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"

Dover SUNPark Project - White Oak Solar Energy LLC



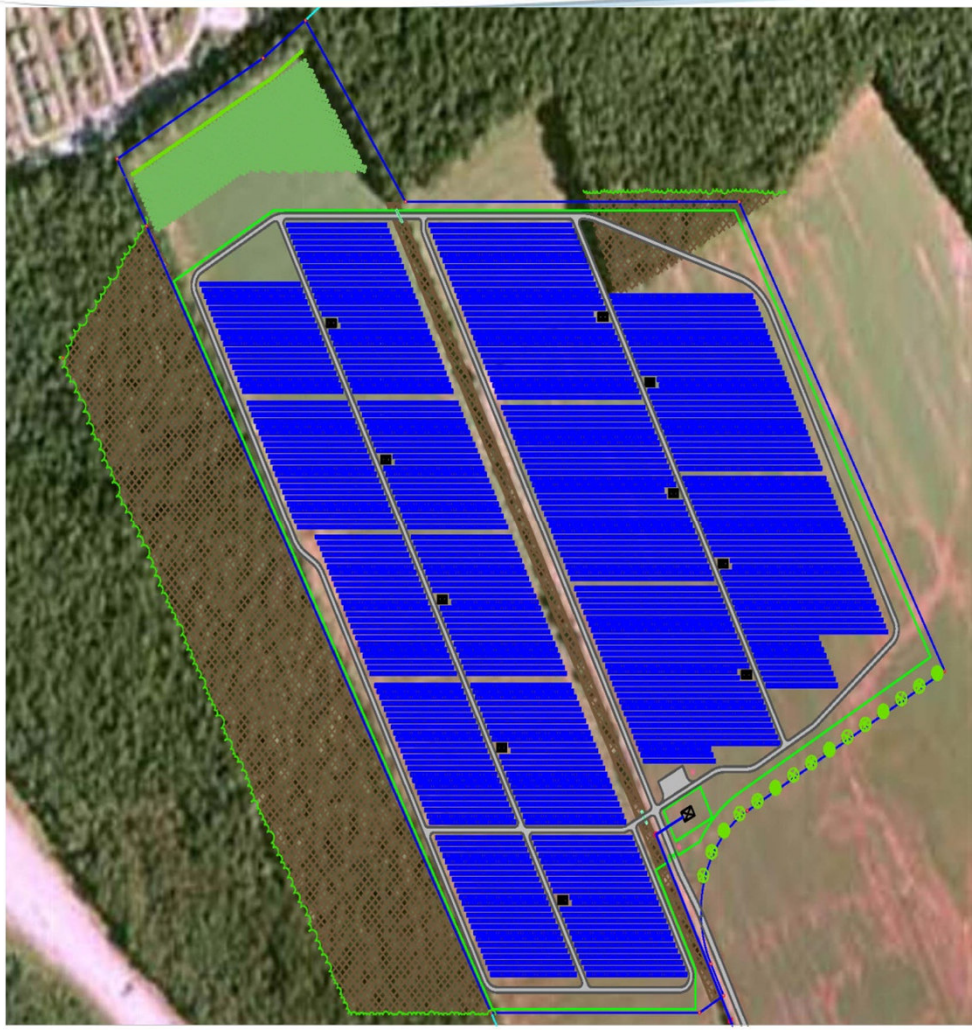
Bringing Energy Forward

EXHIBIT #1
Regular Council Meeting of 09/12/2011

Dover SUNPark Project - White Oak Solar Energy LLC

- 10 MWac Solar Photovoltaic ground-mounted project
- Complete output of facility sold under long term PPAs
- Energy, capacity and environmental attributes sold to four load serving/government agencies
- Interconnection to City of Dover 69kV distribution system through ½ mile gen-tie line
- Project site leased from the City of Dover covering ~103 acres.
- Project reached Commercial Operations on August 15, 2011

Dover SUN Park (DSP) – A Milestone for Delawareans



- Largest solar plant in the Northeastern United States
- Most competitive photovoltaic technology
- Distributed energy - connects directly to the Dover distribution system
- Over 80% of the jobs created to build the facility were from Delaware

Solar Provides Significant Benefits with Negligible Costs

- Dover SUN Park provides significant environmental and other benefits
  - Reduces air pollutants and Green House Gases
  - Provides taxes and lease revenues
  - Commences the development of the Garrison Tract
  - Establishes the City of Dover as a leader in clean energy
  - Provides stable, attractive energy pricing for the next twenty years
  - Electricity is produced during daytime hours when electric demand is high – *peak energy – lowering the City of Dover's Peak Demand Obligation*

How Does it Work?







- Panel convert Solar energy to DC electricity (327 watts per panel)
- DC electricity converted to AC electricity
- Electricity collected in the substation and delivered to City of Dover

How Does it Work?





- City distribution line carries electricity to Dover customers
- The low profile of the facility and minimal need of local resources creates a good addition to the community

Dover SUNPark Project - White Oak Solar Energy LLC

- Special thanks to the City of Dover and the Utilities Department for being a great partner during the development and construction of the SUNPark

- Questions?



EXHIBIT #2
Regular Council Meeting of 09/12/2011

70 CEO & Business Leaders

Central Delaware

Who is the

Greater Dover COMMITTEE

Over 20,000 Jobs

Established in 1980s

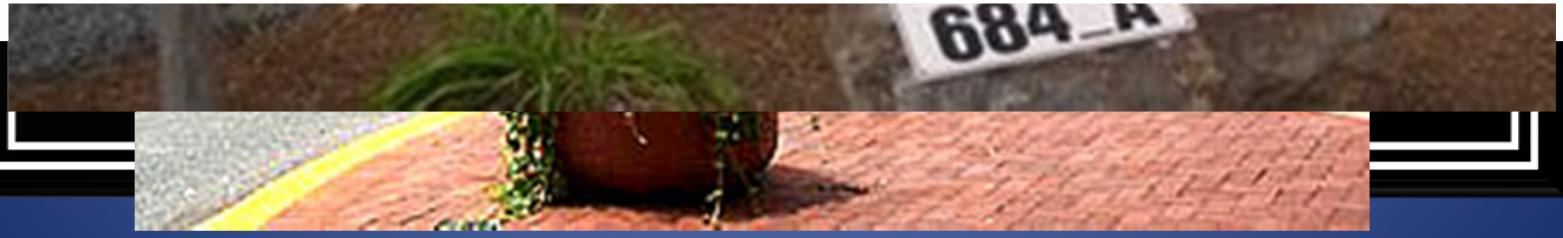
Greater Dover COMMITTEE

greaterdovercommittee.org



Central Delaware Mentors

....making a difference!



Greater Dover Past Accomplishments





- Donated almost $200,000





CenDel FOUNDATION



Central Delaware Mentors
....making a difference!



The Positive Place For Kids

BOYS & GIRLS CLUBS OF AMERICA



DOWNTOWN DOVER PARTNERSHIP

Kent County Fund for the Arts

Supporting the Arts in Central Delaware

GDC Challenged to match $250k Donation

Grants Awarded Annually

Kent County Fund for the Arts

Greater Dover Committee

CenDel Foundation

Public Policy Committee

Bring Community Leaders Together to Encourage Unified Support for Central Delaware

Facilitate Legislative Briefings



Greater Dover Committee

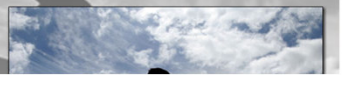
Three is Enough!

No More Casinos in Delaware



Capital Mentors

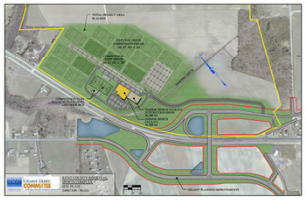
A Partnership to Train and Place Mentors with Children in the Greater Dover Area



Greater Dover Committee

Kent County Sports Complex

Economic Engine for Central Delaware



Greater Dover Committee

Wesley College Frear Building

Conversion to Healthcare Education

Provide Housing to Nursing Department

Expand Curriculum in Healthcare Related Fields



Greater Dover Committee

Community Building of the CenDel Foundation

Home to 6 Non-Profit Organizations at Reduced Lease Rates

A Vehicle for Charitable Giving to Benefit Central Delaware

CenDel Foundation

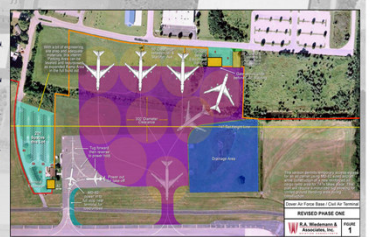
Greater Dover Committee

Initiatives

Civil Air Terminal at Dover Air Force Base

$350,000 Civil Terminal

$19.8 Million Cargo Expansion



Greater Dover Committee

Dover Public Library

$2.5 Million 2012 Bond Bill

$75k Community / Transportation Funding



Greater Dover Committee

Wesley College Streetscape Project

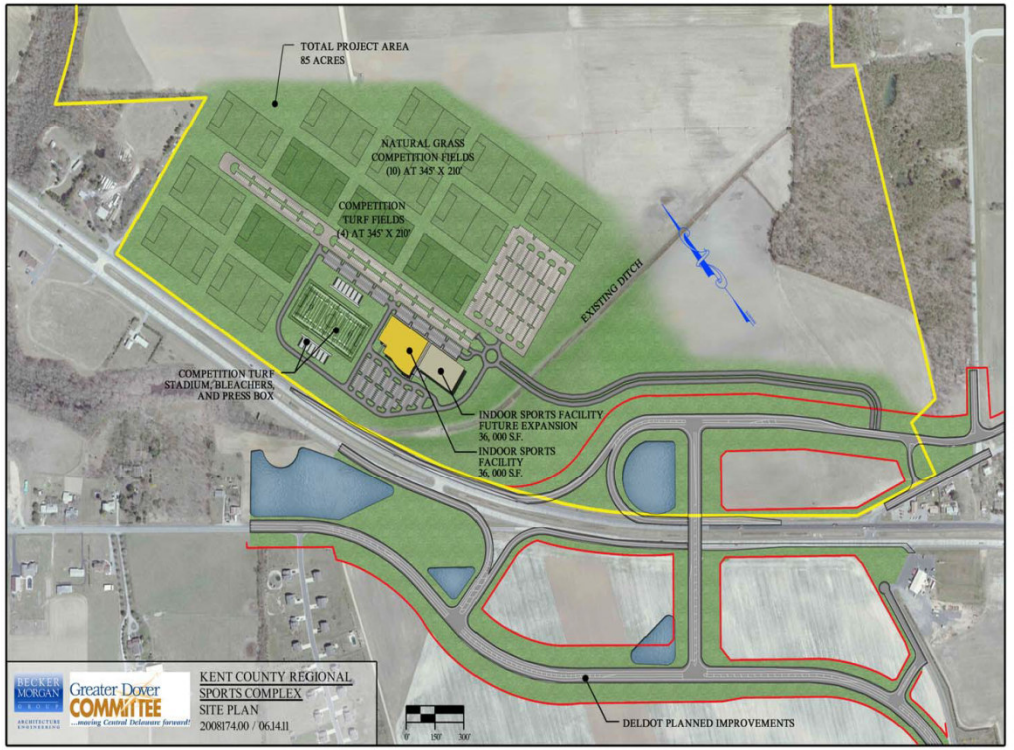
Pedestrian Friendly Campus

Enhance Wesley College to Create Energy to Redevelop Downtown



Kent County Sports Complex

Economic Engine for Central Delaware



Greater Dover COMMITTEE

Commissioned TWO Independent Consultants

Brailsford & Dunlavey

Washington DC

Don Schumacher & Associates, Inc.

Cincinnati

Greater Dover COMMITTEE

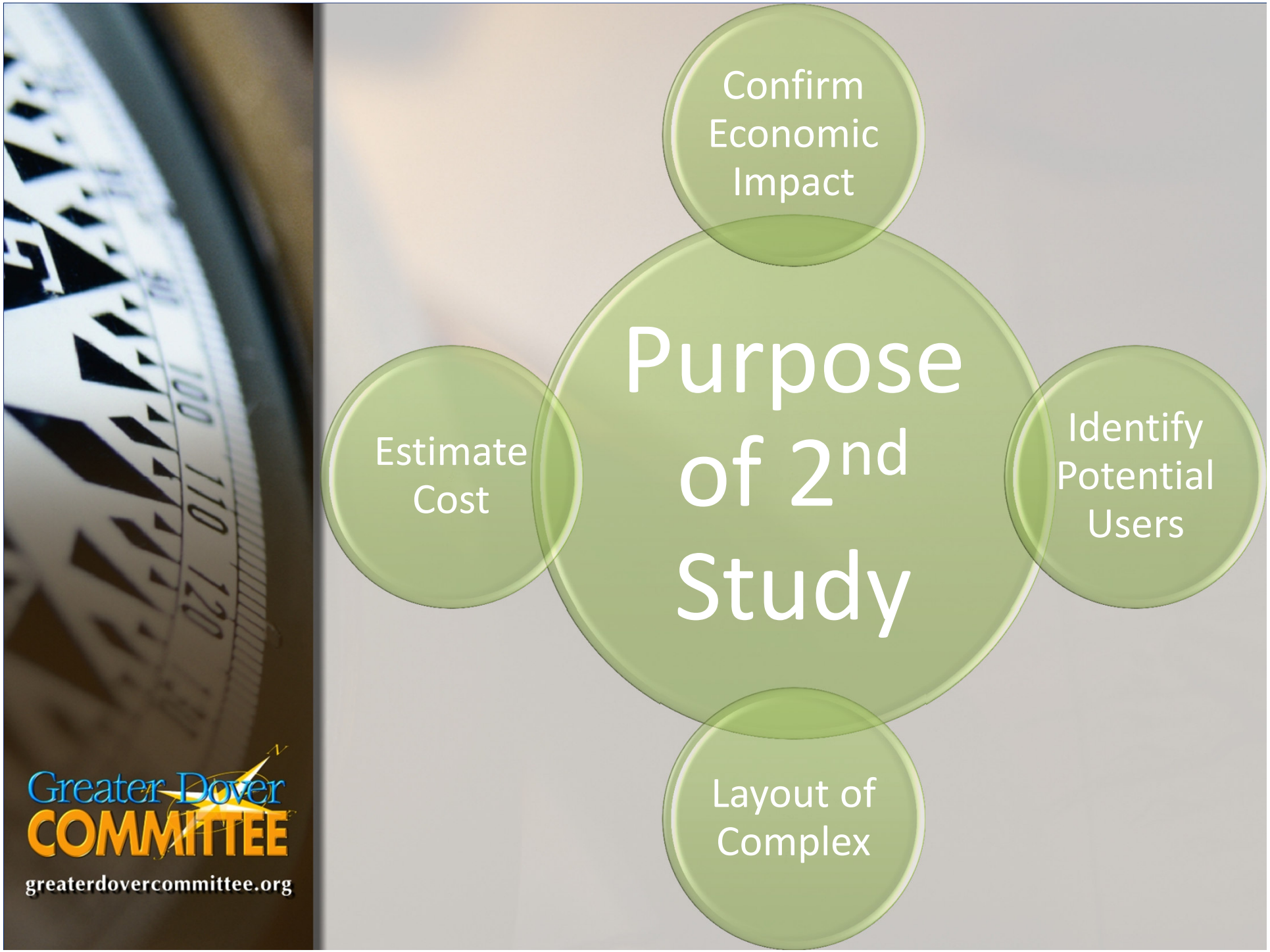
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Interviews

More than 60 interviews

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Confirm Economic Impact
Estimate Cost
Purpose of 2nd Study
Identify Potential Users
Layout of Complex
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Hotels
Restaurants
Retail
Kent County Sports Complex
Up to $18 Million
Economic Impact
Economic Development for
Central Delaware
Greater Dover
COMMITTEE
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Executive Summary

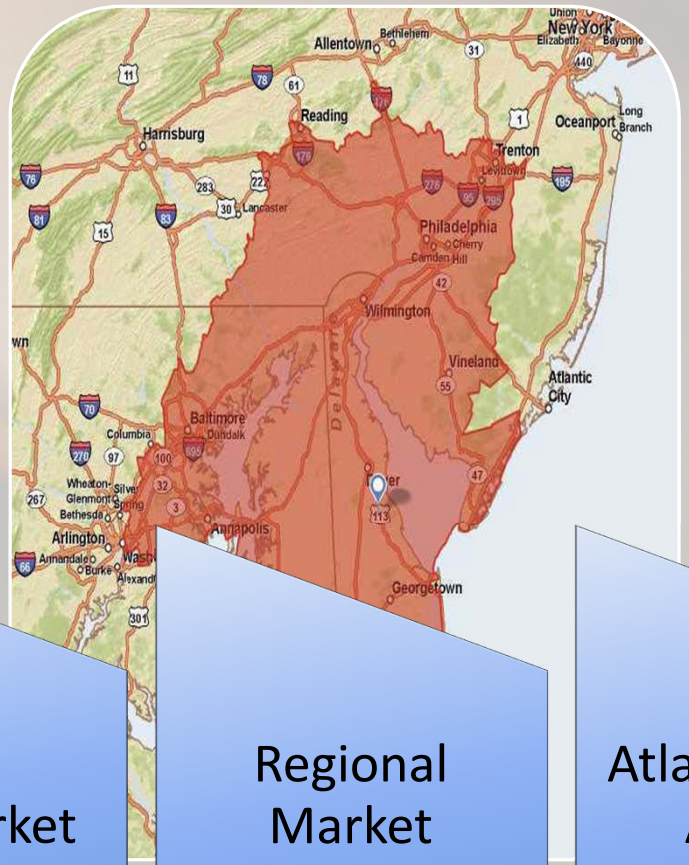


- Reduced Capital Investment
- Centralized Site Plan
- Sports Travel Growing Industry
- Access to Significant Population

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Demographic Overview



Local Market (15 min.) 48,000 people

Regional Market (30 min.) 171,000 people

Mid-Atlantic/South Atlantic Market (120 min.) 9,930,000 people

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Executive Summary



Recession Proof / Mini Vacations

Institutional Usage Identified

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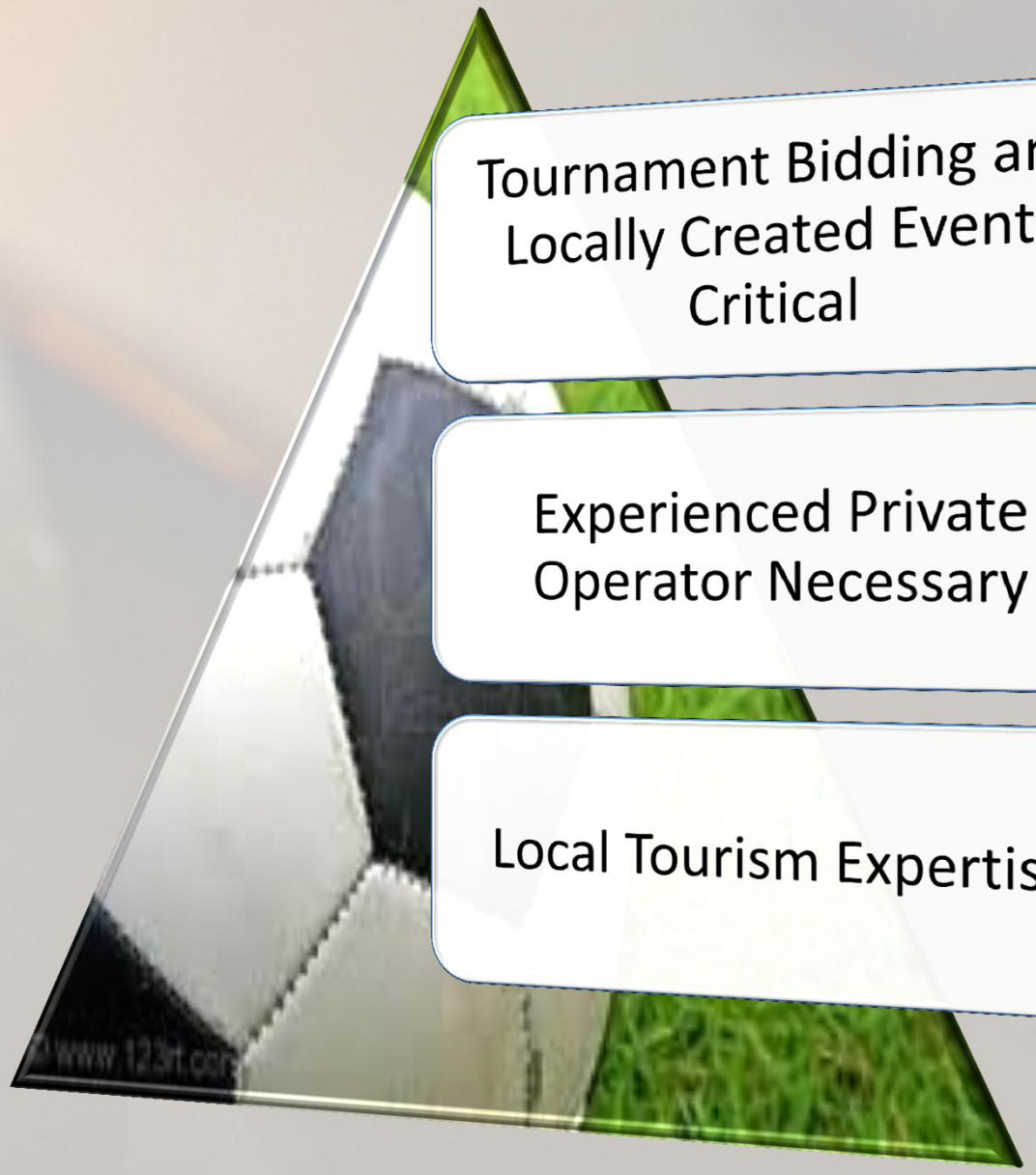
Potential Local Users

- Municipalities
- Dover Air Force Base
- Delaware State University
- Delaware Technical College
- Wesley College
- Kent County High Schools
- Delaware Sports Organizations
- State & Kent County Tourism
- Delaware Intramural Athletic Association

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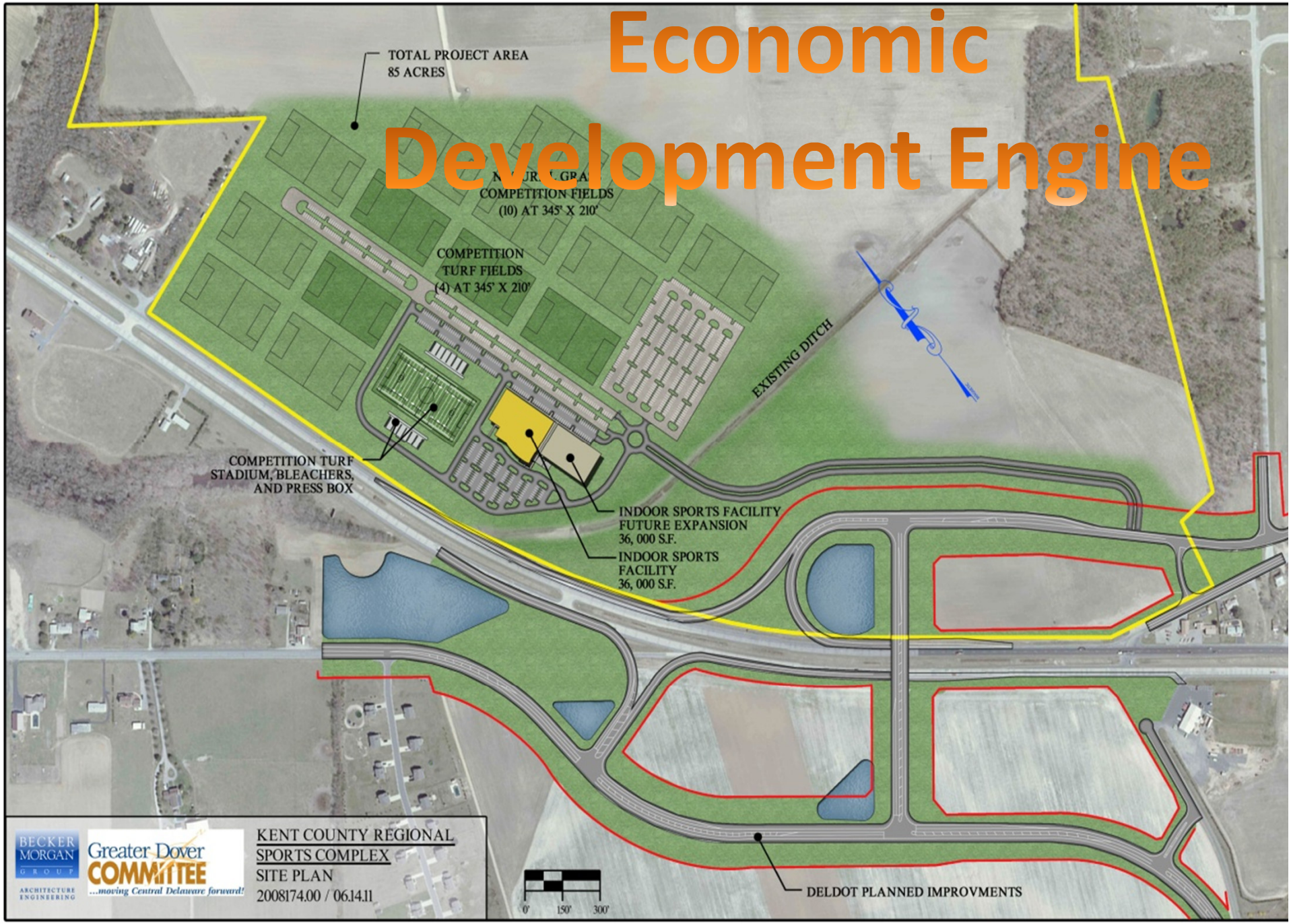
Executive Summary

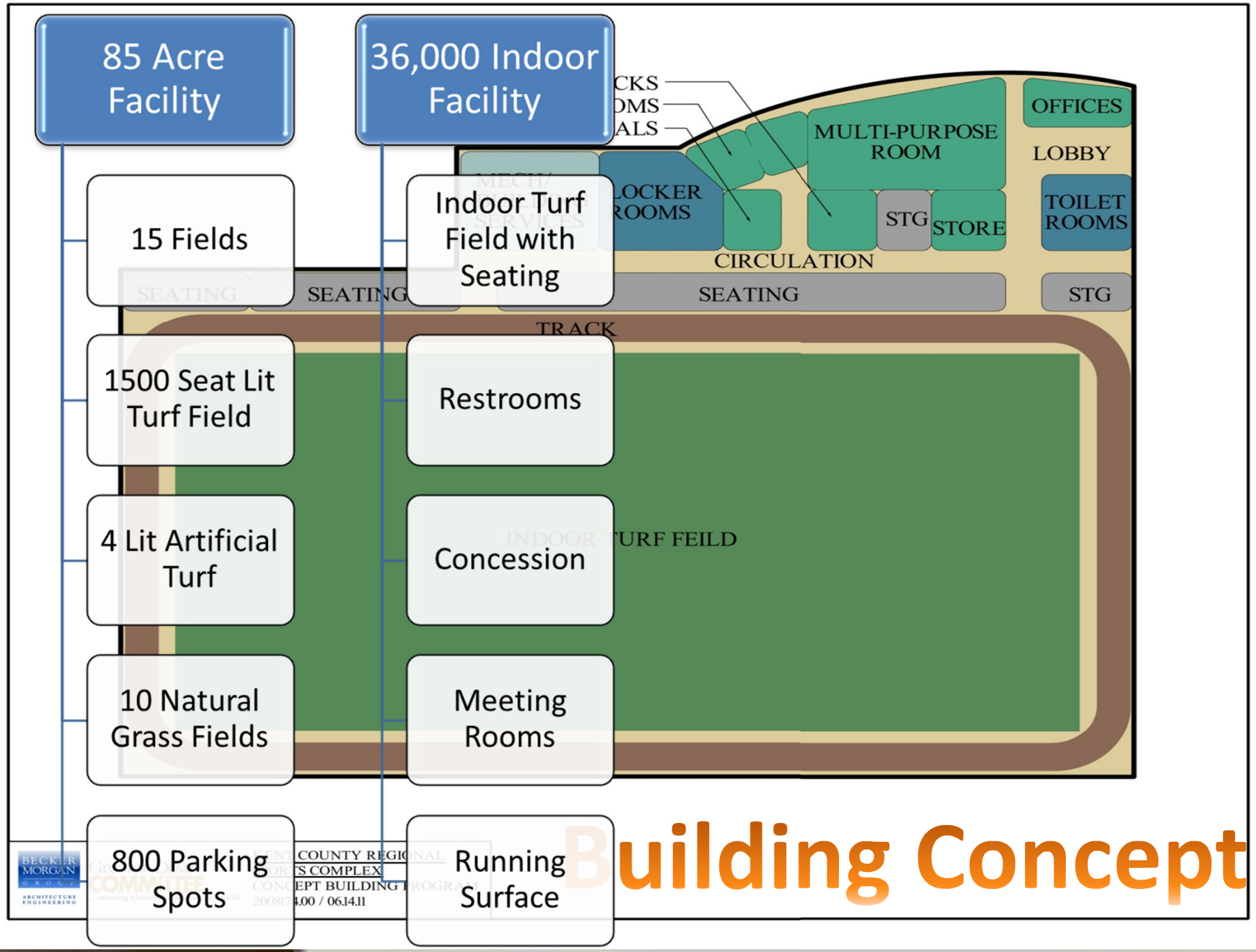


- Tournament Bidding and Locally Created Events Critical
- Experienced Private Operator Necessary
- Local Tourism Expertise

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Economic
Development Engine
TOTAL PROJECT AREA
85 ACRES
COMPETITION FIELDS
(10) AT 345' X 210'
COMPETITION
TURF FIELDS
(4) AT 345' X 210'
EXISTING DITCH
COMPETITION TURF
STADIUM, BLEACHERS,
AND PRESS BOX
INDOOR SPORTS FACILITY
FUTURE EXPANSION
36, 000 S.F.
INDOOR SPORTS
FACILITY
36, 000 S.F.
DELDOT PLANNED IMPROVMENTS
BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
Greater Dover COMMITTEE
...moving Central Delaware forward!
KENT COUNTY REGIONAL
SPORTS COMPLEX
SITE PLAN
2008174.00 / 06.14.11
0'
150'
300'



Building Concept



Estimated Cost

$6.0 Million	• 36,000 Square Foot Indoor Facility
$4.4 Million	• 4 Lighted Turf Fields
$1.8 Million	• 1500 Seat Championship Stadium
$1.25 Million	• 10 Grass Fields including Irrigation
$725,000	• Roadway
$400,000	• Stone Parking Area
$1.85 Million	• Contingency
$1.25 Million	• Soft Cost, Legal, Fees, Design, Permitting
$17,675,000	• **Total Cost**

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Next Steps

- ✓ Establish Oversight Organization
- Develop a business plan
- Determine the number of jobs
- RFP to Identify Operators
- Continue to Seek Funding

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DELAWARE GENERAL ASSEMBLY
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

May 10, 2011

To the Honorable Members of the Bond Bill Committee:

We, the und
Bond Bill Committe
County Sports Com

The Kent C
project that will brir
athletic tournaments
families from throug
restaurants throughc
will become more fa

As you kno
the City of Dover's
important element i

Kent Count
sewer treatment faci
purposeful use of th

The Greater
undertake a needs as
nature will, indeed,
Needless to say, it w
tournaments. Dover
own youth and adult
findings at a meetin

We appreci

May 5, 2011 letter to the Joint Bond Bill Com... ...rding the Kent County Sports ...mp

Brian J. Bushweller

David G. Lawson

Colin R. J. Bonini

F. Gary Simpson

...illiam J. ...arson

Lincoln D. Willis

William R. "Bobby" Outten

E. Bradford Bennett

Harold J. Peterman

Donald A. Blakey

Supported by all
Kent County Legislators

Greater Dover
COMMITTEE
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Thank You