easement without written authorization from the city manager.

ADOPTED: SEPTEMBER 12, 2011

COUNCIL MEMBERS ANNOUNCEMENTS

Mr. Bonar reminded all that this week marks the occurrence of the Annual Delaware Volunteer Firefighters Association Conference and that there will be 300 emergency responders attending classes. He suggested that these responders be thanked for their services, noting that they serve without compensation. He stated that the Conference will conclude with a parade in downtown Dover beginning at 1:00 p.m. Saturday afternoon and encouraged all to attend to support their local volunteer firefighters.

Mr. Lynn advised members that the second Third District Open Forum will be held on Saturday, September 24, 2011, at 10:00 a.m., at 880 South State Street and invited all to attend.

In light of the recent ten (10) year anniversary of 9-11, Mr. Anderson relayed appreciation to the fire and police officers for the work they have done and continue to do, which often goes unnoticed but is not unappreciated. He hoped that the City would work to fulfill their needs through funding, if available.

Dr. McGlumphy thanked all the employees for working hard during the past two (2) weeks as a result of the recent flooding and aftereffects caused by Hurricane Irene.

Mr. Hare echoed the remarks of Dr. McGlumphy and relayed appreciation to Bayhealth Medical Center for the dedication and commitment shown during his recent stay, especially in view of the flooding issues being experienced by the hospital at that time.

Mr. Bonar moved for adjournment, seconded by Mrs. Russell and unanimously carried.

Meeting Adjourned at 8:33 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of September 12, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation - "Dover SUN Park Project - White Oak Solar Energy LLC"
Exhibit #2 - Presentation - "Kent County Sports Complex"

Certificate of Appreciation

WHEREAS, *there are times in our community when people go over and beyond for the well-being of others; and*

WHEREAS, *in 1946 the founder of Chick-fil-A's decision was as much practical as spiritual, believing that all franchised Chick-fil-A operators and restaurant employees should have an opportunity to rest, spend time with family and friends, and worship if they choose to do so, as a result they closed their restaurant doors every Sunday; and*

WHEREAS, *owner of the local Chick-fil-A, Mrs. Mary Johnson reached out to the City of Dover wanting to show her appreciation and respect to all of those whose workload was anticipated to vastly increase due to the impending storm from Hurricane Irene and who would have to leave the comforts of their homes to make sure our community stayed safe; and*

WHEREAS, *understanding that many places may not be available for emergency staff to eat, Mrs. Johnson opened her restaurant on Sunday August 26th, 2011 making and distributing hundreds of chicken sandwiches to emergency personnel on a day that is traditionally marked as a day of rest in the history of Chick-fil-A; and*

WHEREAS, *it is with kind regards and many thanks that we are here today to recognize you.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE do hereby award this Certificate of Appreciation on this 26th day of September two thousand eleven to

Mary Johnson & Dover Chick-fil-A

Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
MAYOR

PROCLAMATION

WHEREAS, *across the nation, prostate cancer is the most commonly diagnosed cancer in men and is a major health concern; and*

WHEREAS, *more than 217,000 new cases and about 32,000 deaths are attributed to prostate cancer each year in the United States; and*

WHEREAS, *four out of five cases are diagnosed in men over 65 but less than 1% in men under 50, and at any age prostate cancer devastates families through loss of income, partnership and support; and*

WHEREAS, *prostate cancer in its early stages can be cured and fortunately about 85% of American men with prostate cancer are diagnosed in the early stages,*

WHEREAS, *research suggests that men could reduce their risk of prostate cancer mortality if they followed recommended prostate cancer screening guidelines, including examination by a health care provider and increased awareness and use of early detection practices.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, do hereby proclaim September 2011 as

PROSTATE CANCER AWARENESS MONTH

in the City of Dover and urge all men in our community and throughout the country to become aware of their own risks of prostate cancer, talk to their health care providers about prostate cancer and, whenever appropriate, get screened for the disease.

Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
MAYOR

UTILITY COMMITTEE

The Utility Committee Meeting was held on September 12, 2011 at 5:02 p.m. with Chairman Bonar presiding. Members present were Mr. Lynn (arrived at 5:08 p.m.), Mrs. Williams, Mr. Blakeman, and Mr. Snaman. Other members of Council present were Council President Leary (arrived at 5:12 p.m.), Mr. Hutchison (arrived at 5:03 p.m.), and Mr. Hare. Mayor Carey and City Solicitor Rodriguez (arrived at 5:22 p.m.) were also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Presentation - Power Plant Revenues

Mrs. Donna Mitchell, Controller/Treasurer, noted that members were provided information during the budget hearings regarding Power Plant revenues. She stated that she felt that it would be beneficial for members to discuss the revenue that is earned by the Power Plant.

Mr. Ron Lunt, Public Utilities Director, reviewed the Electric General Assets - Net Revenues and the Electric Revenue budget. He also provided and reviewed the City of Dover Summer Generation Report ***(Attachment #1)*** and explained the factors that comprise the Pennsylvania, Jersey, Maryland Interconnection, LLC (PJM) revenue. Mr. Lunt noted that, in total operations, $7.3M capacity credits are received through the Reliability Pricing Model (RPM) auction. He stated that this is the payment received on a monthly basis for availability, regardless of operating time. He explained that figures were included for net generation (profit when the generation runs) as well as payment received for having the plants available to generate power.

Responding to Mr. Blakeman, Mr. Lunt indicated that the plant is run as scheduled by PJM and confirmed that every KW generated goes to PJM. He noted that the capacity bill, in the amount of $8.5M, is listed as an expense and a capacity credit in the amount of $7.3M results in the bill exceeding the credit. Mr. Lunt explained that PJM is paid a capacity charge for the shortfall. He explained that there are 175 megawatts of available capacity and the City's obligation is approximately 200 megawatts; therefore, the City receives a credit for 175 megawatts and is billed for 200 megawatts, resulting in a net payment for 25 megawatts, at a cost in excess of $1M. He stated that the capacity consists of system load plus reserves and that the load percentage is approximately 15% to 16%.

In response to Mr. Bonar, Mr. Lunt indicated that Units 1 and 2 were built in 1962 and significant deterioration has been found in the buckets, which are part of the steam intake into the turbine. The only means to make repairs would be to remove the covers, which would cost a minimum of $500,000. He stated that the condition of the generators is unknown and The Energy Authority (TEA) and North American Energy Services (NAES) have been requested to determine the true longevity of these units. Mr. Lunt stated his concerns about the safe operation of Units 1 and 2 and felt that the City would be fortunate if these units continue to function for an additional five (5) years. He suggested attempting to replace Unit 1 and Unit 2 capacity at a different level through Power Purchase Agreement (PPA) and planning for their elimination. Mr. Lunt explained the current difficulty of bidding these units into the auction and noted that if they experienced a catastrophic failure, it would be necessary for the City to buy replacement capacity on the open market.

Mr. Hutchison questioned the cost of replacing capacity for Units 1 and 2. Responding, Mr. Lunt estimated a cost of $42,000 a megawatt year (34 megawatts x $42,000). If bid into the auction and the units were destroyed and could not operate, the City would be required to buy replacement capacity, which would be at the spot market value (whatever the market will bear). With regard to buying generation versus rebuilding, Mr. Lunt stated that from a portfolio management standpoint, the City would benefit from diversifying its portfolio, which would require buying other generator assets. Mr. Hutchison requested further review of this issue.

At the request of Mrs. Williams, Mr. Lunt stated that if the City were to get "out of the generation business," there would be an immediate requirement to pay $8.5M without any offset and noted that, based on the net revenues from the electric generation assets, the City is currently making money. In addition, he stated that the City would lose control of pricing and would also lose the profit which is being created by the plants every year. He assured members that the plants are providing a very strong, financially feasible electric operation.

Mrs. Williams indicated that citizens have conveyed to her their appreciation for the dependable electric service provided by the City of Dover. Mr. Lunt relayed appreciation to the Utility Committee and City Council for their support in building a first-rate infrastructure and noted that the City's outage rate is extremely low.

By unanimous consent, the meeting adjourned at 5:26 P.M.

David L. Bonar
Chairman

DLB/DD/jg/js/tm
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Attachment to Original and File Copy
Attachment #1 - Summer Generation Report

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on September 12, 2011 at 5:30 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, Dr. Jones, and Mr. Shevock. Members of Council present were Mr. Bonar (arrived at 5:38 p.m. and departed at 7:03 p.m.), Mr. Hutchison, Mr. Lynn, Mrs. Russell (arrived at 5:35 p.m.), Mrs. Williams (departed at 6:02 p.m. and returned at 6:44 p.m.), and Council President Leary. Mayor Carey (departed at 7:01 p.m.) was also present.

AGENDA ADDITIONS/DELETIONS

Referring to Item #3 - Proposed Ordinance #2011-15 (regarding Homeowners' Associations), Mr. Anderson stated that the concerns discussed by members during their meeting of June 27, 2011, regarding this issue had not been resolved; therefore, he suggested that this item be removed from the agenda.

Responding to Mr. Hare, Mr. Anderson stated his desire to develop an amendment that would protect the rights of individuals who would be required to join homeowners' associations under this ordinance. He stated that he had been working with staff to develop such an amendment and that it was not yet ready for presentation to members at this time.

In response to Mr. Hare, Mrs. Ann Marie Townshend, Director of Planning and Community Development, confirmed that homeowners' association requirements are outlined in the State of Delaware stormwater regulations as well as the City's Zoning Ordinance. She suggested that the item could be removed or, if it remained on the agenda, that members could address their concerns relative to this issue during the discussion of this agenda item.

Mr. Hare moved for approval of the agenda, as presented, seconded by Mr. Shevock and carried, with Mr. Anderson voting no.

Law Enforcement Training for Fire Marshal

Members were advised that, for the past 15 years, the Fire Marshal's Office has relied on the Dover Police Department to assist with fires that are determined to be of a criminal nature, since City Fire Marshals do not have law enforcement powers. State Fire Marshals and City of Wilmington Fire Marshals do have these powers. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Mr. Jack Roe, the first paid Fire Marshal for the City of Dover, was a member of the Police Department prior to being appointed Fire Marshal, and that former Fire Marshal Jimmy Melvin was given police powers though a Dover Police training academy in 1991.

Mrs. Townshend stated that, although the present joint investigation method has served the City well in past years, the complexity and time needed to make an arrest for the crime of arson makes this system cumbersome. Based on the cost of overtime for a Dover police detective, with approximately eight (8) to ten (10) responses to fire calls each year, it was estimated that a savings of approximately $3,000 per year in Police Department overtime would result if a Deputy Fire Marshal were granted police power. In addition to the overtime savings, this approach would allow the Fire Marshal's Office to complete criminal fire investigations, relieve Dover Police Department staff from having

to conduct criminal fire investigations, and increase public safety by ensuring thorough investigations.

Mrs. Townshend indicated that the cost of training was estimated at $2,500 and the cost of equipment is estimated at $1,300. She stated that if a Deputy Fire Marshal received police training, he would be able to participate in training offered by the Police Department to maintain police certification with no additional cost to the City. She noted that there are no promotions, upgrades, or anticipated increases in salary associated with this training.

Staff recommended that the Committee support sending a Deputy Fire Marshal to Police Academy Training. Mrs. Townshend noted that, due to time constraints, this matter was deferred by the Committee during their meeting of August 22, 2011 and, as a result, this matter would be considered by City Council during their meeting held later in the evening.

Mr. Anderson moved to recommend approval of sending a Deputy Fire Marshal to Police Academy training, seconded by Mr. Shevock and unanimously carried.

Proposed Resolution No. 2011-11 - Request to General Assembly to Amend the City of Dover Charter - Length of Terms for Mayor and Council

At the request of Councilman Hutchison, the City Clerk prepared Proposed Resolution No. 2011-11 requesting the Delaware General Assembly to amend the City of Dover Charter to increase the term lengths for the Mayor and Council from two (2) years to four (4) years. Chairman McGlumphy noted that this matter was deferred by the Committee during their meeting of August 22, 2011 due to time constraints.

Mr. Robin Christiansen (previous member of City Council and former Council President for the City of Dover) stated that members should determine if the City should continue with the current hybrid populace type of government or move to a strong Mayor-Council form of government. Before considering the terms for the Mayor and Council, he suggested that members appoint a committee to study the Charter and consider the possibility of changing the City's form of government. Mr. Christiansen stated that if the Mayor is provided more responsibility, the Mayor's term should be extended to (4) years. He suggested that Council review the current responsibilities of the Mayor while the City is looking for a City Manager. Mr. Christiansen felt that the previous and current Mayors who were present (Mayor Carey, Mr. Hutchison, and Mrs. Williams) could attest to the fact that the Mayor's job is "great" but has little authority.

It was Mr. Christiansen's opinion that the Mayor should continue as head of the Police Department; however, all department heads should report to the Mayor on a day-to-day basis, since the Mayor is one (1) of two (2) officials elected at-large and serves as the City's advocate. For those concerned about the City Manager's position, he noted that every City that has a strong Mayor has a professional manager, but not necessarily a City Manager. He felt that City Council has the responsibility to its citizens to consider this matter before changing the terms for the Mayor and/or Council. He suggested that responsibility be shared, with Council functioning as a legislative,

appropriative body and the Mayor serving as the Chief Executive Officer of the City, who formulates the budget for presentation to Council and justifies costs and expenditures to the citizens.

Mr. Christiansen encouraged members to address these issues and appoint another "blue ribbon" commission to study the City's form of government and provide this commission a time frame to present a recommendation regarding the responsibilities of the Mayor. In addition, he suggested that Council terms remain at two (2) years, explaining that lengthening the terms for Council would make it difficult for those wishing to run for office and difficult for residents to remove members who may not be performing as desired.

Mr. Hare stated that, although he concurred with the statements made regarding a Strong Mayor form of government for the City and that the matter should be further reviewed, he supported lengthening the terms of office for both the Mayor and Council.

Mr. Shevock requested that members be provided with the results of the previous "blue ribbon" commissions and their recommendations, stating that there was no need to appoint another committee if such a study had already been completed.

Mr. Hutchison explained that the proposal to extend the terms of office for the Mayor and Council would provide the Mayor and Council a better opportunity to build a team to work with City departments. He noted that the cost for a City election is approximately $10,000 per year and that in four (4) years, the City would realize a $40,000 savings, decrease the amount of responsibility and demand on the City Clerk's Office for conducting the elections, and enhance the working relationship between members of Council and the Mayor.

Council President Leary advised members that he previously served on a Charter Review Committee whose members discussed extending the terms of office for Mayor and Council and instituting a recall provision for those occasions when the voters felt that a mistake was made in the election of a member. He stated that during this review, there was some interface between the Consent Decree and the Charter on some of these issues. Mr. Leary suggested that consideration of this matter be delayed until the results were received regarding the City redistricting, which is currently in progress, and whether these results were affected by the Consent Decree. In addition, he felt that it was easier for City Council candidates to commit to a two (2) year term versus a four (4) year term, particularly for those in the work force, and that the pool of potential candidates might be limited if the term were lengthened. He suggested that consideration of term limits be a separate discussion from the review of the Charter.

Mr. Christiansen noted that when he served as Council President, he, along with members of Council, attempted to appoint committee members who might be interested in serving on City Council to provide them an opportunity to familiarize themselves with issues involving the City. He felt that some of these members became involved by attending meetings, reviewing information, and becoming civic activists. This helped them make the decision as to whether or not they wished to serve and assisted them in preparing for the job.

Dr. Jones moved to recommend tabling this matter pending additional review of actions taken by previous Charter Review Committees. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance #2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Associations *(Tabled by Committee on June 27, 2011)*

During their meeting of June 27, 2011, members considered proposed Ordinance #2011-15, amending Appendix A - Subdivisions, regarding homeowners' association (HOA) responsibilities. Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the Proposed Ordinance was developed as a result of a report provided to the Utility Committee regarding defunct subdivisions, some of which remain uncompleted. She assured members that the proposed amendment addresses the Committee's concerns regarding stormwater management and passive open space not being maintained.

Mrs. Townshend explained that the Proposed Ordinance #2011-15 would amend the subdivision regulations to require that HOAs be formed with mandatory membership, and that these associations assume and continue maintenance responsibilities for common open space. Under the Proposed Ordinance, if the City needs to perform maintenance of these common areas due to code violations not addressed by the HOA, the City would bill the property owners of the lots within the subdivision to recover the cost and place these charges on the tax bill of the property owners. Since there were several concerns and questions by the Committee, the proposal was tabled and staff was directed to meet with the individual members of Council who have concerns and that the matter be brought back to the Committee during their next meeting.

Mr. Hare moved to remove this matter from the table, seconded by Mr. Shevock and carried, with Mr. Anderson voting no.

Mrs. Townshend advised members that staff met with Councilman Anderson, who expressed concerns about mandatory membership in an HOA and requested that the ordinance be amended to include protection of First Amendment rights of property owners. After consultation with City Solicitor Rodriguez, staff recommended that the requested amendment not be included in Proposed Ordinance #2011-15 due to concerns regarding the legality of such an amendment, as well as the amendment being well beyond the scope of the ordinance. Staff also met with Councilman Lynn, who shared concerns and questions during the Committee's discussion of the proposal.

Mrs. Townshend referred to the memo dated January 3, 2011 from Mr. Scott Koenig, Public Services Manager, that was presented to the Utility Committee, Minutes from the Utility Committee Meeting of January 24, 2011, and Article 5, Section 10. 4 - Management and Maintenance of Common Open Space and Recreational Areas of the Zoning Ordinance. She suggested that members consider the following information:

1) HOAs are already mandatory for residential developments with private open space under the State Sediment and Stormwater Regulations and the City of Dover Zoning Ordinance;

2) The Proposed Ordinance would allow the City to recover costs incurred by failure of HOAs to maintain private open space. It would ensure that residents in communities with active HOAs that pro-actively maintain private open space would not be penalized by the City absorbing the costs of those who fail to meet their obligations; and

3) Failure to develop a mechanism for the City to recover costs for maintaining private open space that HOAs fail to maintain will cause an unsustainable increase in operations costs to the City. Mrs. Townshend noted that members were provided a list of residential developments that would be subject to the requirements of the Proposed Ordinance.

Staff recommended adoption of Proposed Ordinance #2011-15.

Mrs. Townshend stated that staff developed Proposed Amendment #1 to Ordinance #2011-15 ***(Attachment #1)*** in response to Mr. Anderson's request. City Solicitor Rodriguez indicated his objection to the inclusion of the Proposed Amendment, explaining that owners should already be aware of this right, particularly if they have obtained legal counsel.

Responding to Mr. Anderson, City Solicitor Rodriguez stated that, although Proposed Amendment #1 would be legal, he felt that it would not add anything to the Proposed Ordinance and that it would detract from the enforcement of the ordinance. He stated his approval of Proposed Ordinance #2011-15 as presented by staff and that he does not support Proposed Amendment #1.

In response to Dr. Jones regarding fairness to those homeowners who have paid their dues, Mrs. Townshend suggested that staff could develop a mechanism where, at the request of the HOA, the City could collect association fees from the property owners and distribute them to the HOA. Dr. Jones was in favor of this approach and also noted that there may be occasions when new homeowners may not be aware of HOA requirements.

Responding to Mr. Bonar, City Solicitor Rodriguez indicated that he was not aware of any case law in which the mandatory membership requirement had been contested. He also reminded members that a potential purchaser is made aware of membership requirements prior to purchasing a property.

Mr. Lester Blakeman, 209 Thelmas Way, stated that he has lived in Cranberry Run since 1998 and that this development has an HOA that has not functioned well. He noted that although the HOA has taken care of grass cutting, more and more residents are dropping out of the association. Mr. Blakeman stated that he has not received a bill for association dues for two (2) years. He explained his fear of receiving a large bill for these expenses and that he would prefer that the City handle the matter through his tax bill. Mr. Blakeman added that it has been his experience that HOAs creates conflict among neighbors regarding what can or cannot be done to their property.

Mr. Scott Koenig, Interim City Manager, advised members that Proposed Ordinance #2011-15 is the first of a series of recommendations related to unfinished developments or other development-related issues. He requested that the Proposed Ordinance be adopted and assured members that staff would bring forward additional related issues for discussion, such as stormwater and open space utility. He explained that the Proposed Ordinance is an attempt to have private open space maintained so that residents can be proud of the communities in which they live.

Mr. Anderson noted that the City Solicitor has verified that the adoption of proposed Amendment #1 would be legal and felt that the City has a fundamental responsibility to ensure that citizens are not subject to interference while living their lives and that they retain the right to conduct activities such as holding Bible studies in their homes, posting political signs in their yards, etc.

Mr. Anderson moved to recommend adoption of proposed Amendment #1. The motion failed due to the lack of a second.

Mr. Hare moved to recommend approval of staff's recommendation. The motion failed due to the lack of a second.

Mr. Shevock moved to recommend deletion of Amendment #1 to Proposed Ordinance #2011-15, seconded by Mr. Hare.

Mr. Anderson moved to recommend adoption of Proposed Ordinance #2011-15 *(Attachment #2)*. The motion was seconded by Mr. Hare and carried, with Mr. Anderson voting no.

Evaluation of Bids - Municipal Street Sweeper

Staff solicited and received bids for the replacement of a street sweeper (Vehicle #357), as follows:

Company	Location	Model	Bid Amount	Delivery
Mid-Atlantic Waste Systems	Easton, MD	Tymco Model 600	$164,700.00	60-90 days
Atlantic Machinery, Inc.	Silver Springs, MD	Schwarze A7000	$159,273.00	150-210 days

Mr. Scott Koenig, Interim City Manager, stated that staff has reviewed both bid packages and the machine offered by Mid-Atlantic Waste Systems met 100% of the bid requirements. The machine offered by Atlantic Machinery, Inc. had some minor specification non-compliance issues, due in part to the body style and design. He stated that the Schwarze A7000 machine had several major non-compliance issues, including lack of a belly broom and an auxiliary hydraulic system.

Mr. Koenig advised members that, in 2006, the City opted to purchase the Schwarze A7000 Sweeper, the same unit offered under the current bid package by Atlantic Machinery, Inc. Immediately after taking possession of this unit, there were operational problems. No technical support was offered by the vendor, representatives were not available to discuss the problems, and having warranty work completed proved troublesome. He stated that when parts were needed for repair, there was a 10-14 day waiting period for delivery.

Mr. Koenig indicated that the TYMCO Model 600 offered by Mid-Atlantic Waste Systems is a maintenance-friendly street sweeper. He advised members that staff has a good working relationship with the vendor and the TYMCO technical support staff and that parts are available on a three (3) to five (5) day timetable.

In reviewing the bids with the Fleet Maintenance staff, Mr. Koenig stated that staff favors the TYMCO Model 600 and believes that the City could save the $5,427.00 price difference in maintenance costs within the first two (2) years.

Staff recommended approval of the purchase of the Tymco Model 600 Street Sweeper from Mid-Atlantic Waste System in the amount of $164,700.00..

Mr. Hare moved to recommend approval of the purchase of a Tymco Model 600 Street Sweeper from Mid-Atlantic Waste System in the amount of $164,700.00, as recommended by staff, seconded by Mr. Shevock and unanimously carried.

Review of Policy for Physical Posting of Properties Proposed for Rezoning

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that on August 8, 2011, City Council adopted a series of text amendments to Article 10 of the Zoning Ordinance that codify the process and procedures for planning and development applications. The adopted Ordinance requires that properties proposed for rezoning post a physical notice with the date and location of the public hearing and the nature of the rezoning request. According to the Ordinance, a policy regarding the posting requirements must be approved by the Planning Commission and City Council. Mrs. Townshend advised members that on August 15, 2011, the Planning Commission approved the draft policy for physical posting of properties for Conditional Use Applications, Site Development Plan Applications, and Rezoning Applications. She stated that City Council approval is required for those portions of the policy that relate to Rezoning Applications.

Members were provided a Physical Posting Requirements Policy which included the size, placement and maintenance requirements for the physical posting of properties. A template sign for Rezoning Applications was also included for review. As an example, Mrs. Townshend provided members with a photo of a recent notice posted for a rezoning ***(Attachment #3)***.

Staff recommended approval of the Physical Posting of Properties for Rezoning Policy.

Mr. Hare moved to recommend approval of the Physical Posting of Properties for Rezoning Policy *(Attachment #4)*, seconded by Mr. Shevock and unanimously carried.

Financial Policy - Carry-Forward Balances

Mrs. Donna Mitchell, Controller/Treasurer, advised members that Chairman McGlumphy requested that staff review the City's Financial Policy as it relates to carry-forward balances and the manner in which they are budgeted. As a result, she presented members with proposed amendments to the Financial Policy and explained that the amendments are reflected in red font for additions and

strikeouts for deletions. She noted that Item #2 listed in the Expenditure Policy contains existing wording which is being mentioned since concerns regarding this issue were recently relayed by members of Council.

Mr. Hare moved to recommend approval of the Financial Policy, as amended *(Attachment #5)*, seconded by Dr. Jones and unanimously carried.

Elimination of Delinquent (Blue) Notices

Mr. Scott Koenig, Interim City Manager, advised members that the existing delinquent account notification process generates a separate notice to utility customers, which is commonly known as the "blue" notice. Currently, utility bill payments are due 21 days after the bill date. On the 23rd day, a delinquent notice is generated and mailed to the customer. He stated that approximately 6,000 to 7,000 notices are mailed each month.

Mr. Koenig stated that, with the implementation of the new billing system and use of the new utility bill format, the City is able to provide utility customers with a "Notice of Disconnection" as a direct notation on the bill. He explained that the software programs will ensure the notification will appear only on utility bills with a delinquent balance. Mr. Koenig stated that staff estimates this change in procedure will result in an annual cost savings of approximately $30,000 in postage, $5,000 in office supplies, and an overall staff time savings of one (1) hour a day for 260 work days a year. Currently, the preparation and mailing of delinquent notices requires the combined efforts of staff from Customer Service and Central Services.

Members were provided examples of the current delinquent notice, the billing timeline, and a sample of a new utility bill containing a "Notice of Disconnection." Mr. Koenig stated that staff intends to notify utility customers of the change by insert with the October 2011 bill and will eliminate the "blue" notice effective November 1, 2011.

Staff recommended adding the delinquent notification to the utility bill in order to eliminate a separate mailing of a delinquent notice.

Referring to the delinquent notification on the new bill, Dr. Jones suggested that a larger font or other mechanism be used to bring attention to the message. Concurring, Mr. Koenig stated that the message will appear in all caps, or some other change will be made to make the notification more evident. He assured members that staff will make a determination regarding this change and present their findings directly to Council when they consider this matter.

Noting that the City issues a City-wide newsletter, Mr. Bonar suggested that a public awareness article be included to provide customers additional notification of the change.

Mrs. Russell also suggested that the change be posted on the City's website.

In response to the suggestion to use red font on the new bill for the delinquent notice, Mrs. Kathy Divver, Customer Service Manager, stated that the City's current printer utilized for billing does not produce color. She indicated she would determine if the program would allow for bold text and a font change for that area on the bill that includes the delinquent notice.

Mr. Anderson suggested the possibility of changing the location of the delinquent notice to the top of the bill rather than having it located at the bottom.

Mr. Anderson moved to recommend adoption of a policy change to add a delinquent notification to utility bills and eliminate a separate mailing of delinquent notices, and to request staff to address the Committee's concerns regarding public notification when this matter is presented to Council. The motion was seconded by Dr. Jones and unanimously carried. *(Clerk's Office Note: Following this meeting, staff submitted a revised version of the new Utility Bill with the Delinquent Notice which addressed the Committee's concerns regarding public notification* ***(Attachment #6))*****.**

Implementation of Social Media Policy

Mrs. Kim Hawkins, Human Resources Director, advised members that, due to constant changes in electronic media, staff recommended the implementation of a Social Media Policy. She explained that social media is subject to the same standards of conduct that apply to in-person communications and activities; therefore, all of the expectations and obligations contained in other City of Dover policies also apply online. Mrs. Hawkins indicated that other policies that may be relevant include City's policies on Discrimination and Harassment, Disclosure of Confidential Information, Failure in Personal Conduct, Incompatible Activities, and Disciplinary Action. She stated that personnel whose conduct violates the Social Media Policy policy would be subject to the City's disciplinary measures. In addition, she stated that, under this policy, any employee who becomes aware of inappropriate use of social media by coworkers or supervisors would be required to report their findings to the Human Resources Department immediately.

Staff recommended the implementation of the Social Media Policy as presented.

In response to several concerns expressed by members, Mrs. Hawkins explained that the policy addresses only comments that are discriminatory in nature.

Mr. Shevock noted that the State of Delaware adopted a similar policy and questioned why staff did not consider utilizing it rather than developing a new policy. Responding, Mrs. Hawkins stated that staff recently attended a seminar related to social media policies and was provided a sample policy, which she stated was modified and used to develop the City's proposed policy. She noted that the seminar was conducted by a law firm.

Mr. Anderson stated that, although the City has several policies that regulate behaviors such as web browsing, harassment, etc., the Social Media Policy is different in that it attempts to regulate what an individual does with their own equipment on their own time and treats free speech as an action. He felt that, although individuals may have discriminatory thoughts, thoughts are irrelevant and are

not regulated under the laws of discrimination, as long as the actions of the individual do not reflect those thoughts. Members were provided email correspondence regarding this issue ***(Attachment #7)***. Mr. Anderson explained that this information included samples of other social media policies, such as that implemented by the federal General Services Administration (GSA) and the City of Hampton, Virginia. He explained that GSA's policy has been in place for several years and has been vetted, and shaped based upon legal challenges to employees' First Amendment Rights and that Hampton's policy was being provided to allow members the opportunity to review a municipal policy.

Mr. Anderson noted that the State of Delaware does not regulate behavior in the manner proposed by staff and that Kent County recently considered doing so and declined to implement such a policy.

In response to Mr. Hare, Mrs. Hawkins stated that the City had not experienced any concerns related to social media but that the policy was created in an effort to be proactive in this matter.

Mr. Richard Morse, 100 West 10th Street in Wilmington, stated that he represented the American Civil Liberties Union (ACLU) in Delaware and referred to correspondence that he had previously provided to members ***(Attachment #8)*** regarding the applicable law and details as to why the proposed policy is a clear violation of the First Amendment. Although he understood the reasoning behind attempting to establish such a policy, Mr. Morse stated that it was clear that such regulations are impermissible. He explained that the right to free speech means that the government can not regulate what Americans can say, whether or not they are employees of the government.

Mr. Bonar stated that government has been proactive on so many occasions that it has caused government to sometimes overstep its bounds and he felt that the proposed policy was not necessary at this time.

Responding to Mrs. Williams, Mr. Koenig explained that the proposed Policy was inherited from his predecessor and that he requested that the matter be brought forward for consideration, noting that staff attended the seminar in March 2011 and that this has been "unfinished" business. Rather than simply implementing the Social Media Policy, he felt that the matter should be reviewed through the Committee in order for City Council to be made aware of the issues, both from the standpoint of the employee and staff's responsibility to promote the City in a positive way. It was his opinion that the Policy was created to inform employees that, although they have a work life separate from their personal life, there are things that an employee may say and do outside of work that can affect the workplace, co-workers, and the body for which they work, and that employees should understand that they will be accountable for their statements and actions, not only at work but also during their personal time. Mr. Koenig noted that individual lives are more public and the world is moving faster than ever before and that once something is on the Internet, it is there for everyone to view and sometimes, negative consequences result. He explained that this was the impetus for bringing this matter forward, that there are no looming issues, and he would not object if members do not wish to move forward on this issue at this time.

Mr. Lynn commended Mr. Koenig for taking responsibility and his good intentions in bringing this matter forward.

Mr. Anderson moved to recommend tabling the matter and that staff incorporate the recommendations of the Delaware Chapter of the ACLU in any future draft. The motion failed due to the lack of a second.

Mr. Hare moved to recommend withdrawing the Social Media Policy from any further consideration, seconded by Dr. Jones and unanimously carried.

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

Meeting Adjourned at 7:08 P.M.

William P. McGlumphy
Chairman

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Attachments
Attachment #2 - Proposed Ordinance #2011-15
Attachment #3 - Photo of Posting for Rezoning
Attachment #4 - Physical Posting of Properties for Rezoning Policy
Attachment #5 - Financial Policy Amendments
Attachment #6 - Revised New Utility Bill with Delinquent Notice

Attachments to Original Minutes and File Copy
Attachment #1 - Proposed Amendment #1 to Proposed Ordinance #2011-15
Attachment #7 - Email Correspondence Regarding Social Media Policy
Attachment #8 - Letter from Mr. Richard Morse - American Civil Liberties Union in Delaware - September 9, 2011

CITY OF DOVER
ORDINANCE #2011-15

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

That Appendix A – Subdivisions, Article VII – Special Provisions be amended by adding a new re-lettering Section B as Section C and adding a new Section B as follows:

C. Homeowners associations.

1. The owner and/or developer shall create a homeowners association for the proposed development where private open space and stormwater management facility ownership and maintenance responsibility exist. The homeowners association shall be organized and established as a legal entity prior to or as a part of the final plat approval and recording process and all documents related to the homeowners association shall be submitted in draft form at the time of application for the subdivision plan review (whether minor or major). Such documents shall be acceptable to the city as a condition of subdivision plan approval.

2. The owner and/or developer should pay for the preparation of the legal document necessary to create the association, have same approved by the city solicitor and council and record same in the recorder of deeds office for Kent County.

3. The legal documents prepared will give the city the authority to require the homeowner's association to perform routine maintenance and minor/major repairs as necessary to keep the property in good condition, and eliminate any health or safety issues.

If the homeowners association does not respond to the city citation within 14 calendar days, the city shall have the right to perform the work itself or hire a contractor to perform the work and assess each property owner of the homeowner association and/or each owner of property within the final plat for the subdivision a fee to recover its cost. Such fee shall include an administrative charge equal to 15% of the cost of the work performed. This fee will be added to the real estate tax bill as a special assessment to these lot owners.

4. Homeowners association requirements. If the applicant is required to establish a homeowners association for purposes of ownership and maintenance of common areas, common facilities and/or open spaces, such association documents shall require, at minimum:

a. *Membership mandatory.* All owners of property within the subdivision must be members of the homeowners association. The members of the homeowners association shall share equitably in the costs of maintaining all open space, common areas and facilities, recreation areas and facilities, and stormwater management areas and facilities which are not accepted by the city in writing in accordance with the provisions of all deed restrictions and maintenance agreements, all applicable property maintenance codes, all record plan notes, and in accordance with procedures established by the homeowners association. The deed restrictions shall require, at minimum, that the costs of such

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maintenance shall be collectable from the owner of the lot(s) to which such costs are assessed; and that such costs shall be and constitute a lien upon such lot(s).

b. *Responsibilities.* The homeowners association shall be responsible for all maintenance, insurance, taxes, fees, and other burdens customary to the ownership of real property and all improvements and construction thereon, including, but not limited to all recreation amenities, walkways, storm water facilities, ponds, landscaping, and other facilities not owned or accepted by the City of Dover.

c. *Deed restrictions.* Restrictive covenants shall provide that in the event the association fails to maintain the common areas, common facilities, and open areas according to the adopted codes of the City of Dover, in accordance with the recorded plan, and in accordance with the requirements of recorded restrictions, the city may:

1. Demand that the deficiency of maintenance be corrected. If the homeowners association shall fail to correct the deficiency, after reasonable notice, the city may enter the common area to inspect and correct the deficiency. The cost of such maintenance shall be charged to the association in accordance with the provisions of Section C (3).

5. Homeowners association reporting responsibilities.

a. Each homeowners association established pursuant to Appendix A, Subdivisions shall, not later than December 31 of each year, provide to the City Clerk of the City of Dover a listing of the officers of such homeowners association, including their addresses and telephone numbers, and the date of the annual meeting.

b. The homeowners association shall list the terms of office of each officer and the date of the annual election. The homeowners association shall provide the name, address, phone number and contact information for any firm providing services in behalf of or acting as agent for the homeowners association in carrying out its responsibilities

BE IT FURTHER ORDAINED:

That the provisions of this ordinance shall be in effect upon its adoption and shall apply to all existing subdivisions where the homeowners association has maintenance responsibilities for open space and stormwater management areas. The city manager shall send a letter to all property owners within the City of Dover who have HOA maintenance responsibilities under this ordinance informing them of these responsibilities and the City's right to bill property owners within the homeowners association for any maintenance performed by the City of Dover due to lack of maintenance on the part of the homeowners association.

BE IT FURTHER ORDAINED:

That all homeowners associations with maintenance responsibilities for open space and stormwater areas that existed prior to the adoption of this ordinance shall report to the city

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manager by December 31, 2011 those items required in subsection 5 Homeowners Association Reporting Responsibilities.

SYNOPSIS

The proposed amendment would clarify the requirement that for developers of subdivisions with common open space, including active recreation areas, woodlands, and stormwater managements form homeowners associations where membership is mandatory. It would allow the City to perform work that is the responsibility of the homeowners association if such work is not performed in accordance with code requirements. Such work would be billed to the property owners on their tax bill, including an administrative charge. The proposed amendment would require that homeowners associations with management responsibility for common open space submit annually a listing of officers of the association. The proposed amendment also clarifies that these requirements are retroactive to all subdivisions with common open space in existence prior to adoption of the ordinance.

ACTIONS HISTORY: June 6, 2011 – Tabled at Legislative, Finance & Administration Committee

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NOTICE
Proposed REZONING
Action
A request to rezone
327 Martin Street from C-4 to IO
Has been filed with the City of Dover
Planning Department
APPLICATION Z-11-06
Public comment will be received by Planning
Commission at a Public Hearing on
September 19, 2011 at 7:00 PM
and by City Council on
October 10, 2011, at 7:30 PM
in the Council Chambers at
City Hall at 15 Loockerman Plaza, Dover, DE 19901
Additional information regarding this application is available at the
Dover Planning Office, located in City Hall.
(302) 736-7196
DO NOT REMOVE THIS SIGN FROM THESE PREMISES UNTIL AFTER THE ABOVE-LISTED DATE UNDER PENALTY OF LAW

City of Dover

Physical Posting Requirements

The Physical Postings detailed in this policy statement are the responsibility of the Applicant to provide and maintain. Details on the requirements for public notice can be found in the City of Dover *Zoning Ordinance*, Article 10.

The following guidelines pertain to the required Physical Posting of Public Notice for Site Plans, Conditional Use Site Plans, Historic District Applications, and Rezoning Applications.

1. Size and construction
    - The dimensions of the posting must be a minimum of 22" x 28" and no greater than 36" x 36".
    - The posting must be no taller than four feet in height above the ground and no shorter than three feet in height above the ground.
    - The posting must be affixed to the ground by a minimum of two posts of a minimum size 2" x 2" in dimension.
    - The posting must be printed on a durable print material and of a bright yellow color.
    - City of Dover Physical Posting templates must be used; hand written postings are not permissible.

2. Placement
    - Required Physical Postings must be located within the front-yard setback of the property for which they are required.
    - The Physical Posting shall have a maximum set-back of ten feet from the front property line.
        - For properties where ground-based posting is not possible or where the sign will not physically fit in the space allowed, the Applicant must post the Physical Posting in a window or affixed to the wall facing the street on which the property fronts.
    - Where corner properties are concerned, the Applicant shall place the Physical Posting on the street frontage where the property is addressed.
    - In instances where more than one parcel is involved in the application, only one posting shall be required except where:
        - The parcels involved in the application are separated by a road or street or;
        - A single parcel is divided by a road or street or;
        - The parcels are not adjacent to one another.
    - No project application that is submitted as a Master Plan shall be required to post more than three Physical Postings.

3. Maintenance, Replacement, and Removal
    - Date stamped photography must be provided to the Planning Office (along with other proof of Public Notice) showing the location of the Physical Posting by noon on the day of the scheduled meeting.
    - During the required 15 day period for which the Physical Posting is to be established, the Applicant is responsible for re-posting the Physical Posting two times should it be destroyed by natural causes or through vandalism. If the Physical Posting is destroyed more than two times, the Applicant is not responsible for replacing the posting but instead must document the destruction and report on it to the Commission during their application's public hearing before the Commission.
    - Physical Postings must be removed by the end of the seventh calendar day after the public hearing.
        - For rezoning applications, physical postings must be removed by the end of the seventh calendar day after the public hearing before City Council.
        - Physical Postings not removed in a timely manner shall be treated as an abandoned sign as referenced in the *Zoning Ordinance.*
    - When the Planning Commission delays action on an application, the Applicant is still responsible for removal of the Physical Posting within seven calendar days of the referenced meeting.

NOTICE

Proposed REZONING

Action

A request to rezone

PROPERTY ADDRESS

from ORIGINAL ZONING to PROPOSED ZONING

Has been filed with the City of Dover Planning Department

Public comment will be received by Planning Commission at a Public Hearing on Month, DATE 00, YEAR at 7:00 PM and by City Council on Month, DATE 00, YEAR, at 7:30 PM in the Council Chambers at City Hall at 15 Loockerman Plaza, Dover, DE 19901

Additional information regarding this application is available at the Dover Planning Office, located in City Hall.
(302) 736-7196

DO NOT REMOVE THIS SIGN FROM THESE PREMISES UNTIL AFTER THE ABOVE-LISTED DATE UNDER PENALTY OF LAW

Legislative, Finance & Administrative Committee – September 12, 2011
Agenda Item #

CITY OF DOVER
FINANCIAL POLICIES

07/01/11

CITY OF DOVER, DELAWARE
FINANCIAL POLICIES

The purpose of these policies is to present a standardized set of principles that the City follows in managing its financial and budgetary affairs. These are general statements of policies, which represent long-standing principles, traditions, and practices that will be used to guide the City in maintaining financial stability. It will be the responsibility of the Finance Department to ensure the financial objectives of these policies are maintained.

Revenue Policy

1. The City will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.

2. The City will actively support economic and industrial development recruitment and retention efforts to provide for a solid revenue base.

3. The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.

4. The City will establish user fees and charges for services, when feasible, at levels related to the cost of providing the services. The City will review the fees and charges every three to five years to determine modifications needed to keep pace with the cost of providing the services. Property Tax Rates are set annually

5. The City will review its incentive programs every three years and provide City Council with the amount of foregone revenues and any recommended changes.

6. The City will establish, when feasible, self-supporting enterprise funds and intergovernmental service funds in which a relationship between revenues and expenditures clearly exists.

7. The City will project current revenues on a conservative basis so the actual revenues will consistently meet or exceed budgeted revenues. Revenues greater or less than the original budget will flow through to the final Ending Budget Balance.

8. The City will maintain a budgetary control system and will prepare reports, which compare actual revenues to budgeted amounts.

9. The City will limit the designation of General Fund revenues for specified purposes to maximize flexibility in budgeting and revenue utilization.

10. The City will review annually and revise, where necessary, its cost allocation formulas, i.e. internal service departments.

11. Upon satisfying all rate covenants the City will provide operating transfers to the General Fund. From the Water/Wastewater Utility no greater than 4.5% of operating revenues and from the Electric Utility no greater than 8.0% of operating revenues. Both transfer calculations will exclude the carry forward budget balance, County Sewer Fees, and State Utility Tax. The Utility transfers will not exceed 25% of the General Fund Revenues.

Expenditure Policy

1. Basic and essential services provided by the City will receive first priority for funding, i.e. Public Safety & Health, Utilities, Streets, & Sanitation. The City will establish performance measurements for all program areas, when feasible. These measures will reflect the demand, workload capability, and projected outcomes for the program to accomplish its objectives.

2. The City will adopt a balanced budget, by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund. The Beginning Budget Balance will not be considered a revenue source. (Existing wording)

3. The City will maintain a budgetary control system to ensure adherence to the original adopted budget and will prepare reports, which compare actual expenditures to budgeted amounts. Expenditures greater or less than the original adopted budget will flow through to the final Ending Budget Balance.

4. The City will refrain from budgeting revenues derived from infrequent and unanticipated transactions for ongoing expenses. These revenues will be set aside for asset replacement or as otherwise directed by Mayor and Council.

5. The City will provide access to medical, dental, vision, life, AD & D, and short-term disability insurance for its employees. The cost for these benefits will be a shared responsibility between the City and its employees as outlined in the City Personnel Handbook or collective bargaining agreements

6. The City will provide access to medical and dental insurance for its retirees and their families. The cost for these benefits will be a shared responsibility between the City and its retirees as outlined in the City Personnel Handbook or collective bargaining agreements.

7. The City will provide access to appropriate retirement plans for its employees. The City will make contributions for eligible employees at the actuarial determined percentage defined for each of the respective retirement plans.

8. The City will establish an Other Post-Employment Benefit Fund (OPEB) and provide available funding for early implementation of a new accounting standard promulgated by the Government Accounting Standards Board. ~~When the standard officially takes effect,~~ t The City will make contributions for eligible employees and retirees at the actuarial determined rates or percentages to fund future retiree medical benefits.

Debt Policy

1. The City will maintain a debt management policy and full disclosure on financial reports.

2. The City will maintain communications with bond rating agencies and continue to strive for improvements in the City's bond rating.

3. The City will adhere to its debt covenants.

4. The City will review its debt capacity every three years.

5. The City will pay for all capital projects and capital improvements on a pay-as-you-go basis using current revenues whenever possible. If a project or improvement cannot be financed with current revenues, long-term debt or use of reserves will be recommended.

6. The City will refrain from issuing long-term debt for a period in excess of the expected useful life of the capital project.

7. The City will use special assessment revenue or other self-supporting bonds instead of general obligation bonds, when practical.

8. The City will seek refinancing of outstanding debt if it is determined that the City will benefit by reduced interest expense over the remaining life of the bonds.

Budget Balance/Reserve Policy – General Fund

1. The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 12% of the current year operating revenues for the General Fund, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final ~~existing~~ Budget Balance exceeds the amount as approved in the budget ordinance ~~required level~~, such funds shall ~~may~~ be used to provide for unfunded retirement liabilities ~~non-recurring expenditures when the purchases cannot be accommodated through current year savings~~ or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the taxpayers, the budget balance may, with the Mayor's and City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least 2% of the current year operating revenues for the General Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the General Fund budget and contingency balances shall not exceed 17% (~ 2 months) of Budgeted Operating Revenues.

5. The City will create a Capital Asset Replacement account for Governmental Fund asset procurements. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will appropriate excess (amounts greater than budgeted) revenues to fund this account, or if the balance is less than the $500,000 minimum, $200,000 per annum until such time the minimum balance is replenished.

6. The City will create a General Capital Project Fund to account for all General Government asset procurements and projects. The City will provide operating fund transfers and/or debt proceeds for each fiscal year's Capital Investment Plan. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis.

Budget Balance/Reserve Policy – Water/Wastewater Fund

1. The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 17% (two months) of the current year operating revenues for each of the Water & Wastewater Utility Funds, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final ~~existing~~ Budget Balance exceeds the amount as approved in the budget ordinance ~~required level~~, such funds shall ~~may~~ be used to provide for unfunded retirement liabilities ~~non-recurring expenditures when the purchases cannot be accommodated through current year savings~~ or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the ratepayers, the budget balance may, with the Mayor's and City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least 2% of the current year operating revenues for each the Water & Wastewater Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the combined Water & Wastewater Fund budget and contingency balances shall not exceed 25% (3 months) of Budgeted Operating Revenues.

5. The City will maintain a Capital Asset Replacement account to cover replacement or procurement of assets of the utility. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will maintain a minimum balance of $500,000 for each utility for Capital Asset Replacements. The City will appropriate excess revenues to fund this account, or if the balance is less than the minimum $100,000 per annum for each utility until such time the minimum balance is achieved.

6. The City established by ordinance on December 17, 1996 the Wastewater Impact Fee Reserve to provide for future expansion of the City's wastewater system due to increased demand. The ordinance further provides for debt service payments attributed to wastewater expansion projects to be funded by the current year's collection of Impact Fees and the remainder to be deposited into the reserve account. The City shall maintain a minimum of 20% of wastewater revenues in the Impact Fee Reserve account. Amounts used to finance projects shall be replenished by the operating revenues of the Wastewater Fund over the succeeding seven years of any project completion.

7. The City established by ordinance on February 1, 2008 the Water Impact Fee Reserve to provide for future expansion of the City's water system due to increased demand. The ordinance further provides for debt service payments attributed to water expansion projects to be funded by the current year's collection of Impact Fees and the remainder to be deposited into the reserve account. The City shall maintain a minimum of 20% of water revenues in the Impact Fee Reserve account. Amounts used to finance projects shall be replenished by the operating revenues of the Water Fund over the succeeding seven years of any project completion.

8. The Water & Wastewater Improvement & Extension Fund budget balance shall be no less than $200,000 of the current fiscal year's appropriation for water and wastewater projects to allow for project variances and change orders; a 10% contingency shall be included in project budgets greater than $250,000 if the Department Head determines it to be appropriate. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis. The City Manager shall make the necessary budget amendments in accordance with the City of Dover Purchasing & Budget Amendment Policies.

Budget Balance/Reserve Policy – Electric Revenue Fund

1, The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 12% of the current year operating revenues for the General Fund, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final ~~existing~~ Budget Balance exceeds the amount as approved in the budget ordinance ~~required level~~, such funds shall ~~may~~ be used to provide for unfunded retirement liabilities ~~non-recurring expenditures when the purchases cannot be accommodated through current year savings~~ or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the taxpayers, the budget balance may, with the Mayor's and City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least 1% of the current year operating revenues for the Electric Revenue Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and

above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the combined Electric Revenue Fund budget and contingency balances shall not exceed 25% (3 months) of Budgeted Operating Revenues.

5. The City has established by bond covenant an account to cover insurance deductibles on the electric transmission and distribution system or the generating plants. The City shall maintain a minimum balance of $350,000 to cover various deductibles.

6. Recognizing price fluctuations in the wholesale power markets the City has established a rate stabilization reserve. The purpose of using such a reserve is to level off the fluctuations in the wholesale power supply market and in turn provide stable rates to our customers. In those instances where the actual cost of power supply and generation are less/more than the budgeted cost of power supply and generation, the City will transfer the difference to/from the Rate Stabilization Reserve. The balance shall be maintained at a minimum of 3% not to exceed 10% of the purchase power cost in any given year. If the reserve balance exceeds the 10% maximum, a credit will be applied to the power cost adjustment.

7. The Electric Improvement & Extension Fund budget balance shall be no less than $200,000 of the current fiscal year's appropriation for electric system projects to allow for project variances and change orders; a 10% contingency shall be included in project budgets greater than $250,000 if the Department Head determines it to be appropriate. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis. The City Manager shall make the necessary budget amendments in accordance with the City of Dover Purchasing & Budget Amendment Policies.

8. The City has established an account to provide for capital financing of Future Capacity or system expansion. The City shall maintain a balance equivalent to the value of 10% growth in capacity at any given time, or no less than $10,000,000. Amounts used to finance projects shall be replenished by the operating revenues of the Electric Revenue Fund over the succeeding seven years of any project completion.

9. The City has established an account to provide for replacement or procurement of utility system assets, otherwise known as Depreciation Reserve. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will maintain a minimum balance of $10,000,000. The primary purpose of this account is to provide partial or all financing of major capital projects and minimize debt service payments. The account is also intended to cover unforeseen capital replacements due to equipment breakdowns, storms or hurricane damages. Amounts used to finance projects shall be replenished by the operating revenues of the Electric Revenue Fund over the succeeding seven years of any project completion

10. The total of the combined Electric Revenue and Electric Improvement & Extension Fund budget and reserve balances shall be benchmarked at 50% Budgeted Operating Revenues. Operating Fund Budget Balance and Reserves shall be adjusted to appropriate levels through adjustments in the operating budget. Improvement & Extension Fund Budget Balance and Reserves shall be adjusted in accordance with the Capital Improvement Plan.

Investment and Cash Management Policy

1. The City will deposit all receipts on a timely basis in interest bearing accounts.

2. The City will strive to maximize the return on its investment portfolio without jeopardizing principal amounts.

3. The City will limit its investments to the types of securities provided for by Delaware statutes.

4. The City will diversify its investments by maturity date to protect against market fluctuations.

5. The City will purchase securities from qualified institutions based on competitive bids in an effort to obtain the highest available rates.

6. The City will maintain an Investment Policy based on prudent investment practices and will monitor all investment managers' compliance with policy objectives.

Capital Improvement Policy

1. The City will prepare and update, as needed a five-year Capital Improvements Program (CIP) which will provide for the orderly maintenance, replacement, and expansion of capital assets.

2. The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.

3. When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source.

4. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs and savings associated with a project or an improvement will also be given consideration in the establishment of priorities.

5. The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

6. The City will incorporate the reasonable findings and recommendations of other cities' Boards, Commissions, Committees, and Citizen Task Forces, as they relate to capital projects and improvements.

7. The City will seek input from the public by holding public hearings in relation to the establishment of projects and project priorities.

Financial Reporting Policy

1. The City's accounting system will maintain records in accordance with accounting standards and principles outlined by the Governmental Accounting Standards Board (GASB), Financial Accounting Standards Board (FASB), and the State of Delaware.

2. The City will employ an independent accounting firm to perform an annual audit of the City's finances and make the annual audit available to all required and interested parties.

3. The City will produce monthly and quarterly financial statements reporting the current periods' activity for all funds maintained by the City.

4. The City will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final decisions on the budget.

5. The City will place continued emphasis on review and maintenance of an accounting system which provides strong internal budgetary and accounting controls designed to provide reasonable assurance, but not absolute, assurance regarding:

   (a) the safeguarding of assets against loss from unauthorized use or disposition and,
   (b) the reliability of financial records for preparing financial statements and reports, and the maintaining accountability for assets.

6. The City will seek annual renewal of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award.

Adoption:

1. Approval by City Council: January 28, 2002
2. Amended by City Council: November 25, 2002
3. Amended by City Council: May 10, 2004
4. Amended by City Council: February 26, 2007
5. Amended by City Council: July 28, 2008
6. Amended by City Council: February 14, 2011
7. Amended by City Council: June 27, 2011

City of Dover

Account Information

Customer: JUSTIN CASE
Service Address: 1111 MAIN ST
Account #: 111111-22222 10-86
Bill Date: 09/12/2011
Due Date: 10/03/2011

Contact Information

8:30 a.m. - 5:00 p.m. Monday—Friday
Customer Service: 302-736-7035
Emergency after 5 p.m.: 302-736-7086
Website: www.cityofdover.com

20 ***IMPORTANT: See Notice of Disconnection below.***

Balance From Last Bill:	$	511.88
Thank you! Last payment received: 150.00 on 08/23/2011		
Payments and adjustments made after this Bill Date 09/12 will appear on next bill.		
Current Charges:	$	255.73
A late payment charge of 1.5% will be added to any balance remaining 30 days after billing.		
Total Amount Due:	$	767.61

Other Payment Options

Automatic Bank Draft from checking or savings account— sign up needed.
Equalized Payment Plan - a fixed budget amount each month for residential customers—sign up needed.
Online Payment with a credit card by visiting www.cityofdover.com or call 1-866-780-5451, a fee provided service.

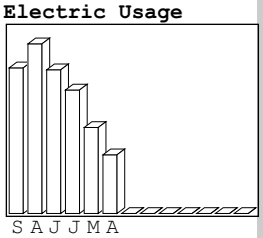
Customer News & Information

Meter Information - Residential

Meter #	Days	Service	Period	Previous	Present	Mult	Usage	Svc Units
51876559E	33	8/ 4/11	9/ 6/11	16726.00	18101.00	1.00	1375.00	EL KWH
43924302W	33	8/ 4/11	9/ 6/11	672.00	677.00	1.00	5.00	WA TGAL

Consumption History

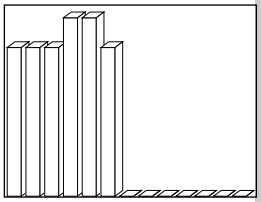
Electric Usage



S A J J M A

Avg daily kwh: 41.6

Water Usage



S A J J M A

Charges for current cycle

Service		Consumption	Rate	Charge
EL	RES CUSTOMER CHG			5.00
EL	ENERGY CHG	1375.00	.145000	199.38
EL	PURCHASE POWER COST	1375.00	.008570-	11.78-
EL	GREEN ENERGY CHARGE	1375.00	.000178	.24
TOTAL	ELECTRIC			192.84
WA	WATER TGAL FLOW CHG	5.00	3.000000	15.00
WA	WATER CUSTOMER CHG			1.25
TOTAL	WATER SERVICE			16.25
SE	SEWER FLOW CHARGE	5.00	2.650000	13.25
SE	SEWER CUSTOMER CHG			1.25
SE	GROUNDWATER INFLOW	5.00	1.050000	5.25
SE	KENT COUNTY SWR ADJ	5.00	2.340000	11.70
TOTAL	SEWER SERVICE			31.45
TR	TRASH 08/10 TO 09/09			11.70
TOTAL	TRASH			11.70
EP	ELE LATE PMT PENALTY			2.85
KP	KCS LATE PMT PENALTY			.18
SP	SWR LATE PMT PENALTY			.22
WP	WAT LATE PMT PENALTY			.24
TOTAL	MISC CHARGES			3.49
TOTAL	CHARGES FOR PERIOD			255.73

Notice of Disconnection

Disconnection of service without further notice may occur *if balance due from last bill has not been paid by* 09/22/11. If the account is scheduled for disconnection, a service fee must be paid along with the entire amount owed. An additional deposit may be required.

Please detach this portion and remit with payment made by mail or in person. **Mail all correspondence to utility billing office.**

Notify customer service to update mailing address, phone number, or email.

City of Dover

JUSTIN CASE 111111-22222

Balance From Last Bill Due Immediately:	511.88
Current Charges Due :	255.73
Total Due:	767.61

Total Amount Due 767.61

Payment Enclosed:

Make Payments to:

City of Dover Utility
Po Box 15040
Wilmington, DE 19886-5040

JUSTIN CASE
111 MAIN ST
DOVER DE 19901

00013618100001691800000076761 7

City of Dover
Capital Investment Plan
Project Tracking Report
July 31, 2011

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	$ 78,000	$ -	$ 404,682	$ 360,333	$ 843,015
Project Carry Forward Balances			686,750	87,045	773,795
Federal and/or State Grants	5,597,505	1,900,000			7,497,505
Revolving Fund Loans			3,910,330		3,910,330
Transfer from Capital Reserves				370,730	370,730
Proposed Bond Issue	1,000,000				1,000,000
Impact Fees			760,270		760,270
Library Donations/Contributions	2,334,889				2,334,889
Library Reserve	3,262,615				3,262,615
Transfer from Operating Funds	623,847		1,750,000	3,500,000	5,873,847
Interest Earned	10,900			38,400	49,300
Total Funding Sources (Unaudited)	$ 12,907,756	$ 1,900,000	$ 7,512,032	$ 4,356,508	$ 26,676,296

City of Dover
General Fund - Major CIP Projects
July, 2011

	Hide		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS						CURRENT FISCAL YEAR				
	Project Code	Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
1			**FY2009**										
2	LB0901	M/G	New Library Project	$ 18,200,000	$ 24,679,934	$ 3,559,714	$ 21,120,220	14.4%	$ 11,195,009	$ 13,951	0.1%	Started	Bid Pack A - Done. Bid Pack B - Construction Started.
3			**Totals - FY09**	$ 18,200,000	$ 24,679,934	$ 3,559,714	$ 21,120,220	14.4%	$ 11,195,009	$ 13,951	0.1%		
4													
5			**FY2012**										
	---		Ann FD truck Payment	$ 244,820	$ 244,820	$ 1,631	$ 243,189	0.7%	$ 244,820	$ 1,631	0.7%		
6	---		Vehicles & Equipment	377,927	377,927	-	377,927	0.0%	377,927	-	0.0%		
7	PR1201		Roof Replacement @ Dover Park	30,000	30,000	-	30,000	0.0%	30,000	-	0.0%		
8	ST1201		Streets & Alleys Program	1,000,000	1,000,000	-	1,000,000	0.0%	1,000,000	-	0.0%		
9	ST1202		Concrete Program	30,000	30,000	-	30,000	0.0%	30,000	-	0.0%		
10	ST1203		Streets Dump Truck Refurbishment	30,000	30,000	-	30,000	0.0%	30,000	-	0.0%		
11			**Totals - FY12**	$ 1,682,747	$ 1,682,747	$ 1,631	$ 1,681,116	0.1%	$ 1,712,747	$ 1,631	0.1%		
12													
13			**Grand Totals**	$ 19,882,747	$ 26,362,681	$ 3,561,345	$ 22,801,336	13.5%	$ 12,907,756	$ 15,582	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 rebudgeted to start over each fiscal year.
G = Grant funded project

City of Dover
Community Transportation & General Fund Street Funds - Major CIP Projects
July, 2011

	Hide			TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR					
	Project Code	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 Spent	Status	Comments
1			**FY 2007**											
2			E. Water Street Brick	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ -	$ -	-	0.0%		Specialty contract needed.
3			**Totals**	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ -	$ -	$ -	0.0%		
4														
5			**FY 2009**											
6			Schutte Parking Lot	$ 21,950	$ 21,950	$ -	$ 21,950	0.0%	$ -	$ -	-	0.0%		Deferred
7			**Totals**	$ 21,950	$ 21,950	$ -	$ 21,950	0.0%	$ -	$ -	$ -	0.0%		
8														
9			**FY2012**											
10			Misc. Street Projects	$ 2,200,000	$ 2,200,000	$ -	$ 2,200,000	0.0%	$ 2,200,000	$ 1,000,000	$ -	0.0%		
11	TE1201		Lincoln Park Center	-	-	-	-	0.0%	-	900,000		0.0%		
12			**Totals**	$ 2,200,000	$ 2,200,000	$ -	$ 2,200,000	0.0%	$ 2,200,000	$ 1,900,000	$ -	0.0%		
13														
14			**Grand Totals**	$ 2,286,950	$ 2,286,950	$ -	$ 2,286,950	0.0%	$ 2,200,000	$ 1,900,000	$ -	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 rebudgeted to start over each fiscal year.
C = Project funded by combination of CT Funds and General Fund

City of Dover
Water/Wastewater Improvement & Extension Fund - Major CIP Projects
July, 2011

				TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR					
	Project Code	Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Approved Fiscal Yr. Budget	Revised Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
1			**FY 2008**											
2	WD0804	M	1.0 MG Elevated Water Storage	$ 4,196,600	$ 2,590,000	$ 21,084	$ 2,568,916	0.8%	$ -	$ 178,916	$ -	0.0%	Started	Land site selected, starting negotiations
3	WD0805	M	Piney Point Well	398,800	665,000	67,682	597,318	10.2%	-	147,318	-	0.0%	Started	DNREC permitting ongoing; FY12 = Constr.
4	WW0810	M/SL	US 13 East Sanitary Sewer Interceptor	2,376,800	3,409,641	2,943,812	465,829	86.3%	-	236,519	-	0.0%	Started	Project complete, holding retainage
5			**Totals - FY08**	$ 6,972,200	$ 6,664,641	$ 3,032,578	$ 3,632,063	45.5%	$ -	$ 562,753	$ -	0.0%		
6														
7			**FY2009**											
8	WQ0905	M/SL	Bayard Avenue	$ 590,910	$ 490,910	$ 291,137	$ 199,773	59.3%	$ -	$ 204,120	$ 4,347	2.1%	Started	Installation is 85% complete
9	WQ0907	M/SL	Route 13 Water Main	1,058,700	2,226,783	396,732	1,830,051	17.8%	-	1,885,950	-	0.0%	Started	Installation is 60% complete
10			**Totals - FY09**	$ 1,649,610	$ 2,717,693	$ 687,870	$ 2,029,823	25.3%	$ -	$ 2,090,070	$ 4,347	0.2%		
11														
12			**FY2010**											
13	WW1001	M/SL	Inflow/Infiltration Removal	$ 1,800,000	$ 1,800,000	$ 924,200	$ 875,800	0.0%	$ -	$ 875,801	$ -	0.0%	Started	Work is complete, close-out documents in progress
14	WW1007	M/SL	Fox Hall Pump Station	427,900	392,044	50,463	341,581	12.9%	-	360,687	250	0.1%	Started	Bid Awarded
15	WW1008	M/SL	Heatherfield F/M Rerouting	220,400	324,916	48,945	275,971	15.1%	-	237,505	250	0.1%	Started	Bid Awarded
16	WW1010	I	Tar Ditch Interceptor Upgrade	518,230	518,230	22,871	495,359	4.4%	-	495,359	-	0.0%	Started	Reviewing design and easement issue.
17			**Totals - FY10**	$ 2,966,530	$ 3,035,190	$ 1,046,478	$ 1,988,712	34.5%	$ -	$ 1,969,352	$ 500	0.0%		
18														
19			**FY2011**											
20	WQ1103		WQI - Ross Street	-	76,840	4,250	72,590	5.5%	71,840	71,840	-	0.0%		Preliminary design complete
21	WW1101	M/SL	Inflow/Infiltration Removal	500,000	500,000	32,367	467,633	6.5%	-	465,717	-	0.0%	Started	30% complete
22	WW1104	SL	Lepore Road P/S Replacement	52,000	402,000	55,536	346,464	13.8%	350,000	350,000	-	0.0%	Complete	Bidding in November
23			**Totals - FY11**	$ 552,000	$ 978,840	$ 92,153	$ 886,687	9.4%	$ 421,840	$ 887,557	$ -	0.0%		
24														
25			**FY2012**											
26	---		Vehicles & Equipment	$ 115,000	$ 115,000	$ -	$ 115,000	0.0%	$ 115,000	$ 115,000	$ -	0.0%		Ordered through State Contract
27	WD1201		Pay-As-You-Go Water Station	30,240	30,240	-	30,240	0.0%	30,240	30,240	-	0.0%		
28	WD1202	R	Misc. Distribution Upgrades	60,000	60,000	-	60,000	0.0%	60,000	60,000	-	0.0%		Ongoing
29	WD1203	R	Wellhead Redevelopment Program	65,000	65,000	-	65,000	0.0%	65,000	65,000	-	0.0%		Well #1 under rehabilitation
30	WD1204	R	Emergency Generators	80,000	80,000	-	80,000	0.0%	80,000	80,000	-	0.0%		Grant dependent
31	WQ1201		WQI - Wesley Campus	51,200	51,200	-	51,200	0.0%	51,200	51,200	-	0.0%		Design complete, late spring const.
32	WQ1202		WQI - New Street	97,120	97,120	-	97,120	0.0%	97,120	97,120	-	0.0%		Design started, early spring const.
33	WQ1203		WQI - Silver Lake	279,840	279,840	-	279,840	0.0%	279,840	279,840	-	0.0%		Design complete, November const.
34	WW1201	M/SL	Inflow/Infiltration Removal	1,000,000	1,000,000	-	1,000,000	0.0%	1,000,000	1,000,000	-	0.0%		Design started, early spring const.
35	WW1202	R	SCADA Equipment Replacement	172,800	84,900	-	84,900	0.0%	84,900	84,900	-	0.0%		Materials ordered, spring const.
36	WW1203	R	Misc. Sewer System Improve	205,000	37,000	-	37,000	0.0%	37,000	37,000	-	0.0%		Ongoing
37	WW1204	M	Wilmington College Pump Station	125,000	25,000	-	25,000	0.0%	25,000	25,000	-	0.0%		Design started - actually Baltray PS
38	WW1205	M	Dover Brook Gardens P/S Replace	65,000	15,000	-	15,000	0.0%	15,000	15,000	-	0.0%		Design started
39	WW1206	M	Brandywine Pump Station Replace	402,000	52,000	-	52,000	0.0%	52,000	52,000	-	0.0%		Design started
40	WW1207	M	McKee Rd Pump Station Communator Replacement	55,000	10,000	-	10,000	0.0%	10,000	10,000	-	0.0%		Design started
41				$ 2,803,200	$ 2,002,300	$ -	$ 2,002,300	0.0%	$ 2,002,300	$ 2,002,300	$ -	0.0%		
42														
43			**Grand Totals**	$ 14,943,540	$ 15,398,664	$ 4,859,079	$ 10,539,585	31.6%	$ 2,424,140	$ 7,512,032	$ 4,847	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 rebudgeted to start over each fiscal year.
SL = State Loan Project - construction phase is financed
I = Impact Fee (partially) financed project

City of Dover
Electric Improvement & Extension Fund - Major CIP Projects
July, 2011

				TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR					
	Project Code	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 Spent	Status	Comments
1			**FY2011**											
2	EG1102	M	Units 1 & 2 Cooling Tower	372,400	199,140	134,138	65,002	67.4%	25,410	25,410	-	0.0%		Work will be completed during the fall outage
3	EG1107	M	Units 1 & 2 Life Extension	802,000	409,000	212,669	196,331	52.0%	184,000	196,331	-	0.0%		work will be completed during the fall outage
4	EG1112	M	Unit 3 Heat Expansion Joint	-	135,000	67,293	67,707	49.8%	70,000	82,807	100	0.1%	Started	Will be competed by Feb. 2012
5	EG1113		Units 1 & 2 Control Modifications	-	150,000	124,300	25,700	82.9%	-	25,700	-	0.0%	Started	Work will be completed during the fall outage
6	EG1114		Unit 3 Gas Line Modification	-	60,000	23,794	36,207	39.7%	-	36,207	-	0.0%	Started	Work will be completed during the fall outage
7				$ 1,174,400	$ 953,140	$ 562,193	$ 390,947	59.0%	$ 279,410	$ 366,455	$ 100	0.0%		
8														
9			**FY2012**											
10	---		Vehicles & Equipment	$ 168,828	$ 168,828	$ -	$ 168,828	0.0%	$ 168,828	$ 168,828	$ -	0.0%		All vehicles on order from State Contract
11	EE1201		Substation PT & CT Replacement	267,715	267,715	-	267,715	0.0%	267,715	267,715	-	0.0%		Materials ordered
12	EE1202	R	Lighting Project & Rehabilitation	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%		Materials ordered
13	EE1203	R	Equipment Replacement	40,000	40,000	-	40,000	0.0%	40,000	40,000	-	0.0%		Equipment ordered
14	EE1204		Generator Replacement	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%		75% complete
15	EE1205	M	Frazier Substation Upgrade	765,247	155,000	-	155,000	0.0%	155,000	155,000	-	0.0%		Materials ordered
16	EE1206	R	Disb. Feeder Replacement	377,510	377,510	-	377,510	0.0%	377,510	377,510	-	0.0%		On-going
17	EE1207	R	Disb. Capacitors & Controls	100,000	100,000	-	100,000	0.0%	100,000	100,000	-	0.0%		Materials ordered
18	EE1208	R	Transmission Line Maintenance	75,000	75,000	-	75,000	0.0%	75,000	75,000	-	0.0%		Materials ordered
19	EE1209		Scada Master Hardware Replacement	75,000	75,000	-	75,000	0.0%	75,000	75,000	-	0.0%		Materials ordered
20	EE1212	R	UG Transformers	70,536	70,536	8,836	61,700	12.5%	70,536	70,536	8,836	12.5%		On-going
21	EE1212	R	UG Conductors	479,464	479,464	106,949	372,515	22.3%	479,464	479,464	106,949	22.3%		On-going
22	EE1212	R	Meters	50,000	50,000	5,460	44,540	10.9%	50,000	50,000	5,460	10.9%		On-going
23	EG1201		Unit 3 Boiler Air Heater	440,000	440,000	-	440,000	0.0%	440,000	440,000	-	0.0%		Developing contract documents
24	EG1202	M	Unit 3 Boiler Systems	390,000	130,000	-	130,000	0.0%	130,000	130,000	-	0.0%		Developing contract documents
25	EG1203		Unit 3 FD & ID Fan Control Damper Upgrade	92,000	92,000	-	92,000	0.0%	92,000	92,000	-	0.0%		Developing contract documents
26	EG1204		Unit 3 DCS Computers & Software Upgrades	85,000	85,000	-	85,000	0.0%	85,000	85,000	-	0.0%		Developing contract documents
27	EG1205	R	Misc. Equipment Replacement	70,000	70,000	-	70,000	0.0%	70,000	70,000	-	0.0%		On-going
28	EG1206		Demineralizer Control Replace @ McKee Run	65,000	65,000	-	65,000	0.0%	65,000	65,000	-	0.0%		Developing contract documents
29	EG1207	M	Unit 11 Component Replacement @ Van Sant	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%		Developing contract documents
30	EG1208		Switchyard Blast Walls @ McKee Run	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	0.0%		Developing contract documents
31	EG1209	M	Building Preservation @ McKee Run	38,000	38,000	-	38,000	0.0%	38,000	38,000	-	0.0%		Developing contract documents
32	EG1210	M	Unit 3 Cooling Water Line Life Extension	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	0.0%		Developing contract documents
33	EG1211	M	Unit 3 Stack Repairs	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	0.0%		Developing contract documents
34	EG1212	M	Unit 3 Turbine Inspection	1,021,000	348,000	-	348,000	0.0%	348,000	348,000	-	0.0%	Deferred	Construction in FY12.
35	EG1213	M	Unit 3 Aux System Components	542,000	113,000	-	113,000	0.0%	113,000	113,000	-	0.0%	Deferred	Deferred to FY12.
36	EU1201	R	Distribution Upgrades	500,000	500,000	24,271	475,729	4.9%	500,000	500,000	24,271	4.9%		On-going
37				$ 5,962,300	$ 3,990,053	$ 145,516	$ 3,844,537	0.0%	$ 3,990,053	$ 3,990,053	$ 145,516	3.6%		
38														
39			**Grand Totals**	$ 7,136,700	$ 4,943,193	$ 707,709	$ 4,235,484	79.4%	$ 4,269,463	$ 4,356,508	$ 145,616	3.3%		

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 rebudgeted to start over each fiscal year.
B = Bonded Project
S = State fully or partially reimbursed project

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2011-15

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

That Appendix A - Subdivisions, Article VII - Special Provisions, be amended by re-lettering Section B - Severability, as Section C and inserting a new Section B - Homeowners' associations, to read as follows:

B. Homeowners' associations.

1. *Creation of homeowners' association*. The owner and/or developer shall create a homeowners' association for the proposed development where private open space and stormwater management facility ownership and maintenance responsibility exist. The homeowners' association shall be organized and established as a legal entity prior to or as a part of the final plat approval and recording process and all documents related to the homeowners' association shall be submitted in draft form at the time of application for the subdivision plan review (whether minor or major). Such documents shall be acceptable to the city as a condition of subdivision plan approval.

2. *Legal documents recorded.* The owner and/or developer should pay for the preparation of the legal document necessary to create the association, have same approved by the city solicitor and council and record same in the recorder of deeds office for Kent County.

3. *Maintenance of property of the homeowners' association.* The legal documents prepared will give the city the authority to require the homeowner's association to perform routine maintenance and minor/major repairs as necessary to keep the property in good condition, and eliminate any health or safety issues.

   If the homeowners' association does not respond to a notice of violation from the city regarding maintenance within 14 calendar days of the date of such notice, the city shall have the right to perform the work itself or hire a contractor to perform the work and assess each property owner of the homeowners' association and/or each owner of property within the final plat for the subdivision a fee to recover its cost. Such fee shall include an administrative charge equal to 15% of the cost of the work performed. This fee will be added to the real estate tax bill as a special assessment to these lot owners.

4. *Homeowners' association requirements.* If the applicant is required to establish a homeowners' association for purposes of ownership and maintenance of common areas, common facilities and/or open spaces, such association documents shall require, at minimum:

   (a) *Mandatory membership.* All owners of property within the subdivision must be members of the homeowners' association. The members of the homeowners' association shall share equitably in the costs of maintaining all open space, common areas and facilities, recreation areas and facilities, and stormwater management areas and facilities which are not accepted by the city in writing in accordance with the provisions of all deed restrictions and maintenance agreements, all applicable property maintenance codes, all record plan notes, and in accordance with procedures established by the homeowners' association. The deed

Draft

restrictions shall require, at minimum, that the costs of such maintenance shall be collectable from the owner of the lot(s) to which such costs are assessed; and that such costs shall be and constitute a lien upon such lot(s).

(b) *Responsibilities.* The homeowners' association shall be responsible for all maintenance, insurance, taxes, fees, and other burdens customary to the ownership of real property and all improvements and construction thereon, including, but not limited to all recreation amenities, walkways, storm water facilities, ponds, landscaping, and other facilities not owned or accepted by the City of Dover.

(c) *Deed restrictions.* Restrictive covenants shall provide that in the event the association fails to maintain the common areas, common facilities, and open areas according to the adopted codes of the City of Dover, in accordance with the recorded plan, and in accordance with the requirements of recorded restrictions, the city may:

(1) Demand that the deficiency of maintenance be corrected. If the homeowners' association shall fail to correct the deficiency, after reasonable notice, the city may enter the common area to inspect and correct the deficiency. The cost of such maintenance shall be charged to the association in accordance with the provisions of subsection (B)(3) - Maintenance of property of the homeowners' association.

5. *Homeowners' association reporting responsibilities.* Each homeowners' association established pursuant to Appendix A, Subdivisions shall, not later than December 31 of each year, provide to the City Clerk of the City of Dover a listing of the officers of such homeowners' association, including their addresses and telephone numbers, and the date of the annual meeting. The homeowners' association shall list the terms of office of each officer and the date of the annual election. The homeowners' association shall provide the name, address, phone number and contact information for any firm providing services on behalf of or acting as agent for the homeowners' association in carrying out its responsibilities.

BE IT FURTHER ORDAINED:

That the provisions of this ordinance shall be in effect upon its adoption and shall apply to all existing subdivisions where the homeowners' association has maintenance responsibilities for open space and stormwater management areas. The city manager shall send a letter to all property owners within the City of Dover who have homeowners' association maintenance responsibilities under this ordinance informing them of these responsibilities and the City's right to bill property owners within the homeowners' association for any maintenance performed by the City of Dover due to lack of maintenance on the part of the homeowners' association.

BE IT FURTHER ORDAINED:

That all homeowners' associations with maintenance responsibilities for open space and stormwater management areas that existed prior to the adoption of this ordinance shall report to the city manager by December 31, 2011 those items required in subsection (B)(5) - Homeowners' Association Reporting Responsibilities.

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SYNOPSIS

The proposed amendment would clarify the requirement that developers of subdivisions with common open space, including active recreation areas, woodlands, and stormwater management areas, form homeowners' associations where membership is mandatory. It would allow the City to perform work that is the responsibility of the homeowners' association if such work is not performed in accordance with code requirements. Such work would be billed to the property owners on their tax bill, including an administrative charge. The proposed amendment would require that homeowners' associations with management responsibility for common open space submit annually a listing of officers of the association. The proposed amendment also clarifies that these requirements are retroactive to all subdivisions with common open space in existence prior to adoption of the ordinance.

ADOPTED: *

Actions History

September 26, 2011 - Scheduled for First Reading by Council
September 12, 2011 - Considered by the Legislative, Finance, and Administration Committee
June 13, 2011 - Tabled by the Legislative, Finance, and Administration Committee

S:\ORDINANCES\2011\Draft\Ordinance 2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Associations - 1st Rdg.wpd

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FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-22

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

That Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing and Parking, Division 2 – Metered Parking, Section 106-164 – Violations; penalties, be amended by inserting the text indicated in bold, blue, italics, re-lettering paragraph (d) as (e), and inserting a new paragraph (d) as follows:

(a) *Generally.* Any person convicted of violating the provisions of this division or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for ***in*** Appendix F—Fees and Fines. After the expiration of 24 hours, the violator may pay the sum as provided for ***in*** Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.

(b) *Fourth violation.* Any person committing a fourth violation within any 30-day period of the provisions of this division within one (1) hour from the time that the summons giving notice of the violation is issued, may pay as provided for ***in*** Appendix F—Fees and Fines. After the expiration of one (1) hour from the issuance of the summons, the violator may pay each such violation as provided for ***in*** Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.

(c) *Fifth violation, etc.* Any person committing more than four (4) violations within any 30-day period of the provisions of this division may pay the sum as provided for ***in*** Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.

(d) Enhanced civil enforcement authority. If five (5) or more violations of this Article have been issued to a vehicle and those violations are more than thirty (30) days past due, or if accumulated unpaid violations of this Article exceed more than $200.00, the vehicle shall be subject to enhanced civil enforcement, as follows:

(1) Such vehicle found parked on any street in the City of Dover shall be immobilized by any police officer or parking enforcement employee of this City in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.

(2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Any vehicle remaining immobilized and not release for 120 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.

(4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F – Fees and Fines.

(5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the Chief of Police or his designee shall be fined as provided for in Appendix F – Fees and Fines.

~~(d)~~ ***(e)*** *Cost.* No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing and Parking, Division 2 – Metered Parking, Section 106-164, be amended by deleting the text indicated in bold, red, strikeout and inserting the text indicated in bold, blue, italics as follows:

Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 2—Metered Parking			
Sec. 106-163	Use of meters required		
	Subsec. (b)	Coins accepted	
		Each $0.01 coin	Permits the vehicle to be parked for a period of 12 minutes
		Each $0.05 coin	Permits the vehicle to be parked for a period of 60 minutes
Sec. 106-164	Violations; penalties		
	Subsec. (a)	Generally; Each violation *if paid within 24 hours* from time summons giving notice of violation is issued	A fine of not less than $1.00 for each violation
	Subsec. (a)	Generally; Each violation *if paid after expiration of 24 hours* from time summons giving notice of violation is issued	$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (b)	Fourth Violation; Each violation *if paid within one hour* from time summons giving notice of violation is issued	$1.00 for each such violation
	Subsec. (b)	Fourth Violation; Each violation *if paid after expiration of one hour* from time summons giving notice of violation is issued	$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons

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	Subsec. (c)	Fifth violation, etc.; Any person committing more than four violations within any 30-day period of the provisions of this division	$5.00 for each such violation, if payment is made voluntarily prior to the time and date set forth in the summons.
	Subsec. (d)(4)	***Any person who unlawfully removes a device for immobilization of a vehicle***	***$500.00 fine for each violation***
	Subsec. (d)(5)	***Any person who tows or otherwise moves an immobilized vehicle without authorization by the Chief of Police or his designee***	***$500.00 fine for each violation***
	Subsec. ~~(d)~~ ***(e)***	Cost. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official	

ADOPTED: *

SYNOPSIS

The proposed ordinance would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due.

Actions History

September 26, 2011 - Scheduled for Final Reading by Council
September 12, 2011 - First Reading by Council
August 24, 2011 - Considered by the Safety Advisory and Transportation Committee

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