REGULAR COUNCIL MEETING

A G E N D A

March 28, 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 SALTERS

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be 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 March 14, 2011**

2. **Presentation - Awards by Downtown Dover Partnership - St. Patrick's Day Parade**

3. **Certificate of Recognition - Irving and Phyllis Levitt**

4. **Final Reading - Rezoning**

   Property located at 293 Saulsbury Road, owned by F & B Properties, consisting of $3.64^{+/-}$ acres. The property is currently zoned C-3 (Service Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone). The subject property is located on the northeast corner of the intersection of Saulsbury Road and North Street. (Tax Parcel: ED05-076.11-01-43.00-000; Fourth Council District; Planning Reference: Z-11-01). *The First Reading of Proposed Ordinance #2010-31 was accomplished during the Council Meeting of December 13, 2010. During the Regular City Council Meeting of February 14, 2011, the motion for approval of the rezoning request, as recommended by the Planning Commission, failed to obtain the affirmative vote of a majority of the members elected to Council as required to pass a motion in accordance with Article II, Section 10 of the City Charter. City Solicitor Rodriguez has advised that the matter be reconsidered in order to obtain a majority vote on the request.*

* **5. Parks, Recreation, and Community Enhancement Committee Report - March 14, 2011**

A. Review of Applications - Youth Advisory Committee - One (1) Year Terms to Expire January 24, 2012

(Committee Recommended that Mr. Kenneth Anderson, Mr. Seadric Corbitt, Ms. Kristen Dietz, Ms. Chidinma Emenike, Mr. Dennis Hallock II, Ms. Karly Jones, Ms. Sonya Modi, Ms. Valeria Provotorova, and Ms. Rachel Voak be Appointed to Serve on the Youth Advisory Committee)

B. Benchmarks Established for the Economic Development Office

(Committee Action Not Required)

C. FY 2012 Five-Year Capital Investment Plan (CIP)

(Committee Recommended that the Lighted Soccer/Multi Purpose Field and Tennis Courts at Schutte Park Projects Be Moved from Fiscal Year 2014 to at Least Fiscal Year 2013 in the Capital Investment Plan (CIP))

D. Updates

(Committee Action Not Required)

* **6. Utility Committee Report - March 14, 2011**

A. Authorization to Conduct Financial Analysis of West Deptford Generation Station

(Committee Recommended Approval of Staff's Recommendation to Authorize PACE Global to Proceed with the Financial Analysis of the West Deptford Generation Station at a Cost Not to Exceed $80,000, and that this Project Be Funded by Transferring $80,000 from the Engineering Operating Budget (480-8300-563-30-31) - Contractual Services to the Administration Operating Budget (480-8400-564-30-29) - Consulting Fees)

B. Power Plant FY 2012 Capital Investment Plan (CIP) Review

(Committee Recommended Approval of the Power Plant FY 2012 Capital Investment Plan (CIP), as Presented by Staff)

C. 2012-2016 Utility Capital Investment Plan (CIP)

(Committee Recommended Approval of the 2012-2016 Electric Engineering and Transmission and Distribution Capital Investment Plan (CIP), as Presented by Staff)
(Committee Recommended Approval of the 2012-2016 Wastewater and Water Management Capital Investment Plan (CIP), as Presented by Staff)

D. PACE/NAES Monthly Report

(Committee Recommended Acceptance of the PACE/NAES Monthly Report)

7. Legislative, Finance, and Administration Committee Report - March 14, 2011

* **A. Review and Recommendation - Filling Critical Positions**

(Committee Action Not Required)

B. Milliman Actuarial Analysis Updates

b-1. Overview of Pension and OPEB (Other Post Employment Benefits) Liability for Fiscal Year 2010/11

(Committee Action Not Required)

b-2. Actuarial Pension for Fiscal Year 2010/11 and OPEB Benefit Rates for Fiscal Year 2011/12 Budget

(Committee Recommended that Staff be Authorized to Transfer $732,455 to the Civilian Pension Plan, with $454,978 Coming from the General Fund and $277,477 Coming from the Electric Fund this Fiscal Year)

7. Legislative, Finance, and Administration Committee Report - March 14, 2011 (Continued)

*** C. Evaluation of Proposals**

c-1. Investment Manager and Advisory Services

(Committee Recommended Awarding the Investment Management Services Contract to PFM Asset Management, LLC for a Three (3) Year Period, to Start on the Date of the Contract. The Contract Can Be Renewed or Extended for Two (2) Additional Two (2) Year Periods by Mutual Consent and Approval by City Council)

c-2. Investment Custody Services

(Committee Recommended Awarding the Investment Custody Services Contract to Union Bank for a Three (3) Year Period to Start on the Date of the Contract, Which May Be Renewed or Extended for Two (2) Additional Two (2) Year Periods by Mutual Consent and Approval by City Council)

*** D. Review of Hospitality and Civic Function Policy**

(Committee Deferred the Review of the Hospitality and Civic Function Policy to Allow Staff the Opportunity to Make Revisions)

*** E. FY 2012 Five-Year Capital Investment Plan (CIP)**

(Due to Time Constraints, Committee Deferred Review of the FY 2012 Five-Year Capital Investment Plan (CIP) Until the Next Meeting)

8. Final Reading - Proposed Ordinances

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of March 14, 2011. Copies of the proposed ordinances are available at the entrance of the Council Chambers.

A. Ordinance #2011-06 Amending Chapter 46 - Fire Prevention and Protection - Open Burning

B. Ordinance #2011-09 - 2011 Budget Revisions

C. Ordinance #2011-07, with Staff Amendment #1, Amending Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permit and Appendix F - Fees and Fines

9. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 14, 2011 at 7:30 p.m. with Council President Hogan presiding. Council members present were Mr. Leary, Mr. McGiffin, Dr. McGlumphy, Mr. Ruane, Mrs. Russell, and Mrs. Williams. Mr. Bonar and Mr. Salters were absent.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Fire Chief Fortney, Mr. DePrima, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present (departed at 8:55 p.m.).

OPEN FORUM

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

Ms. Chyenne Arsenault, 219 Beechwood Avenue, presented her proposal to introduce community service as a requirement for graduation from high school in Delaware. She stated that she attends Polytech High School, majoring in Environmental Science, and is required to perform community service in order to obtain her technical diploma. She stated that her community service has provided many benefits including connections with people, a sense of responsibility about her place in the workforce, skills and knowledge related to community service activities, and job opportunities. It was her feeling that instituting such a graduation requirement in all schools would greatly benefit the youth of Dover. In addition, Ms. Arsenault stated that area organizations have a need for volunteers and that these organizations, in turn, help students by providing letters of recommendation and work experience.

Ms. Carolyn Fredricks, Executive Director of the Modern Maturity Center, relayed concerns regarding connectivity between the Modern Maturity Center and the adjoining property located at 101-405 Doveview Drive, explaining that this would present a major safety issue for older adults who utilize the Modern Maturity Center.

The invocation was given by Monsignor Daniel McGlynn, Holy Cross Church, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mrs. Williams requested that Item #8C - Proposed Ordinance #2011-07 Amending Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permit, and Appendix F - Fees and Fines, be removed from the consent agenda.

Mr. McGlumphy requested that Items #7A - Yard Waste Collection Program and #8B - Latest Estimate (LE) for Fiscal Year 2011 Budget be removed from the consent agenda.

Mr. Leary moved for approval of the consent agenda, as amended, seconded by Mr. McGiffin and carried by a unanimous roll call vote (Mr. Bonar and Mr. Salters absent).

ADOPTION OF MINUTES - COUNCIL RETREAT OF JANUARY 28, 2011

The Minutes of the Council Retreat of January 28, 2011 were unanimously approved by motion of Mr. Leary, seconded by Mr. McGiffin and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF FEBRUARY 28, 2011

The Minutes of the Regular Council Meeting of February 28, 2011 were unanimously approved by motion of Mr. Leary, seconded by Mr. McGiffin and bore the written approval of Mayor Carey.

PROCLAMATION - EARTH HOUR

The City Clerk read the following Proclamation into the record:

WHEREAS, our Nation's use of energy continues to increase, resulting in damaging effects on the world's climate; and

WHEREAS, Earth Hour encourages individuals, businesses, and governments to show leadership on environmental solutions through their actions - to use Earth Hour as a platform to showcase to the world the measures they are taking to reduce their environmental impact; and

WHEREAS, it has been estimated that turning non-essential lights out in America for one hour could save as much as 15% of the energy consumed on an average Saturday night; and

WHEREAS, the energy savings will reduce carbon emissions into our air, preserve the natural resources used to produce this energy, set a positive precedent for the rest of our nation, and result in ongoing reduced costs for the taxpayers and businesses of the City of Dover; and

WHEREAS, residents' participation in Earth Hour shows a commitment to do something more for the planet that goes beyond this hour. This year, after the lights go back on, think about what else we can do to make a difference for our planet.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE support the observance of Earth Hour - "Beyond the Hour" on March 26, 2011, and encourage the residents and businesses of the City of Dover to participate by turning out non-essential lights from 8:30 p.m. to 9:30 p.m.

PROCLAMATION - FIX-A-LEAK WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, The U.S. Environmental Protection Agency (EPA) has launched the WaterSense initiative to make it easy for American consumers and businesses to save water and protect the environment by establishing water efficiency standards; and

WHEREAS, The City of Dover wishes to join EPA's WaterSense partnership and support appropriate EPA and Congressional efforts to encourage water efficiency and conservation; and

WHEREAS, regulatory agencies and local governments are uniquely positioned to encourage the adoption of programs and to offer information that will promote water efficiency; and

WHEREAS, EPA's WaterSense program announced its second annual water efficiency initiative: "Fix-a-Leak Week," March 14-20, 2011; and

WHEREAS, EPA encourages everyone to become a WaterSense partner, to use this week to remind Americans to check their household fixtures and irrigation systems for leaks; and

WHEREAS, The City of Dover urges its residents and businesses to participate in the program by utilizing online resources in order to raise consumer awareness about water conservation practices by visiting www.epa.gov/watersense.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DO HEREBY PROCLAIM the week of March 14-20, 2011, as **FIX-A-LEAK WEEK** in the City of Dover, Delaware.

PRESENTATION - POLICE DEPARTMENT ANNUAL REPORT

Council President Hogan reminded members that the Annual Report of the City of Dover Police Department was submitted to City Council during their Regular Meeting of February 28, 2011.

Police Chief James Hosfelt reviewed a Presentation of the City of Dover Police Department 2010 Annual Report ***(Exhibit #1)***, which provided highlights of the report. He noted that the complete report consists of 56 pages and encouraged members to review the entire document.

Referring to the Drugs, Vice, and Organized Crime (DVOC) Section, Chief Hosfelt stated that the drug unit officers have advised him that, in the next five (5) years, abuse of prescription medication will be an epidemic that is out of control. He noted that the City's drug unit continues to work with the Federal Drug Enforcement Agency (DEA), which provides the City with expanded resources to address this issue.

Chief Hosfelt advised members that the Department has entered into an agreement with a collection agency, Simms Association. He noted that he would like improvement in the area of collections, noting that there are significant fees that remain unpaid. He stated that the Department is considering use of "parking boots," which are used in the City of Wilmington and the Town of Bethany Beach to enforce collection of parking fines, and indicated that this concept will be presented to Council for their consideration at a later time.

Chief Hosfelt advised members that in April 2010, the Department's new administration challenged the workforce to: 1) show up for work; 2) when at work, work hard; and 3) have the best time you can at work. He noted that the sick time has decreased 33% from 2009. He stated that 41 out of 118 Department employees were recently awarded perfect attendance awards and noted that these numbers reflect the outstanding nature of the Police Department employees, including both civilians and officers.

Mr. McGiffin commended the Department for their response to complaints of speeding on State Street and Governors Avenue. He also mentioned that he works with victims of domestic violence, several of whom are crime victims residing in the City of Dover, and stated that these individuals have indicated that their interactions with the Dover Police Department have been very positive.

Responding to Mr. Ruane's suggestion to rescind the bicycle licensing ordinance, Chief Hosfelt concurred that the cost of issuing bicycle licenses exceeds the revenues generated. He stated that he was not aware of any officers who are currently enforcing the bicycle licensing ordinance.

Dr. McGlumphy congratulated the Department on the statistics and indicated that the City of Dover will not tolerate incidents such as the recent shooting, which resulted in the City making national news. He felt that the City of Dover should prosecute offenders to the fullest extent and require residents to live within the framework of the laws established by the City of Dover. Responding, Chief Hosfelt stated that eight (8) individuals have been arrested related to the shooting incident and that the Department continues to work jointly with the Attorney General's Office on this matter.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2011-03 - 2011 AMENDMENTS TO THE 2008 COMPREHENSIVE PLAN

A public hearing was duly advertised for this time and place to consider Proposed Ordinance #2011-03 - Amending the 2008 Comprehensive Plan by replacing Table 12-1: Land Use and Zoning Matrix and Map 12-1: Land Development Plan.

Mr. McGiffin moved that the Final Reading of proposed Ordinance #2011-03 be acknowledged by title only, seconded by Mr. Leary and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of January 24, 2011.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the proposed amendment to the 2008 Comprehensive Plan and the findings and recommendation of the Planning Commission. She explained that there are three (3) amendments, as follows: 1) Land Use and Zoning Matrix (Table 12-1); 2) Land Development Plan Map Changes Related to Open Space (Map 12-1); and 3) Land Use Classification Change from Institutional to Residential High Density (Map 12-1). Mrs. Townshend stated that the Planning Commission recommended approval of the proposed amendments to the 2008 Comprehensive Plan.

Mrs. Townshend advised members that the Land Use Classification change from Institutional to Residential High Density is an applicant-initiated amendment. The applicant is requesting that the properties north of Forrest Avenue (Route 8) and west of Saulsbury Road be changed from the Institution zoning classification to the Residential High Density zoning classification. She stated that the property is known as Doveview Apartments and consists of two (2) partially constructed buildings and that the site plan has expired. The bank has foreclosed on the property and now, as the owner of the property, has applied for the Comprehensive Plan Amendment. She noted that the rezoning of the property is scheduled to be considered next on the agenda. Mrs. Townshend

suggested that anyone wishing to address members during the public hearing regarding the rezoning request should also speak during this public hearing, since the Comprehensive Plan Amendment is related specifically to the rezoning request.

Responding to Mrs. Williams, Mrs. Townshend suggested that if members are opposed to or have concerns regarding the rezoning request for the property located at 101-405 Doveview Drive (Doveview Apartments), an option would be to approve Proposed Ordinance #2011-03 with the deletion of the Land Use Classification Change from Institutional to Residential High Density amendment.

In response to concerns of Mrs. Russell, Mrs. Townshend stated that the rezoning would not affect the ability to have an age-restricted community at the Doveview Apartments site. She clarified that, under the proposed zoning, an applicant could still develop the project under the senior citizen housing option; however, senior citizen housing is the only type of housing currently permitted. In addition, Mrs. Townshend stated that if the property is not developed as a senior housing project, this would not preclude senior citizens from residing in the facility. She noted that, due to its close proximity to the Modern Maturity Center, it serves as a favorable location to market to senior citizens.

Mrs. Townshend advised members that the interconnection between Doveview Apartments site and the Modern Maturity Center is an issue pending before the Planning Commission, explaining that the Modern Maturity Center has submitted a request to the Planning Commission to remove the requirement for interconnection. She stated that this is a decision that will be made by the Planning Commission following a public hearing on March 21, 2011. However, she noted that the development of a high-density residential facility adjacent to the Modern Maturity Center would be an issue that City Council could consider.

Responding to Council President Hogan, Mrs. Townshend reiterated that the site plan and conditional use application associated with Doveview Apartments have expired; therefore, in order to proceed with completion of the buildings for senior housing, the owners must reinitiate the process with a sketch plan approved by City Council, followed by consideration by the Planning Commission. She stated that this could include a traffic impact study from DelDOT.

Mr. Ruane questioned if there have been other examples in the City's history of zoning and rezoning in which a property that originated as a 55+ community has reverted due to marketing conditions or other reasons. Responding, Mrs. Townshend stated that there have been two (2) other instances when applicants submitted a request to the Planning Commission to remove the age restrictions: 1) Seskimore, which was voluntarily planned for senior housing and not approved as a requirement; and 2) The Arbors. She stated that although staff has not conducted a study, in both instances the Planning Commission was advised that there was no market for senior housing. However, she stated that there is an indication that there is a demand for multi-family, quality apartments.

Mrs. Williams felt that permitting unrestricted high-density residential units adjacent to the Modern Maturity Center could create safety issues.

In response to Dr. McGlumphy, Mrs. Townshend stated that the Planning Commission will hold a public hearing on March 21, 2011 regarding a request to remove the interconnection. She noted that the Planning Commission will make a final decision in this regard, explaining that this issue will not come before City Council for consideration.

Public Hearing
Council President Hogan declared the public hearing open.

Mr. Gregory Moore, Vice President, Becker Morgan Group, 309 S. Governors Avenue, stated that he represents Sun Trust Bank, who currently owns the property known as Doveview Apartments. He stated that Sun Trust Bank had a market analysis conducted which resulted in a decision to market the property as "age targeted" rather than "age restricted." He stated that the property will be targeted for senior residence; however, the market analysis indicated that there is not sufficient demand to make the project viable at its current size; therefore, it is necessary to open it to market rate as well as seniors. Mr. Moore explained that Sun Trust Bank will pursue a developer to purchase and rebuild the property. However, he noted that construction cannot commence without going through an orderly process before the City.

Regarding concerns with the interconnection, Mr. Moore stated that the interconnection was a requirement of the Planning Commission during previous reviews. He stated that this property has access to three (3) public streets and, therefore, there is no reliance on any cross connection to the Modern Maturity Center to provide safe and efficient access to the property.

Mr. Moore noted that the demand for market rate apartments in the area is strong and that this has been a national trend which has resulted from the degrading of the housing market. He explained that many individuals who are unable to obtain a mortgage, those that have lost homes to foreclosure, etc., are using apartment projects as their "relief valve."

Responding to Dr. McGlumphy, Mrs. Townshend stated that conditions cannot be placed on a rezoning. In addition, she advised members that the Zoning Ordinance has a requirement for cross access easement, in accordance with the Corridor Overlay Zone, and the interconnection is not simply a condition of the Planning Commission but is also specified in the Code as a requirement.

In response to Mr. Leary, Mr. Moore stated that the intent of Sun Trust Bank is to invest money into this project so that it becomes a viable project for a developer to proceed. He reminded members that the buildings have been opened and subjected to outside elements and will require further assessment. Mr. Moore stated that if the rezoning request is denied, restricting the development to a senior project, the market analysis has indicated that it may take longer to sell or be impossible to sell to a viable developer in a reasonable amount of time.

Mr. Moore advised members that converting this project to market rate apartments will reduce the total number of apartments from 190 to between 120 and 140, due to ordinance requirements. This will result in a reduction in the number of buildings from four (4) to three (3). He explained that a smaller scale project will be more viable due to the disarray in the market that has occurred since the project was first planned.

Mr. Ruane relayed concern that age-restricted apartments are bound by fair housing legislation and suggested that, even if the property remains age restricted, the owner would be subject to fair housing legislation. Responding, Mr. Moore noted that federal law sets parameters as to the number of occupants for senior projects. He explained that a limited number of non-senior residents are permitted in housing designated for those aged 55 and over. Elaborating, Mrs. Townshend stated that she believed that the limit for non-seniors is 20% and those that are not a part of the 20% is the head of household. Therefore, there could be instances, for example, where a residence is occupied by a 60-year-old man with a 35-year-old wife and children. She stated that the City does not regulate 55 and over housing; however, the City requires that this provision be included as a deed restriction, which the City cannot enforce. As a result, she stated that the only way a deed restriction could be enforced is if a suit were filed.

Noting that the Corridor Overlay Zone requires similar use of properties, Mrs. Williams indicated that patrons of the Modern Maturity Center are seeking specific services; whereas, the adjacent properties are a service destination for all types of individuals. It was her opinion that these are not similar uses, explaining that one is for a defined population and the others are for the public in general.

Mr. Moore noted that the concerns regarding the rezoning are related to interconnection and suggested that members consider tabling the rezoning request until after the Planning Commission has made a decision regarding the request to eliminate the cross connection requirement.

Responding to the suggestion of Mr. Moore, Mrs. Townshend explained that if Council does not take action regarding the amendment to change the land use classification from Institutional to Residential High Density, the Planning Commission will consider the request to eliminate the cross connection requirement for property that is "age restricted," which could affect their decision.

Ms. Carolyn Fredricks, Executive Director for the Modern Maturity Center, agreed that it is important to develop the apartment buildings and relayed no objections to the age restriction being lifted. She stated her concerns are strictly with the interconnection, noting that, as an age-restricted community, the project was originally considered at 1.25 cars per unit. She stated that if no age restriction is in place, 2.5 cars per unit would be allowed.

Mr. John Tracey, of Young, Conway, Stargatt, and Taylor, attorney for Sun Trust Bank, echoed Mr. Moore's suggestion to allow the proceedings at the Planning Commission to move forward. He explained that he anticipates that the Planning Commission will address the request to eliminate the cross connection requirement based on the expectation that Sun Trust Bank will be moving forward with the rezoning request.

Mr. James Hutchison, 15 Gleneagles Court, indicated that he is a member of the Modern Maturity Center Board of Directors and supports the project; however, he relayed serious concerns with the interconnection between the Modern Maturity Center and proposed apartments.

Mr. Leonard Iacono, Newport Delaware, stated that he has observed this project due to his involvement in the City of Dover both as a developer and an apartment owner. He noted that he has

been intrigued by this project since, after much research and attendance at several seminars, it is evident that the 55+ community is the wave of the future and is usually in very much demand in certain areas. Mr. Iacono disagreed with previous comments that market studies indicate differently. It was his opinion that there is a need for a 55+ community and stated that, as a developer, he has attempted to contact the bank to determine if he could intervene to retain it as a 55+ community designation but has not received a response. Mr. Iacono indicated that he is aware of two (2) other developers who have attempted to contact the bank without response. He stated that he felt there is a need for a 55+ community and that he would like to meet with representatives of Sun Trust to determine the possibility of moving forward with such a community. As an apartment operator, he stated that a 55+ community is slower to stabilize but, in the long run, a good rate occupancy can be achieved. Mr. Iacono stated that the overall occupancy rates and market rates in Dover are volatile, which is attributable to the Dover Air Force Base, since 30%-50% of occupancy is the result of Dover Air Force Base personnel. He requested the opportunity to review the market study and pursue the opportunity to develop the site as a 55+ community.

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

Mrs. Williams moved to defer action on the third amendment proposed to the 2008 Comprehensive Plan - Land Use Classification Change from Institutional to Residential High Density (Map 12-1), included in proposed Ordinance #2011-03. The motion was seconded by Mrs. Russell and carried by a roll call vote of five (5) yes, two (2) no (Mr. Leary and Council President Hogan), and two (2) absent (Mr. Bonar and Mr. Salters).

Mr. McGiffin moved for the adoption of Ordinance #2011-03, as amended to include revised Table 12-1: Land Use and Zoning Matrix *(Exhibit #2)*, and revised Map 12-1: Land Development Plan *(Exhibit #3)*, amending the 2008 Comprehensive Plan, as recommended by the Planning Commission. The motion was seconded by Dr. McGlumphy and by a roll call vote of five (5) yes, two (2) no (Mr. Leary and Council President Hogan), and two (2) absent (Mr. Bonar and Mr. Salters), Council adopted Ordinance #2011-03, as follows:

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN BY REPLACING TABLE 12-1: LAND USE AND ZONING MATRIX, AND MAP 12-1: LAND DEVELOPMENT PLAN

WHEREAS, the City Council of the City of Dover, on February 9, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on April 24, 2009; and

WHEREAS, the City Council of the City of Dover, on November 23, 2009, adopted the 2009 Comprehensive Rezoning Project and 2009 Comprehensive Plan Amendments; and

WHEREAS, the City Council of the City of Dover, on June 4, 2010, adopted an amendment to the *Zoning Ordinance* creating the Recreational and Open Space Zone; and

WHEREAS, the City Council of the City of Dover, on August 9, 2010, adopted the 2010 Recreational and Open Space Zone Map Amendments; and

WHEREAS, the 2008 Comprehensive Plan allows for an annual amendment process; and

WHEREAS, the Planning Staff has identified necessary changes to the Land Development Plan Map (Map 12-1) and the Land Use and Zoning Matrix (Table 12-1) of the 2008 Comprehensive Plan, as amended on November 23, 2009; and

WHEREAS, two property owners have requested amendments to the Land Development Plan Map (Map 12-1) in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2011, after which the Commission made a recommendation in regards to the proposed amendments to the Land Development Plan and the Land Use and Zoning Matrix.

NOW, THEREFORE, BE IT ORDAINED THAT the Mayor and Council of the City of Dover hereby amend Chapter 12: Land Development Plan, Table 12-1: Land Use and Zoning Matrix and Map 12-1: Land Development Plan of the 2008 Comprehensive Plan, as amended on November 23, 2009, by replacing the referenced table and map with the Amended Table 12-1 and Map 12-1 presented to City Council on March 14, 2011.

ADOPTED: MARCH 14, 2011

(City Clerk's Office Note: Due to a notification error, on February 28, 2011 Council deferred consideration of the rezoning of the property located at Grove Street and Railroad Avenue, which was associated with this amendment. This matter has been rescheduled for consideration by Council on April 11, 2011.)

(On March 14, 2011, Council Ordinance #2011-03 was amended to defer consideration of the portion of the Comprehensive Plan Amendment related to the rezoning of the property located at 101-405 Doveview Drive, which was also associated with this amendment. The rezoning of this property has been rescheduled for consideration by Council on April 11, 2011.)

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2011-05 - REZONING OF PROPERTY LOCATED AT 101-405 DOVEVIEW DRIVE (DOVEVIEW APARTMENTS), OWNED BY CRM MID-ATLANTIC, LLC AND SUN TRUST BANK

A public hearing was duly advertised for this time and place to consider rezoning of property located at 101-405 Doveview Drive (Doveview Apartments), consisting of $6.735^{+/-}$ acres, owned by CRM Mid-Atlantic, LLC and Sun Trust Bank. The property is currently zoned IO (Institutional and Office) and subject to the COZ-1 (Corridor Overlay Zone) and the proposed zoning is RG-5 (General located on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection. (Tax Parcel: ED05-076.07-01-30.00-000; First Council District; Planning Reference: Z-11-03.)

Mrs. Williams moved that the Final Reading of Proposed Ordinance #2011-05 be acknowledged by title only, seconded by Mr. Leary and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of January 24, 2011.)*

Planner's Review

Based on the previous discussion regarding the third amendment proposed to the 2008 Comprehensive Plan - Land Use Classification Change from Institutional to Residential High Density (Map 12-1), included in Proposed Ordinance #2011-03, Mrs. Ann Marie Townshend, Director of Planning and Community Development, suggested that it would not be necessary to review the petition to amend the zoning district and the findings and recommendations of the Planning Commission at this time.

Public Hearing

Council President Hogan declared the public hearing open.

Mr. Gregory Moore, Vice President, Becker Morgan Group, 309 S. Governors Avenue, requested that his testimony provided during the previous discussion regarding the Land Use Classification Change from Institutional to Residential High Density be incorporated and considered regarding this matter.

Mr. Leonard Iacono, Newport Delaware, also requested that his previous comments provided during the discussion regarding the Land Use Classification Change from Institutional to Residential High Density be considered for this matter.

Mr. James Hutchison, 15 Gleneagles Court, requested assurance that the concerns relayed during the previous discussion regarding the Land Use Classification Change from Institutional to Residential High Density are forwarded to the Planning Commission for their consideration during the review of the interconnection.

Responding to Council President Hogan, Mrs. Townshend assured members that staff provides the Planning Commission a briefing on all issues and will forward the concerns relayed in regard to this matter.

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

Mr. Leary moved to defer the rezoning request. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Mr. Bonar and Mr. Salters absent).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - FEBRUARY 23, 2011

The Safety Advisory and Transportation Committee met on February 23, 2011 with Chairwoman Williams presiding.

Request for Waiver of Land Subdivision Regulations - Reduction of Street Right-of-Way Width - Dover High School Project (South Side of Forrest Avenue)

Mrs. Dawn Melson-Williams, Principal Planner, reviewed a street waiver request for the reduction of street right-of-way from sixty (60) feet to fifty (50) feet (Land Subdivision Regulations, Article VI.A.13) for construction of the new Dover High School. She advised members that the project is located on four (4) parcels of land totaling $106.5222^{+/-}$ acres and is zoned R-10 (One Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). Mrs. Melson-Williams noted that the subject property is located on the south side of Forrest Avenue (DE Route 8) approximately 1,500 feet west of Mifflin Road and the owner of record is Capital School District. She noted that the Conditional Use and Site Development Master Plan are for the construction and use of a three (3) story 315,000 S.F. school with associated parking, roadways, stormwater management, landscaping, sports fields, stadium, and other site improvements. Mrs. Melson-Williams stated that the overall Site Development Master Plan for the New Dover High associated transportation network to access the site and internal circulation of the site.

Mrs. Melson-Williams advised members that during the applicant's presentation to the Planning Commission at their December 20, 2010 meeting, members were provided information on ongoing discussions regarding shared infrastructure improvements between the Capital School District and the adjoining developer (Leander Lakes, LLC) for the Leander Lakes Apartments project (a development to be located to the west of the school property). Exhibits were reviewed showing proposals for the right-of-way, construction of the western entrance access road, and the connection to Tribbitt Street, which will serve both the school and the residential project. She noted that negotiations on the infrastructure are continuing. Mrs. Melson-Williams reviewed information regarding the Transportation and Circulation Network for the new Dover High School project, which is associated with consideration of the waiver request for a reduction in street right-of-way width.

Mrs. Melson-Williams advised members that the Planning Commission reviewed the proposed street waiver request as part of its review of the Conditional Use/Site Development Master Plan for the new Dover High School. The Planning Commission granted conditional approval to the Conditional Use/Site Development Master Plan and to a series of waivers and considerations, including the reduction of the required street right-of-way width from sixty (60) feet to fifty (50) feet for portions of the proposed streets in the southwest area of the property, including the interconnection to Tribbitt Street. She indicated that, as part of the motion for conditional approval, the Planning Commission also adopted comments and recommendations from the Development Advisory Committee (DAC) Report. It was noted that comments and recommendations from multiple departments or agencies may be associated with the development of streets.

In response to Mrs. Williams, Mrs. Melson-Williams stated that the school is being designed to accommodate an overall count of 1,800 students.

Referring to the proposed ingress and egress for this property, Mr. Bonar expressed his desire for a roadway width of no less than 28 feet in order for a 110 foot aerial apparatus to access the high school to protect it against fire. In addition, he strongly urged signalization at both proposed intersections at the new high school along Forrest Avenue/Route 8.

Responding to Mr. Ruane, Mrs. Melson-Williams stated that the reduction in the street right-of-way width would not create a reduction in the paved width of the street.

Several members questioned why the applicant or engineers were not in attendance to explain the need for the waiver and address concerns of members. Responding, Mrs. Melson-Williams stated that the engineers were unable to attend since they were making a presentation at the Planning Commission Quarterly Workshop, which was running concurrently with the Safety Advisory and Transportation Committee meeting.

Mr. Davis relayed concern with any reduction due to potential bicycle and pedestrian traffic in the area. In addition, he stated that if there is a connector road between Forrest Avenue and Hazlettville Road, Amish horses and buggies will also be using the roadway.

Mrs. Melson-Williams explained that if a regional connector between Rt. 8 and Hazlettville Road is constructed in the future, the right-of-way and segment of road involved would probably be enlarged. However, she indicated that the waiver is being requested at this time due to the proposed time frame for construction of the school, which has a scheduled opening date of 2014.

Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT), reminded members that there was previous discussion regarding vehicle connectivity from the Village of Westover. Responding, Mrs. Melson-Williams stated that there is a street stub from Westover to its north property line with a terminus of Worchester Drive. She indicated this is planned for a pedestrian/bicycle connection to the site but will not convey vehicular traffic.

Responding to Mrs. Williams, Mrs. Melson-Williams confirmed that the proposed opening for the new high school is in 2014; however, it is anticipated that the first phases of major utility work will begin during the summer of 2011.

In regards to the roadway through the farmland preservation property to Hazlettville Road, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she attended a meeting with DelDOT on February 22, 2011 and was assured that this road would not be completed in the near future. She stated that DelDOT has not added any new projects to the Capital Transportation Program due to funding issues and that DelDOT was very clear that the City should not anticipate this project coming to fruition anytime soon.

In light of this information, Mrs. Williams suggested that the school district meet with DelDOT to develop a good, practical plan for an interconnection roadway to Hazlettville Road and that the motion be amended accordingly. There were no objections from the maker or seconder of the motion.

The Committee recommended that this request be referred back to the Planning Commission for further study and clarification of the following: actual reasons for narrowing the roadway to 50 feet, a deeper look into pedestrian and bicycle traffic and ingress and egress to the school, and serious consideration of developing a good, practical plan for a roadway to Hazlettville Road.

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

Discussion - Crossover Bridge for Pedestrians at the New Dover High School

At the request of Mr. Davis, members were provided detailed information regarding a 40-foot pedestrian bridge for possible construction at the new Dover High School site. Under the premise that there will be signalization at both the eastern and western ends of the new Dover High School site, Mr. Davis noted that a development is located across Route 8 and that, although an additional traffic signal could be installed at Cranberry Run, as an alternative, consideration could be given to an overhead walkway. He advised members that a similar bridge, which crossed over five (5) lanes of traffic, was built in a town in Pennsylvania approximately four (4) to five (5) years ago at a cost of $1.3M. Although he acknowledged that funding must be considered regarding this matter, he suggested that members consider the safety and traffic issues involved.

In regards to the costs, Mr. Bonar advised members that the economic impact of one (1) fatal accident is approximately $900,000. It was his opinion that the construction of pedestrian overpasses should be considered for several major roadways.

Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT), noted that the example provided appears to be located in a more urban setting than the proposed new Dover High School. He advised members that a pedestrian overpass has been placed across College Avenue in Newark; however, getting individuals to use the structure has been problematic. Mr. Laing noted that a wall was constructed at the College Avenue bridge to prevent pedestrians from crossing by other means. He questioned where a crossover bridge could be located if this option was chosen for the new school. In addition, Mr. Laing advised members that the minimum clearance required for a pedestrian bridge is 17'6" in height. For each foot in height, in order to be compliant with the Americans with Disabilities Act (ADA), he indicated that either ramps or an elevator would be required and stated that there is no area available to accommodate the length of ramp needed.

Mr. Davis noted that the crossover in Pennsylvania is located in a rural setting, not urban, with sidewalks on the north side. He stated that the pedestrian ramp curls around rather than extending in a linear fashion. Responding, Mr. Laing stated that, because of the degree of angle that would be required, regardless of the manner in which the ramp would be constructed, the area needed for the ramp would be substantial. As an alternative, he stated an elevator could be installed; however, this would create issues with maintenance, security, safety, etc. In addition, he noted that a pedestrian bridge would require maintenance to keep it free of trash, debris, and snow.

Responding to Mrs. Williams, Mr. Laing stated that his understanding was that "cork-screw" ramps are not ADA compliant.

Mr. Davis questioned how the children who live on the north side of Forrest Avenue/Route 8 will cross the street if the overpass is not built and who would be responsible for their safety.

Mr. Bonar suggested that the Capital School District be requested to make a presentation to address some of these concerns.

Mrs. Townshend advised members that all of the concerns relayed by members have been discussed before the Planning Commission. She noted that the Planning Commission required that the School District connect into Tribbitt Street, at the rear of Cannon Mill, which connects to the Village of Westover, to provide relief for the approximately 900 dwelling units.

Responding to Mrs. Williams, Mrs. Townshend stated that the design of the street network in the Village of Cannon Mill is not conducive to cut-through traffic. Disagreeing, Mr. Bonar noted an increase in vehicular traffic in Woodcrest as a result of students attending Dover High School.

After much discussion, it was the consensus of members that staff should invite the Capital School District to attend the next Committee meeting to discuss these issues further.

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

Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT), provided a briefing on DelDOT projects, as follows:

West Dover Connector

Mr. Laing reminded members that DelDOT held a workshop regarding the West Dover Connector in September 2010, at which time DelDOT presented the preferred alternative for the location of the connector. He noted that the workshop was well attended. Mr. Laing stated that Phase 1 of the archeology research, which consists of researching historic properties in the area of the connector, will begin soon and that Phase 2 field work should follow in the Spring of 2011. He stated that DelDOT is working on preparing environmental assessments, as directed by the Federal Highway Administration (FHA) and the assessment will be reviewed by the State Historic Preservation Office, and FHA. He indicated that survey plans are being compiled and preliminary plans should be completed later in the year, semi-final construction and right-of-way plans are targeted to be completed in approximately one (1) year, and the final right-of-way will be determined in July 2012, followed by the real estate acquisition process. As reflected in the Community Transportation Plan, Mr. Laing stated that construction is scheduled for 2014 through 2016.

Responding to Mr. Mark Brata, representing Eden Hill Commercial, Mr. Laing stated that no specific date or further details were provided by the project manager regarding preliminary plans for the project.

South Governors Avenue Improvements

Mr. Laing reported that the South Governors Avenue Improvements have been substantially completed, with the exception of some "punch list" items to be completed or repaired by the contractor. He anticipated that these items will be addressed once the weather permits.

Water Street Railroad Crossover

Mr. Laing advised members that there is no new information to report on the Water Street Railroad Crossover, explaining that this is a long-term project with a substantial amount of preliminary work required.

Wyoming Mill Road Project

Mr. Laing advised members that a construction contract was awarded to Diamond Materials, LLC for the Wyoming Mill Road Project. He stated that advanced utility work is underway and construction is scheduled to begin in the Spring of 2011, with a completion date anticipated in the fall.

Transit Center

Mr. Laing stated that a meeting was held with potential bidders for construction of the Transit Center. Certain submissions must be reviewed by DelDOT and, once completed, DelDOT will announce the awarding of the contract and work will begin on Phase 2 of the project.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - *Juanita Wieczoreck*

Ms. Juanita Wieczoreck, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), stated that the most significant project for the MPO is the Dover Transit Center Neighborhood Plan. She stated that MPO has been making presentations in an effort to obtain support from various organizations. It was noted that a presentation of the Dover Transit Center Neighborhood Plan and Design Book was provided to City Council during their Regular Meeting of February 14, 2011.

Referring to the executive summary of the Dover Transit Center Neighborhood Plan and Design Book, Ms. Wieczoreck noted that the purpose of the Plan and Design guidelines is to provide the City of Dover with a design and planning strategy to guide development around the new Transit Center site and provide a very specific understanding of what the City could realize for this area.

Ms. Wieczoreck stated that the MPO is beginning to develop their annual work program and requested ideas from the City.

Responding to Mr. Ruane, Ms. Wieczoreck stated that the MPO has been working on a regional bike plan and anticipates a presentation to the Committee once it has been finalized. She indicated that Mr. Michael Albert, Planner II, represents the City of Dover on this committee.

Mr. Ruane requested that Mr. Albert make a presentation to the Committee regarding the proposed Bike Plan to obtain recommendations from members.

Proposed Ordinance #2011-06 Amending Chapter 46 - Fire Prevention and Protection - Open Burning

Mr. David Truax, Fire Marshal, reviewed Proposed Ordinance #2011-06, and advised members that the Ordinance would enhance the safety of commercial and recreational barbecuing and control and maintain the proper use of open burning. He explained that the proposed amendment would expand the present open burning ordinance to better define open burning and barbecuing; more clearly define where and how open burning and barbecuing are permitted; and better address the use of outdoor portable fireplaces. Mr. Truax stated that the draft ordinance depicts additions in blue text and deletions in red strike-outs and advised members that the proposed ordinance has been reviewed by the Deputy City Solicitor.

Mrs. Williams read into the record a statement in support of the ordinance provided by Ms. Rita Kropiewnicki.

Mr. Bonar stated his experience with Wesley College students who have had open pit fires burn late into the evening and early morning.

The Committee recommended adoption of Proposed Ordinance #2011-06.

By consent agenda, Mr. Leary moved for approval of the Committee's recommendation, seconded by Mr. McGiffin and carried by a unanimous roll call vote (Mr. Bonar and Mr. Salters absent). *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

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

UTILITY COMMITTEE REPORT - FEBRUARY 28, 2011

The Utility Committee met on February 28, 2011 with Chairman Ruane presiding.

Yard Waste Collection Program

Mr. Anthony DePrima, City Manager, advised members that staff developed the following goals in formulating a Yard Waste Collection Program: 1) compliance with the Delaware Solid Waste Authority (DSWA) ban on yard waste; 2) avoid an increase in costs to the customers; and 3) the development of public education to lessen or eliminate yard waste.

Mr. Scott Koenig, Public Services Manager/Director of Public Works, reviewed the Yard Waste Separation Plan. He reminded members that on January 1, 2011, DSWA implemented a ban on yard waste at the Sandtown landfill and that, beginning July 1, 2011, the DSWA will start enforcing this ban. He noted that the ban was a condition of approval from the Department of Natural Resources and Environmental Control (DNREC) to continue to operate the landfill and that all waste haulers will be required to separate yard waste from the municipal solid waste stream.

In reviewing the New Rules, Mr. Koenig referred to Page 2 of the Yard Waste Separation Plan and advised members that a revision was made to the second sentence in Item #2, which should read "No metal containers will be allowed." He explained that metal containers can be easily damaged. In addition, he stated that members of Council may receive complaints from residents regarding Item #5, which modifies the current collection schedule for bulk items.

Noting that bulk trash will be picked up every other week, Mr. McGiffin questioned if residents will be permitted to place large items, such as refrigerators, out for pick-up for an extended period of time. Responding, Mr. Koenig stated that this could create potential concerns for property maintenance staff. Mr. DePrima noted that, although the current bulk pick-up schedule provides for a weekly pick-up, residents are not permitted to place bulk items out until the day of the scheduled pick-up. However, he noted that many residents do not adhere to this requirement.

In response to Mr. Ruane, Mr. Koenig indicated that education sessions will be provided for the public, office and field staff, and homeowners associations.

Responding to Mr. McGiffin, Mr. Koenig estimated that a stick would be considered less than 2" in diameter, limbs are from 2" to 6," branches are 6" and above.

Although he supported recycling and maintaining a cleaner environment, Mr. Bonar relayed his concerns with legislators enacting laws that affect municipal-level operations without prior communication.

Responding to Mr. Ruane, Mr. DePrima assured members that the program will be advertised locally and billing inserts will be distributed to customers to inform them of the change.

The Committee recommended endorsement of the Yard Waste Separation Plan, as presented by staff.

As a result of concerns relayed to him by constituents, Dr. McGlumphy requested that staff provide an explanation of the Yard Waste Collection Program. Responding, Mr. Anthony DePrima, City Manager, stated that a marketing plan will be developed regarding the program to provide a detailed understanding for everyone. He explained that yard waste separation is required by the DSWA. He stated that staff developed a program that could be implemented without additional resources (staffing, trucks, supplies, etc.). Mr. DePrima indicated that residents should utilize containers that hold 35 gallons or less for grass cuttings and yard waste. There is no limit as to the number of containers a resident may have; however, containers must be provided by the resident.

Mr. DePrima stated that there are new rules for residents, as follows: 1) all household trash should be bagged and placed in the black containers (extra bags setting along side of the black containers will not be permitted); 2) containers for yard waste should be made of plastic; 3) grass clippings may not be placed at the curb; and 4) clippings may not be placed in plastic bags; they should be placed directly into the yard waste container. He indicated that the City will continue to pick up large bulk yard waste (logs, large branches, etc.) and that the only change is that the bulk collections will be alternated, with bulk yard waste collection occurring during the same week as recycling and bulk household items (mattresses, furniture) during the following week. He stated that the same standards will be required for all bulk waste, such as restriction to a 4 x 4 x 8 area, and there will be a fee for exceeding those parameters.

Responding to Mrs. Williams, Mr. DePrima stated that, beginning in the spring, staff will extend the leaf collection program to accommodate residents who have an exorbitant amount of leaves.
Mr. DePrima stated that a public education plan is being developed and that residents will be encouraged to create less yard waste by recycling on-site through the use of mulch mowers, compost piles, etc. He noted that staff has met with two (2) other companies to discuss the disposal of waste and that the associated cost will be less than fees charged by the DSWA.

In response to Council President Hogan, Mr. Koenig stated that yard waste (items that fit into a 35 gallon container) will be collected every week and bulk yard waste will be collected every other week.

Dr. McGlumphy thanked staff for the explanation and requested that staff emphasize the amount of cost savings for customers as a result of the program when providing public education.

Mr. Leary moved for approval of the Committee's recommendation for endorsement of the Yard Waste Separation Plan, as presented by staff. The motion was seconded by Dr. McGlumphy and unanimously carried.

Generation Revenue Forecast

Mr. Anthony DePrima, City Manager, introduced Mr. Holt Bradshaw, Pace Global, who reviewed a Presentation of Generation Revenue Forecast. He explained that the forecast includes a "real" analysis that should be kept updated. Mr. Bradshaw advised members that there is a good deal of value in the assets and that they should be maintained and improved upon in order to keep cash flow. It is the opinion of Pace Global that there is great potential for revenue.

Responding to Mr. Ruane, Mr. Vince Scire, Plant Manager, stated that, as an example of continued maintenance, air heater work for Unit #3 was included in the CIP, which is necessary if Unit #3 is expected to run for 15-20 years. With regards to unanticipated expenses, he stated that approximately six (6) projects have been added to the plan as a result of the Pace life extension analysis. Mr. Bradshaw stated that a $100,000 capital contingency charge for each unit was built in to allow for capital "surprises."

With regards to materials and equipment used in the plants, Mr. Scire stated that replacement parts are sometimes extremely expensive; therefore, it can be beneficial to re-evaluate the situation and consider redesign.

In response to Mr. Bonar, Mr. DePrima reminded members that a plant evaluation was conducted a few years ago and that the analysis constitutes another evaluation. He noted that, in previous evaluations, it was assumed that the plants had a five (5) year life expectancy; however, in the new evaluations a 15-year life span is expected. In regards to the $100,000 contingency charge, he noted that the City has nearly $10M in its depreciation fund, which could be a resource for repairs if necessary. He assured members that thresholds are established to determine if repairs should be made or the equipment should be abandoned.

Mr. Ruane noted that the 2030 Energy Committee continues to discuss opportunities to attract alternative energy suppliers, such as encouraging a combined-cycle gas power plant at the Garrison Tract and buying purchased power energy agreements from this source. He questioned how this would correlate to the maintenance and continuation of the physical plant if energy needs can be addressed through such purchased power agreements and whether this possibility was factored into the analysis.

Responding, Mr. Holt stated that the capacity market has been willing to pay for units that are capable, available, reliable, and able to run when prices are very high or when there are reliability issues on the grid. He noted that, to date, the market has been willing to pay for this from the City and other suppliers.

Mr. Bonar questioned if the City would be at a financial disadvantage if a new combined cycle unit

or more modern unit becomes available and can be more readily put on line. Responding, Mr. DePrima stated that going forward with a plant at the Garrison Tract is not mutually exclusive of the idea of keeping the existing power plant running.

Mr. Bonar suggested that thought be given to placing a combined cycle unit at the Garrison Tract before a competitor moves forward with such a concept. Responding, Mr. DePrima stated that, based on the Committee's recommendation, the City contracted with Macquarie Energy, LLC for two (2) years and that they are performing due diligence on making applications to PJM and other regulatory bodies to move forward on that plant.

Mr. Francis Hodsell, Pace Global, advised members that the capacity market is a three (3) year forward market. He noted that it is the opinion of Pace that the City's assets are valuable within the structure of the capacity market and it is clear that this structure will be in place for a long period of time. Mr. Hodsell noted that if additional capacity enters the market, such as the Macquarie West Deptford Plant, this would not be seen as a risk to these assets and they could continue to generate significant cash flow for the City.

Mr. Ruane stated he anticipated that West Deptford would be brought forward to the Committee next month. Responding, Mr. Hodsell stated that he will be working with City staff on a time frame for the analysis.

Due to time constraints, Mr. Ruane requested that the remainder of the agenda items: 1) Power Plant FY 2012 Capital Investment Plan (CIP) Review; 2) 2012-2016 Utility Capital Investment Plan (CIP); and 3) PACE/NAES Monthly Report *(December)* be deferred until the next meeting.

The Committee deferred the remainder of the agenda items until the next meeting.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - FEBRUARY 28, 2011

The Legislative, Finance, and Administration Committee met on February 28, 2011 with Chairman Leary 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.

Mr. Salters noted that there were no critical positions to be considered; therefore, no further action was required.

Latest Estimate (LE) for Fiscal Year 2011 Budget

Mrs. Teresa Tieman, Senior City Administrator, advised members that the Latest Estimate was prepared prior to the February 17, 2011 meeting of the Joint Legislative, Finance, and Administration and Safety Advisory and Transportation Committee. Therefore, she felt that it would not be appropriate to include the committee recommendations regarding police staffing and programs until acted on by Council during the Regular Council Meeting on February 28, 2011.

Mrs. Tieman informed members that the Joint Legislative, Finance, and Administration and Safety Advisory and Transportation Committee recommended that two additional officers be sent to the spring police academy class, and that a one-time $40,000 Police Chief's Discretionary Fund be established, noting that these expenses can be covered by savings in this year's budget, as reflected in the Latest Estimate. She stated that no further adjustment would be necessary in the proposed police salary budget because the police academy class has been rescheduled for mid-April. Mrs. Tieman explained that, since the cost of four officers in a mid-April class is about the same as the budget for two officers in a February class, which was originally approved by City Council, no further adjustments will be needed to the Latest Estimate.

Mrs. Tieman stated that, if the City Council approves the recommendation of the Joint Legislative, Finance, and Administration and Safety Advisory and Transportation Committee during the Regular Council Meeting on February 28, 2011, the Latest Estimate will be amended before the First Reading of the budget ordinances.

Mrs. Tieman reviewed a Presentation - Fiscal Year 2010-2011 Latest Estimate, February 2011 and noted that this presentation is to be viewed in conjunction with the Latest Estimate, Fiscal Year 2010-2011 Budget. Mrs. Tieman reminded members that the latest estimate factors in known changes since the budget was approved.

Referring to Page 5 of the Presentation, Mrs. Tieman informed members that the Transfer Tax revenue is projected at $750,000, which increases the total to approximately $1.4M. She stated that the $750,000 is due to recent large receipts, which were identified in the December Quarterly Revenue Report, and several others received since that time.

Mrs. Tieman stated that Trash Fees revenues have decreased $194,511, and explained that some of this decrease was expected because several out-of-City customers canceled trash service following the last fee increase; however, a reduction in expenses is also reflected.

Responding to Mr. Salters, Mrs. Tieman explained that the Parks and Recreation Silver Lake Watershed Coordinator is employed by the State of Delaware; however, the $51,000 grant pays for the City's portion of the expense.

In response to Mr. McGiffin, Mr. Anthony DePrima, City Manager, stated that the Tax Assessor legal expenses for tax appeals in the amount $88,000 resulted from having a tax attorney present during Tax Appeals and write new ordinances related to taxes, as well as costs associated with a recent law suit that has been settled.

Responding to Mr. Shevock, Mrs. Tieman explained that the reduced expense for landfill fees referenced on Page 8 of the Presentation is due to less tonnage which is probably due, in part, to recycling.

Mrs. Tieman clarified, in response to Mr. Shevock, that the fund balances are projected over the minimum as the result of departmental savings and enhanced revenue, particularly noting the Transfer Tax, which was approximately $750,000 more than anticipated.
Referring to Page 1 of the Latest Estimate, Fiscal Year 2010-2011 Budget, Mr. Ruane questioned if it would be fiscally allowable to utilize the excess Electric Fund balance funds to provide a Power Cost Adjustment (PCA) to customers. Responding to Mr. Ruane, Mr. DePrima indicated that staff feels comfortable, based on the Latest Estimate, that $1.4M would be available for a Power Cost Adjustment (PCA) credit, which could be layered in over a 15-month period, beginning April 1, 2011, so that it would remain in sync with the fiscal year.

Mrs. Tieman reviewed Estimated Savings from Proposed PCA Calculation, as of February 28, 2010.

In response to Mr. Hogan, Mrs. Tieman stated that the Proposed PCA Calculation suggests a credit in the amount of $.0043 from April 1 through June 30 and $.0015 beginning July 1 through June 30, 2012.

Mr. DePrima reminded members that, ultimately, Council has the authority to provide the PCA.

In response to Mr. Bonar, Mrs. Tieman stated that a First Reading would be held on March 14, 2011 and a Final Reading on March 28, 2011. She stated that the PCA would be effective with all bills billed on or after April 1, 2011.

Replying to Mr. Bonar, Mrs. Tieman clarified that the estimated savings for the average residential customers would equal approximately $12.90 for three months or $4.30 per month for three months.

The Committee recommended acceptance of the Latest Estimate (LE) for Fiscal Year 2011 Budget Report.

The Committee recommended instituting a Power Cost Adjustment (PCA) to use $1.4M, applied over 15 months, effective with all bills billed on or after April 1, 2011.

Regarding the Latest Estimate (LE) for Fiscal Year 2011 Budget, Dr. McGlumphy requested a synopsis of the information received and clarification that the City remains in the negative for the Kent County Sewer Adjustment in the amount of $1.8M. He suggested that Council direct departments to adhere to their original budget, as outlined in July 2010, to be reviewed at the end of the year.

Responding, Mr. DePrima advised members that, last year, Council instituted the Ground Water Inflow Adjustment Fee in an attempt to recover some of the losses incurred; however, staff realized that not all necessary funds would be collected. He reminded members that, as a result of the "President's Day Snow Storm" in 2002, a high groundwater level affected the Kent County Fee fund balance. At that time, a 43% fee was added to the sewer fee in an attempt to recover the loss. Mr. DePrima stated that this loss was recovered after a few years; however, the City then experienced rainy weather, which affected the Kent County Fee fund balance again. He noted that two (2) pro-active steps have been taken by the City: 1) instituting the Ground Water Inflow

Adjustment Fee; and 2) fixing the problem (leaky sewer pipes). Mr. DePrima indicated that, although the deficit has been paid down, he felt that it will take a couple of "dry" years to recoup all costs.

Mr. Ruane felt that it was unfair to suggest that money collected is not being put to use. He noted that members are provided the Capital Budget on a monthly basis to show progress. He requested that staff elaborate on the Division Street Project that will address the infiltration issue and the Bayard Avenue Project that will address water quality. Mr. Ruane stated that these are major projects and that the rates collected in the Enterprise Funds are specifically being used. He stated that the City would need $1M each year for the next 50 years to settle the issues, and even this would probably not bring resolution due to aging water and sewer pipes in the City.

At the request of Mr. Ruane, Mr. DePrima stated that the Division Street Project consists of relining a major sewer line in the middle of Division Street (from Railroad Avenue to the Elizabeth W. Murphey School) and the cost of this project is significant. He noted that "smoke tests" have determined that this is a major source of leaking stormwater. Mr. DePrima stated that this will be the first major realignment that the City has ever attempted to solve this problem, noting that this problem was first discussed in the early 1990s. He indicated that several water lines have been replaced and that Bayard Avenue is the next project scheduled for the City. Mr. DePrima stated that the most significant water line proposed for replacement is north of Division Street almost up to State Street in Route 13 (over 1 mile of water line to be replaced) and that bids are being solicited for this project. He reminded members that the rate increases instituted last year were to fund the debt service for much of the borrowing the City has done for projects.

Mr. McGiffin moved for approval of the Committee's recommendation for acceptance of the Latest Estimate (LE) for Fiscal Year 2011 Budget Report. The motion was seconded by Mr. Leary and carried, with Dr. McGlumphy voting no.

Mr. McGiffin moved for approval of the Committee's recommendation to approve instituting a Power Cost Adjustment (PCA) to Use $1.4M, applied over 15 months, effective with all bills billed on or after April 1, 2011. The motion was seconded by Mr. Leary and unanimously carried.

Proposed Ordinance #2011-07 Amending Chapter 46 Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permit and Appendix F - Fees and Fines

Mr. Scott Koenig, Public Services Manager/Director of Public Works, reviewed Proposed Ordinance #2011-07 Amending Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permit and Appendix F - Fees and Fines.

Mr. Koenig stated that Delaware State Fire Prevention Regulations require periodic inspections, testing, and maintenance of fire alarm signaling, fire suppression, and any other fire protection systems, devices, and equipment installed within the State of Delaware, in accordance with the National Fire Protection Association's National Fire Codes and Standards.

Mr. Koenig advised members that, currently, Delaware State Fire Prevention Regulation 703, Chapter 9.1.1 requires that an Annual Certificate of Inspection and the appropriate fees be forwarded to the State Fire Marshal, with the exception of systems that are located in the jurisdiction of a Jurisdictional Assistant State Fire Marshal. He explained that, in these exceptions, the fees are paid to the appropriate Jurisdictional Assistant State Fire Marshal's office. Mr. Koenig stated that Dover, Newark, New Castle, and Wilmington are considered to have Jurisdictional Assistant State Fire Marshals; however, currently, only the City of Wilmington and the City of Newark require the fees to be paid to the municipality. The City of Dover and the City of New Castle do not require the fees.

Mr. Koenig explained that, in an effort to develop new revenue streams, staff proposes implementation of the fees identified in the Delaware State Fire Prevention Regulations. He stated that Proposed Ordinance #2011-07 would allow the City to collect fees and begin additional monitoring associated with receiving the certificates. He informed members that, in the past, the City has received fees collected by the inspection agencies but, without the proper authority to collect these fees, has had to return them.

Mr. Koenig expressed his feeling that this would not be new to the community, noting that the inspection agencies are aware that these fees are required by State regulation.

Mr. Koenig stated that staff has estimated that the collection of these fees will generate approximately $50,000 per year in additional revenue. He also stated that, once the City begins receiving the certificates, staff will update the GIS systems and the monitoring systems to ensure that accurate records are kept.

Mr. Koenig stated that the proposed fees support the following Critical Success Factors identified in the Strategic Initiatives Section of the Fiscal Year 2010-2011 Annual Operating Budget: Citywide Safety and Cost and Revenue Efficiency.

Responding to Mr. Salters, Mr. David Truax, Fire Marshal, stated that the City does not perform annual inspection of any fixed fire protection, including sprinkler, fire alarm, hood suppression, or fire extinguisher equipment. He explained that these inspections are performed by contractors licensed through the State Fire Marshal's Office. The City Fire Marshal's Office is notified of violations within the City of Dover and follows up to ensure compliance or issues summonses as needed.

In response to Dr. Jones regarding anticipated administrative cost increases associated with managing the new fees, Mr. Koenig stated that, during the first year or two, there will be additional responsibilities with the collection of fees and ensuring that the City has all of the certificates in place. However, once the database is established, the intent is to utilize the GIS system; therefore, only maintenance would be required from that point forward. Mr. Koenig explained that, additional staff is not being requested at this time.

Responding to Mr. Shevock, Mr. Koenig explained that the City will not be involved in related invoicing. He stated that the inspection agency will provide the City with a copy of the certificate of inspection, as well as a check. The check will be processed and the information will be entered into the database and the GIS system or perhaps just the database, with information subsequently

being imported into the GIS system. He informed members that all of the certificates will be kept on file and will be available to the Fire Marshal's Office, and possibly the Fire Department, through the GIS system.

Staff recommended adoption of Proposed Ordinance #2011-07 Amending Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permits and Appendix F - Fees and Fines.

The Committee recommended adoption of Proposed Ordinance #2011-07 Amending Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permits and Amendments to Appendix F - Fees and Fines.

Mrs. Williams advised members of concerns relayed by Brandywine Condominiums, explaining that this organization is currently required to pay a private contractor to conduct a fire inspection and stated that the proposed amendment will require payment to the City of Dover as well. Responding, Mr. Koenig stated that no change will be required for Brandywine Condominiums. He explained that the private contractor should continue to be contacted to conduct a fire inspection. If the proposed ordinance is adopted, the contractor will then pay the City of Dover a Certificate of Inspection fee and will provide the City with the inspection. Staff will then input the inspection data into the HTE and GIS systems. Mr. Koenig stated that the Certificate of Inspection is for recordkeeping purposes for the City and is authorized in accordance with Delaware State Fire Prevention Regulations for the Jurisdictional Fire Marshal's Office. The fee the City is requesting was authorized when the regulations were adopted and it was mandated by the State to perform the inspections and track them through the certificate.

With regard to benefits, Mr. Koenig explained that there are several benefits that this requirement will provide, such as assisting the City in maintaining the database and information which is shared with the fire marshal's office, fire department, property maintenance divisions, and the emergency preparedness office. He noted that this requirement will allow for the development of a database of fire protection inspections throughout the City which will ensure a measure of public safety. He noted that the City is growing and the types of buildings are becoming more complicated; in Mr. Koenig's opinion, this is a transition fee from being a very small city to becoming a larger, medium-sized City.

Mrs. Williams stated that it was her understanding that certain contractors occasionally indicate that their inspection includes a certificate and questioned if that is an accurate statement. Responding, Mr. Koenig stated that currently, the fee is not required if the building is located in the City of Dover. There are several businesses located outside of the corporate city limits that have "Dover" addresses and are paying the fee, in some cases to the State Fire Marshal's Office. He stated that, on occasion, the City has received payments from contractors for businesses located within the City after the inspections were completed; however, because the City is not authorized to collect the fee, these payments were returned.

In response to Mrs. Williams, Mr. Koenig confirmed that those currently paying $125 will be required to pay an additional $25 to the City for the inspection certificate, for a total of $150. He stated that the contractor will collect the fee for the inspection and will transfer a certain portion of the fee to the City for the inspection certificate.

Mrs. Williams moved for approval of the Committee's recommendation to adopt Proposed Ordinance #2011-07 Amending Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permits and Appendix F - Fees and Fines. The motion was seconded by Mr. McGiffin and unanimously carried. *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

Review of Hospitality and Civic Function Policy

Mayor Carleton E. Carey, Sr. advised members that the Central Delaware Chamber of Commerce and Kent County Tourism offer important functions that are currently not covered under the City's Hospitality and Civic Function Policy. He stated his feeling that these functions should be covered for Council Members to attend, and offered a list of examples, as follows:

1. The Kent County Tourism Annual Awards Dinner
2. The Central Delaware Chamber of Commerce Annual Awards Dinner
3. The Mayor's Annual Prayer Breakfast
4. The Governor's Annual Prayer Breakfast
5. Kent County Economic Summit

Mr. McGiffin requested that Mayor Carey provide members with the costs for each of the events listed.

Additionally, Mr. Salters requested that Mayor Carey provide the annual cost for members to attend these events.

The Committee recommended to defer the matter until the next Committee meeting.

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

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

MONTHLY REPORTS - JANUARY 2011

By consent agenda, Mr. Leary moved for acceptance of the following monthly reports, seconded by Mr. McGiffin and carried by a unanimous roll call vote (Mr. Bonar and Mr. Salters absent):

Budget Report
Chief of Police Report
City Assessor's Report
City Manager's Report
City Planner's Report
Dover Fire Department Report
Capital Investment Plan (CIP) Report

SETTING OF PROPERTY ASSESSMENT APPEALS

Mrs. Cheryl Russell, City Assessor, requested that the 2011 Property Assessment Appeals be scheduled, as follows:

May 31, 2011 - June 3, 2011	-	9:00 a.m. to 4:00 p.m.
June 6, 2011 - June 10, 2011	-	9:00 a.m. to 4:00 p.m. (if necessary)

It was noted that the hearing times are subject to change.

Mr. McGiffin moved for approval of the Property Assessment Appeals schedule, as recommended by staff. The motion was seconded by Mr. Leary and unanimously carried.

FIRST READING - PROPOSED ORDINANCES

Council President Hogan reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of March 28, 2011.

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

A. PROPOSED ORDINANCE #2011-06 AMENDING CHAPTER 46 - FIRE PREVENTION AND PROTECTION - OPEN BURNING

B. PROPOSED ORDINANCE #2011-09 - 2011 BUDGET REVISIONS

C. PROPOSED ORDINANCE #2011-07, WITH STAFF AMENDMENT #1, AMENDING CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE III - FIRE CODES, SECTION 46-126 - FIRE PREVENTION PERMIT AND APPENDIX F - FEES AND FINES

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Hogan announced that the Municipal Election will be held on Tuesday, April 19, 2011, between 7:00 a.m. and 8:00 p.m. The polling places are: Elks Lodge #1903, 200 Saulsbury Road - 1st and 4th Districts; Seventh Day Adventist Church, 647 Wyoming Avenue - 2nd District; and Dover Park Recreation Center, 1210 White Oak Road - 3rd District.

He noted that to be eligible to vote, residents must be registered to vote with the State of Delaware Department of Elections by Thursday, March 31, 2011. Absentee Ballots are available and further information can be obtained by visiting the City's website at www.cityofdover.com or by contacting the City Clerk's Office at 736-7008.

Mrs. Williams reminded members that the City of Dover has a sister City in Japan that was affected by the recent tsunami and earthquake. Exchange students were scheduled to arrive from this sister City to attend Dover High and Central Middle schools; however, they did not arrive due to the

tragedy and separation from their parents. She noted that an effort is being initiated by Central Middle School to collect supplies, and a freight company in Canada has agreed to transport the items to Japan free of charge. Mrs. Williams suggested that anyone interested in assisting in this effort should contact Ms. Bobbie English, Central Middle School, for a list of items needed.

Mr. McGiffin reminded members to mark their calendars for June 25, 2011 for the next African American Festival. He also noted that there will be a fundraising event on St. Patrick's Day, Thursday, March 17, 2011, for the Interfaith Mission for Housing, Dover's shelter for homeless men. The event will be held from 5:00 p.m. to 7:00 p.m. at the Loockerman Exchange.

By unanimous consent, Council President Hogan declared the meeting adjourned.

Meeting Adjourned at 9:35 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of March 14, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg/js/ac/dd
S:\AGENDAS & MINUTES\Council-Minutes\2011\03-14-2011 COUNCIL.wpd

Exhibits to Original and File Copies
Exhibit #1 - Presentation - City of Dover Police Department 2010 Annual Report
Exhibit #2 - Revised Table 12-1: Land Use and Zoning Matrix, Amendments to the 2008 Comprehensive Plan
Exhibit #3 - Revised Map 12-1: Land Development Plan, Amendments to the 2008 Comprehensive Plan







Downtown Dover Partnership
16th Annual St. Patrick's Day Parade
Saturday, March 12, 2011

Parade Award Winners

Pot O' Gold Award –
Anything with Wheels (except car clubs) Little Creek Fire Department

Rainbow Award – Car Clubs Only DELRODS

Blarney Award – Best Mascot DELAWARE TECH – TERRY CAMPUS HAMMERIN' HAWKS DRUMLINE

The Green Machine Award – Best Float DOVER INTERFAITH MISSION

Aran Award – Best Animal COZY CORNERS 4-H

Harp Award –
Best Musical Group (not a band) CAMPUS COMMUNITY HIGH SCHOOL DRUMLINE and POLYTECH DE-931ST AFJROTC

Shamrock Award –
Most Authentic Irish Theme W.T. SMITHERS

Leprechaun Award – Best Brigade/
Marching Unit (not a band) WEST END GRADE HY STEPPERS

Emerald Isle Award –
Best Adult Marching Band NO ENTRY

McNamara Award –
Best High School Marching Band POLYTECH HIGH SCHOOL

Pied Piper Award –
Best Middle School Marching Band NO ENTRY

Mary Fitzpatrick Award –
Best Overall DELAWARE TECH TERRY CAMPUS HAMMERIN' HAWKS DRUMLINE

Certificate of Recognition

The Mayor and Council of the City of Dover take great pleasure in honoring Mrs. Phyllis Levitt and Mr. Irving Levitt for their many years of service to the people of the City of Dover.

- *For making public service a central part of their lives since arriving in the City of Dover in 1966;*

- *For the professionalism and compassion with which they served others in their careers with Dover High School and the Social Security Administration;*

- *For the dedication and commitment displayed by Mr. Levitt as he served as a member of City Council, the City's Utility Committee, and as President of the Friends of the Dover Public Library;*

- *For enriching the lives of many in our community by promoting the arts in Delaware, their tireless efforts on behalf of the Dover Art League, and their innovative efforts in intercultural outreach for the arts; and*

- *For their passion for securing basic human rights for all individuals and their outspoken advocacy for disadvantaged groups and individuals.*

The Mayor and Council are pleased to recognize Mr. and Mrs. Levitt for these contributions and for their lasting legacy of community service to the City of Dover.

March 28, 2011

Kenneth L. Hogan
Council President

Carleton E. Carey, Sr.
Mayor

From: McDowell, Traci
To: Metsch, Diane;
Subject: FW: Rezoning application
Date: Wednesday, March 23, 2011 10:03:06 AM

From: McDowell, Traci
Sent: Friday, March 04, 2011 3:00 PM
To: City Clerks Office
Cc: Townshend, Ann Marie
Subject: FW: Rezoning application

From: NIck Rodriguez [mailto:NRodriguez@schmittrod.com]
Sent: Thursday, March 03, 2011 1:34 PM
To: McDowell, Traci
Subject: Re: Rezoning application

Traci, Our recommendations are no, no, and yes. If Council decides to refer back to the Planning Commission then another public hearing can be held before Council Nick
On Mar 1, 2011, at 1:24 PM, McDowell, Traci wrote:

Should the applicant notify residents prior to the meeting on 3/28/11 without specific direction to do so?

Should Council re-open a public hearing without giving public notice (newspaper)?

Could Council refer it back to the Planning Commission for a public hearing and set another public hearing before Council?

Traci A. McDowell, CMC
City Clerk
City of Dover
e-mail: tmcdowell@dover.de.us
Ph: 736-7009
Fax: 736-5068

From: NIck Rodriguez [mailto:NRodriguez@schmittrod.com]

Sent: Tuesday, March 01, 2011 12:30 PM
To: McDowell, Traci
Subject: Fwd: Rezoning application

Traci, This is what Bill and I have recommended. Nick

Begin forwarded message:

From: William Pepper <wpepper@schmittrod.com>
Date: March 1, 2011 11:35:15 AM EST
To: NIck Rodriguez <NRodriguez@schmittrod.com>
Subject: Re: Rezoning application

Nick:

I think the application should come back as an item of old business so that Council can finally dispose of the application -- up or down. Normal rules apply. Any member of Council can make a motion either to approve or deny the rezoning. Councilman Bonar will need to certify that he has familiarized himself with the record. Councilwoman Williams abstained due to a conflict at the previous vote. I am not sure how that conflict has resolved itself, If she plans to vote, she should explain how the conflict has resolved.

With regard to notice to Simon Circle residents or Lincoln Park residents, if the applicant is willing to provide notice, that is fine, but the public hearing has been closed. Council could reopen the public hearing if it desired.

William W. Pepper Sr., Esquire
Schmittinger and Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover DE 19903
302.674.0140
wpepper@schmittrod.com

On Mar 1, 2011, at 11:12 AM, NIck Rodriguez wrote:

What do you think

Begin forwarded message:

From: "McDowell, Traci" <tmcdowell@dover.de.us>
Date: February 28, 2011 8:40:41 AM EST
To: "NRodriguez@schmittrod.com" <NRodriguez@schmittrod.com>
Cc: City Clerks Office <CityClerk@dover.de.us>, "Townshend, Ann Marie" <ATownshend@dover.de.us>
Subject: FW: Rezoning application

Mr. Rodriguez:

Please see Mr. Salters' questions below regarding the Saulsbury Road rezoning. It is tentatively scheduled to come back before Council on March 28, 2011, as you recommended.

What rules will be applied to this consideration? I'm not sure since it is not really a "reconsideration" being brought forward by someone that voted on the prevailing side.

The applicant already met the legal requirements for notification for the first public hearing. He has offered, via e-mail after the meeting, to notify anyone that Council wanted notified; however, at this time, he has no direction from Council. Should we assume that it is coming back for referral again?

Thank you,
Traci A. McDowell, CMC
City Clerk
City of Dover
e-mail: tmcdowell@dover.de.us<mailto:tmcdowell@dover.de.us>
Ph: 736-7009
Fax: 736-5068

From: Rpetersalt [mailto:rpetersalt@aol.com]
Sent: Friday, February 25, 2011 6:35 PM

To: McDowell, Traci
Subject: Re: Rezoning application

Mrs. McDowell:
The residents of Simon Circle Housing development still know nothing about this rezoning. Are we just going to ignore this segment of our populaltion and not notify them? I don't have a hard position against this rezoning, however there will be tension about this. And who is pushing this item. Is it because someone complained that it did not pass. reegardless of the legality of our positions, what about the moral and social implications of what we ared doing. Is it because the residents of Simon Circle are mostly less advantaged than the rest of us.

i shall bring all of this up when the time comes. I hope to sway others to vote with me. Thanks

-----Original Message-----
From: McDowell, Traci <tmcdowell@dover.de.us>
To: City Clerks Office <CityClerk@dover.de.us>
Cc: Townshend, Ann Marie <ATownshend@dover.de.us>
Sent: Fri, Feb 25, 2011 3:42 pm
Subject: FW: Rezoning application
Members of Council,

Below is the opinion of the City Solicitor with regard to the Rezoning of Property located at 293 Saulsbury Road, owned by F & B Properties. As you will recall, the application failed to pass because it lacked the required affirmative vote of five members (4 yes, 3 no, 1 abstention, 1 absent).

I have discussed the opinion with Council President Hogan and this item will be placed on the agenda for the Council meeting of March 28, 2011.

Please let me know if you have any questions or concerns.

Thank you,
Traci A. McDowell, CMC
City Clerk

City of Dover
e-mail: tmcdowell@dover.de.us<mailto:tmcdowell@dover.de.us>
Ph: 736-7009
Fax: 736-5068

From: William Pepper [mailto:wpepper@schmittrod.com<mailto:wpepper@schmittrod.com?>]
Sent: Wednesday, February 23, 2011 8:50 AM
To: McDowell, Traci
Cc: NIck Rodriguez
Subject: Rezoning application

Traci:

Nick Rodriguez and I have discussed this application. We believe that Council did not take final action on the application because there were not five votes for any position. The application should go on a future agenda as an item of Old Business. If Mr. Bonar wishes to participate, he should listen to the February 14 proceedings. Council can then approve the application, deny the application or take any other action that it could have taken on February 14.

William W. Pepper Sr., Esquire
Schmittinger and Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover DE 19903
302.674.0140
wpepper@schmittrod.com<mailto:wpepper@schmittrod.com>

<winmail.dat>

From: McDowell, Traci
To: Metsch, Diane;
Subject: FW: Royal Farms Project
Date: Wednesday, March 23, 2011 10:01:12 AM
Attachments: ROYAL FARMS LETTER OF SUPPORT.PDF

From: William Pepper [mailto:wpepper@schmittrod.com]
Sent: Wednesday, March 09, 2011 8:46 AM
To: Townshend, Ann Marie
Cc: City Clerks Office; Nicholas Rodriguez
Subject: Re: Royal Farms Project

Ann Marie:

The issue is whether Mrs. Williams can exercise her independent judgment in the performance of her duties as a member of Council with respect to the rezoning application in light of her service on the board of the Dover Housing Authority. There is no financial interest involved. Therefore, I think the answer is that she can participate and vote.

William W. Pepper Sr., Esquire
Schmittinger and Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover DE 19903
302.674.0140
wpepper@schmittrod.com

On Mar 8, 2011, at 10:15 PM, Townshend, Ann Marie wrote:

Bill/Traci,

Please see the attached letter from the Dover Housing Authority. How does this affect any conflict of interest on Bev's part?

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

From: Ami Sebastian-Hauer [mailto:ashauer01@yahoo.com]
Sent: Tuesday, March 08, 2011 4:59 PM
To: Townshend, Ann Marie; fwittig@dsm1800.com
Cc: ami.hauer@dhade.org
Subject: Royal Farms Project

Attached is the letter of support.

Thanks.

<ROYAL FARMS LETTER OF SUPPORT.pdf>

Dover Housing Authority

76 Stevenson Drive
Dover, DE 19901
302-678-1965 *voice*
302-678-1971 *fax*
1-800-545-1833, ext. 816 TDD
dover.housingauthority@dhade.org *email*

March 7, 2011

Ann Marie Townshend
City of Dover Planning Office
City Hall/The Plaza
Dover, Delaware 19901

RE: Rezoning Application #Z-11-01
F & B Properties, LLC

Dear Ms. Townshend:

This letter will confirm that the Board of Commissioners (the "Board") of the Dover Housing Authority (the "Authority"), at its February 22, 2011 meeting, voted to formally endorse the above-referenced Rezoning Application, which the Authority understands will result in downzoning of the subject property from C-3 (Service Commercial Zone) to C-2A (Limited Central Commercial Zone), in order to permit the development of two (2) commercial/retail pad sites, one being a Royal Farms convenience store (with gas pumps) and the other expected to be a bank and/or other retail users. The Authority believes that such retail uses of the subject property would represent a marked improvement over the types of uses permitted in the C-3 (Service Commercial Zone) District -- like the trucking terminal which previously occupied the site -- and further, that such retail uses would be highly desirable and compatible with the current residential uses being made of the Authority's adjoining property. For all of these reasons, the Authority respectfully requests that the City Council approve the above-referenced Rezoning Application.

Furthermore, the Authority does hereby waive and release any conflict of interest or other objection which might otherwise operate to preclude City Councilwoman Beverly Williams, who happens to be a member of the Board, from voting upon the above-referenced Rezoning Application.

The Authority is confident that Ms. Williams is capable of exercising her own independent judgment upon the merits of the Application, and the Authority respectfully requests that she be permitted the opportunity to do so.

Thank you for your time and attention to this matter. If you should have any questions whatsoever, please do not hesitate to contact me.

Very truly yours,

Ami Sebastian Hauer
Executive Director

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
Dover City Council
February 14, 2011

Owner:	Roadway Express Inc.
Applicant/Equitable Owner:	F & B Properties
Address:	293 Saulsbury Road, Dover
Location:	Northeast corner of Saulsbury Road and North Street
Tax Parcel ID #:	ED05-076.11-01-43.00-000
Size:	3.64+/- acres (157,558 S.F.)
Present Use:	Vacant Building/Trucking Terminal
Proposed Use:	Bank and Convenience Store with Gas Pumps
Comprehensive Plan Designation:	Commercial
Present Zoning:	C-3 (Service Commercial Zone) COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	C-2A (Limited Central Commercial Zone) COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for the use of a bank and convenience store with gas pumps on the site.
Planning Commission Recommendation:	Following a public hearing on January 18, 2011, where no members of the public spoke in regards to the application, the Planning Commission voted unanimously (7 in favor, 2 members absent) to recommend in favor of the rezoning application.
File Number:	Z-11-01

This rezoning application consists of one parcel of land, of approximately 3.64 acres, owned by F&B Properties. The property is currently zoned C-3 (Service Commercial Zone), and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The subject area is located on the northeast corner of the intersection of North Street and Saulsbury Road. Tax Parcel: ED05-076.11-01-43.00-000

Existing Property:
The subject parcel has previously been used as a trucking terminal. It is currently vacant. During the 2009 Comprehensive Rezoning Project, the parcel was rezoned from IPM (Industrial Park Manufacturing Zone) to C-3 (Service Commercial Zone).

Surrounding Land Uses:
There are a variety of different zonings and land uses surrounding the subject properties. To the east and north, the property is surrounded by the Simon Circle residential development, which is zoned RG-1 (General Residence Zone). The portion of Simon Circle immediately north of the subject parcel is subject to the COZ-1 (Corridor Overlay Zone). Beyond Simon Circle is the residential development of Lincoln Park, which is zoned RG-1 (General Residence Zone). To the west, across Saulsbury Road, are a number of office buildings that are accessed from Beiser Boulevard. These properties are zoned CPO (Commercial and Professional Office District) and subject to the COZ-1 (Corridor Overlay Zone). The Eden Hill Farm TND Neighborhood Commercial District is located south of the subject property, across North Street. This property is zoned TND (Traditional Neighborhood Design). Kraft/General Foods is located southwest of the subject parcel, across North Street and Saulsbury Road. This property is zoned IPM (Industrial Park Manufacturing).

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated 11/23/2009) recommends that this property be used for Commercial Uses. The requested C-2A zoning is consistent with this category of uses, as is the current C-3 zoning. This property was rezoned from IPM (Industrial Park Manufacturing Zone) to C-3 as a part of the 2009 Comprehensive Rezoning Project. The C-3 classification was applied to ensure that the trucking terminal, which was the use at the time of the 2009 Comprehensive Rezoning Project, would continue to be permitted.

Request for C-2A (Limited Central Commercial Zone)
Within the C-2A Zone, the following uses are permitted: convenience retail, personal service stores, service establishments, residences (including apartments), banks, offices (governmental, business and professional), theaters, restaurants, hotels, clubs, places of worship, other retail and service establishments.

Gasoline filling stations and motor vehicle storage, repair and/or service are prohibited, except that "gasoline pumps shall be permitted as an accessory use, subject to conditional use approval by the planning commission pursuant to article 10, section 1."

The primary difference between the requested C-2A zone and current C-3 zone is that the C-3 zone is a service zone that does not permit the retail uses that are permitted in the C-2A zone. A

gas station would be permitted within the C-3 zone; however, the convenience retail use would not be permitted. The C-3 zone also allows for some light manufacturing uses that are not permitted within the C-2A zone.

The following is a summary of the bulk standards, as specified in Article 4, Section 4.14.

			C-2A
Minimum required:			
	Lot area		
	Lot width (ft.)		50
	Lot depth (ft.)		100
	Front yard (ft.)		15
	Side yard (ft.)		None required, but 10 feet min. if provided
	Rear yard (ft.)		20 above ground floor. At ground floor, 5 ft. required
	Side or rear yards which adjoin a residential zone (ft.)		25
	Off-street parking		
		Per 300 sq. ft. floor area or	1
		Per employee (whichever is greater)	1
Maximum permitted:			
	Building height		
		Stories	6
		Feet	60
	Floor area ratio		4.0

Recommendation of the Planning Staff and Planning Commission:
This request is to rezone land from C-3 (Service Commercial Zone), subject to the COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial Zone), subject to the COZ-1 (Corridor Overlay Zone).

The zoning requested is consistent with the *2008 Comprehensive Plan* as amended 2009 and it is compatible with the surrounding land uses and zoning classifications. For this reason, staff supports the rezoning request. Additionally, the uses permitted within the C-2A zone are more consistent with the adjacent residential use than the uses permitted in the C-3 zone. If developed under either zoning classification, staff and the Planning Commission will need to ensure that the

appropriate measures are in place on an approved site development plan to buffer the commercial use from the adjacent residential use.

Staff recommendation was made prior to a public hearing on the application. Following a public hearing before the Planning Commission on January 18, 2011, where no members of the public spoke in regards to the application, the Planning Commission voted unanimously (7 in favor, 2 members absent) to recommend to City Council that the rezoning request be approved.

An excerpt from the draft minutes from the Planning Commission deliberation on the application is provided below.

Z-11-01 Lands of F&B Properties at 293 South Saulsbury Road - Public Hearing and Recommendation to City Council on rezoning application for one parcel of land consisting of a total of 3.64 acres ±. The property is currently zoned C-3 (Service Commercial Zone) and COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) and COZ-1 (Corridor Overlay Zone). The subject property is located on the northeast corner of Saulsbury Road and West North Street. The owner of record is Roadway Express, Inc. and the equitable owner is F&B Properties. Property Address: 293 South Saulsbury Road. Tax Parcel: ED-05-076.11-01-43.00-000. Council District 4.

Representative: Mr. John Paradee, Prickett, Jones & Elliott; Mr. Jeff Bross, Duffield Associates; and Mr. John Fellows, Duffield Associates.

Mrs. Townshend provided an overview of the application.

Mr. Paradee stated that his only comments would be that this application is in fact consistent with the Comprehensive Plan and is consistent with the neighborhood and Staff has recommended approval so we would ask for favorable consideration.

Mr. Bross stated that they are seeking a C-2A zoning classification to permit the retail uses associated with a full service gasoline operation. The developers have a letter of intent from Royal Farms and have clearly shown this as a use on the site. They are consistent with the 2008 Comprehensive Plan and also consistent with the DAC comments that were received as part of this application. They will be returning for a Conditional Use approval to permit the pumping of gasoline.

Mr. Bross stated that the concept plan before you (Presentation Board displayed at meeting) shows the Royal Farms site with the gas islands as well as a proposed bank. Their hope will be to attract a bank to this site; however, at the moment, we have no firm commitment for a bank. If rezoned and developed, the plan will conform to the Corridor Overlay Zone along Saulsbury Road. He would note that their engineers are working collaboratively with DelDOT as part of the West Dover Connector and improvements that they will be making as part of the site redevelopment that will be consistent with the plans that DelDOT has for this intersection and the corridor.

Mr. Bross further stated that he would note that the DAC comments recommend having a scoping meeting with DelDOT. That meeting was held over a month ago and we are well underway in our discussions and coordination with DelDOT.

Mr. Bross further stated that they have been in contact with the Dover Housing Authority and DelDOT had suggested in some of our earlier discussions that we look at closing one of the three (3) entrances into the Dover Housing Authority's project. There are two (2) entrances further to the east on North Street and this would allow for construction of a deceleration lane as part of the overall intersection improvements on North Street as part of the West Dover Connector. The Dover Housing Authority is supportive of that closure and is consistent with DelDOT's wishes. We feel that it will go a long way toward improving traffic flow at this intersection even before the connector is constructed.

Mr. Bross further stated that the developer is very committed to making this a pedestrian friendly development site and have been working with the Dover Housing Authority to find the best location for sidewalk connections to that project. We anticipate that the people who live in this community will make great use of both the convenience store, gas pumping, and any other service retail that is placed on the site. The developers are committed to placing sidewalks on the site for connection.

Mr. Friedman stated that they are asking for a rezoning and are giving us way more information then what would normally be provided and because of that you are getting more information than you would normally receive. Please realize that what has been stated is now a part of the record and needless to say there will be a Traffic Impact Study necessary and all of these things will be requirements if and when you are allowed to move forward with the rezoning. Responding to Mr. Friedman, Mr. Bross stated that they understand and would comply with the DAC comments of record.

Mr. Friedman questioned if we allow a developer to move forward prior to a Traffic Impact Study being in place? Responding to Mr. Friedman, Mrs. Townshend stated that we would allow the rezoning to move forward; however, would not issue final plan approval. This would be required prior to the Site Plan coming forward to the Commission.

Mr. Bross stated that they are in discussions with DelDOT already regarding the Traffic Impact Study. We have a decision to make regarding whether we will allow DelDOT to do it or if we do it with our own resources. We will be moving forward with that very shortly as they do take awhile to move forward.

Mr. Friedman stated that we would want the corner to look very nice and would want to see green grass and brown stone that is not mowed because it is part of a major development going on in the City of Dover to the west and is very important that it be continuous for continuity. Responding to Mr. Friedman, Mr. Fellows stated that they have worked with these developers for some time and they are nothing if not, pardon me, anal about having nice looking sites and he would expect the same for this site. We hope that the final plans that you see are even greener.

Mr. Hemmig opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Ambruso moved to forward recommendation of approval to City Council for Z-11-01 Lands of F&B Properties located at 293 South Saulsbury Road rezoning it from C-3 (Service Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone) to C-2A and Corridor Overlay Zone, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

Mr. Shomo moved to adjourn to Executive Session to talk about some legal matters, seconded by Mr. Ambruso and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: DECEMBER 30, 2010

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **Lands of F & B Properties**
293 South Salisbury Road

FILE #: **Z-11-01**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

CONTACT PHONE #: **302-736-7070**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

1. Our office has no objection to the rezoning of tax parcels ED05-076.11-01-43.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER / WASTEWATER

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. Should the existing services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Public Utilities Department standards and specifications.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: January 6, 2011

DELDOT

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APPLICATION: Lands of F&B Properties at 293 South Saulsbury Road
FILE#: Z-11-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

The department has no comment for the proposed rezoning.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- A traffic impact study (TIS) will be required to be performed by the developer for this project. When the study is completed, DelDOT will review it and send recommendations for improvements to the city. The improvements contain in the study shall be implemented by the developer per DelDOT's discretion. Please, contact Mr. Troy Brestel at (302) 760-2167 or e-mail: Troy.Brestel@state.de.us to set up a scoping meeting for this project.

- According to Kent County Classification Maps, KCR 156 (Saulsbury Road) is classified as a minor arterial, which requires an 80-foot wide right of way (40-feet from the centerline). The department will require a Right-Of-Way dedication to public use.

- According to Kent County Classification Maps, KCR 73 (North Street) is classified as a major collector road, which requires an 80-foot wide right of way (40-feet from the centerline). The department will require a Right-Of-Way dedication to public use.

- The department will require the applicant to provide proper forms, fees, and plans in order to be issued an entrance permit.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
DEVELOPER APPLICATION MEETING DATE: JANUARY 2011

APPLICATION: Lands of F&B Properties

FILE #: Z-11-01

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to re-zoning of the site plan for the above referenced site.*

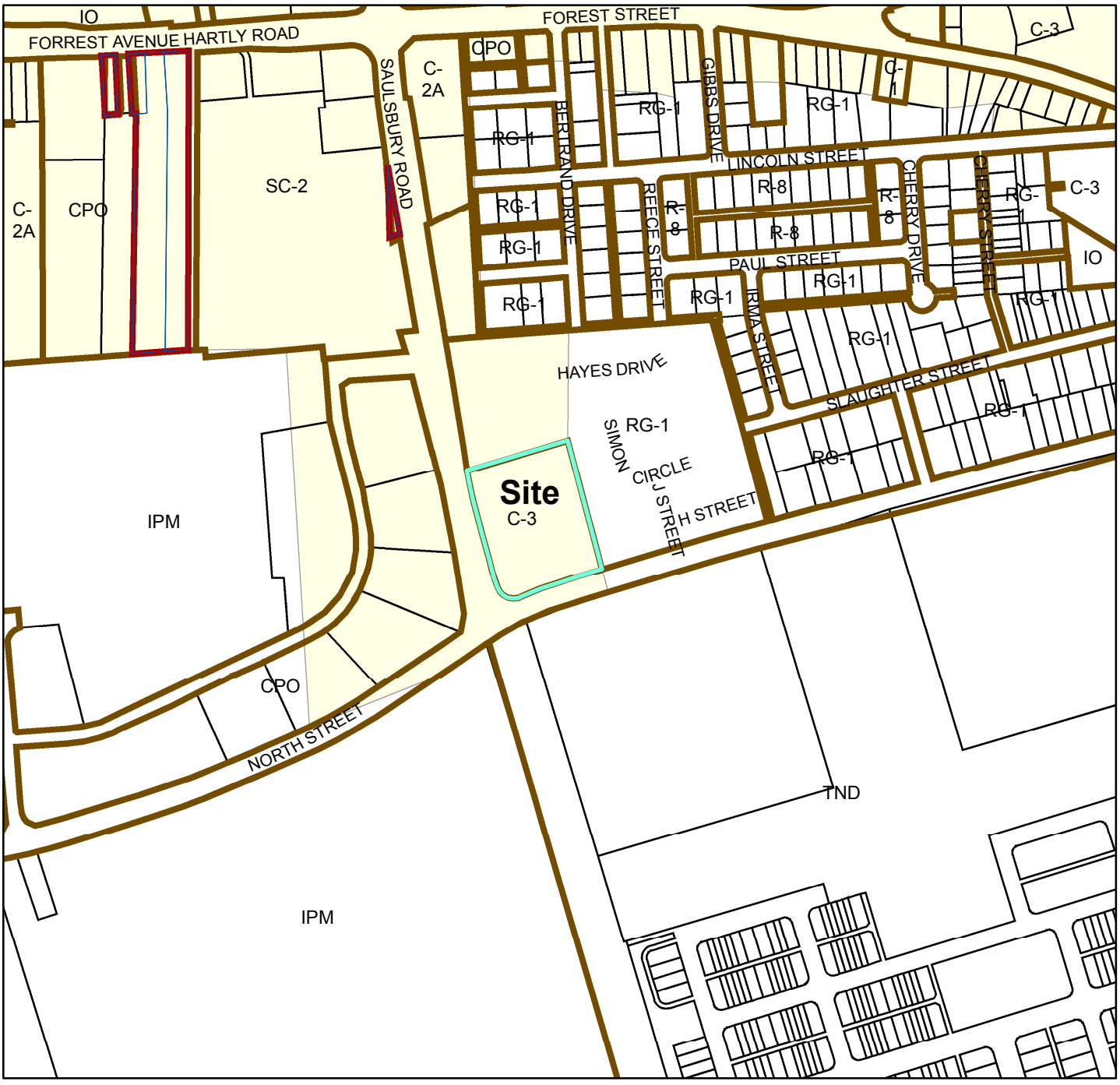
ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

1. *If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.*

City of Dover

Department of Planning & Inspections

Application No.: Z-11-01



Plan Title: F & B Properties
Location: 293 Saulsbury Road
Plan Type: Rezoning
Tax Parcel: ED-05-076.11-01-43.00-000
Current Zoning: C-3, COZ-1
Propsoed Zoning: C-2A, COZ-1
Land Use: Commercial
Owner: Roadway Express, Inc.
EquitableOwner: F & B Properties
Date: 12-6-10

Legend

- Dover Parcels
- Zoning
- Corridor Overlay Zone

0 300 600 1,200 Feet

N W E S

FINAL READING

CITY OF DOVER
PROPOSED ORDINANCE #2010-31

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 293 SAULSBURY ROAD

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-3 (Service Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-3 (Service Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone) on that property located at 293 Saulsbury Road (on the northeast corner of the intersection of Saulsbury Road and North Street), consisting of $3.64^{+/-}$ acres (157,558 sq. ft.), owned by F & B Properties.
   (Tax Parcel: ED05-076.11-01-43.00-000; Planning Reference Z-11-01)

ADOPTED: *
S:\ORDINANCES\2010\Draft Ordinances\Ordinance 2010-31 - Rezoning-293 Saulsbury Road-Final Rdg (revised 03-23-2011).wpd

Actions History
March 28, 2011 - Scheduled for Reconsideration - Council
February 14, 2011 - Public Hearing/Final Reading - Council (not adopted)
January 18, 2011 - Review - Planning Commission
December 13, 2010 - First Reading - Council

Draft

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT

The Parks, Recreation, and Community Enhancement Committee Meeting was held on March 14, 2011, at 12:05 p.m. with Chairwoman Russell presiding. Members present were Dr. McGlumphy, Mr. Ruane, and Mr. Lewis. Mrs. Horsey was absent.

AGENDA ADDITIONS/DELETIONS

Mr. Ruane moved for approval of the agenda, seconded by Mr. Lewis and unanimously carried.

Review of Applications - Youth Advisory Committee - One (1) Year Terms to Expire January 24, 2012

In accordance with Resolution No. 2008-11, adopted by City Council on June 23, 2008, nine (9) members are to be appointed annually to serve on the Youth Advisory Committee. It was noted that nine (9) applications were received and that there are nine (9) vacancies. Mrs. Russell recommended that all nine (9) applicants be appointed to serve on the Youth Advisory Committee.

Dr. McGlumphy moved to recommend that Mr. Kenneth Anderson, Mr. Seadric Corbitt, Ms. Kristen Dietz, Ms. Chidinma Emenike, Mr. Dennis Hallock II, Ms. Karly Jones, Ms Sonya Modi, Ms. Valeria Provotorova, and Ms. Rachel Voak be appointed to serve on the Youth Advisory Committee, seconded by Mr. Lewis and unanimously carried.

Mr. Anthony DePrima, City Manager, stated staff's desire for the City's Teen Librarian to play a greater role in the Youth Advisory Committee, since this librarian specializes in working with this age group and could assist members on programming, etc. He suggested that future Committee meetings be held at the library.

Mrs. Russell stated that although she had no objections to the Teen Librarian becoming involved with the Youth Advisory Committee, she felt that there should be no changes in the current City staff who are involved with the Committee. Responding, Mr. DePrima stated that it was never intended for the Public Affairs Coordinator to be involved; however, Ms. Sherwanda Rachal-Speaks, Recreation Specialist, would continue to participate in the Committee.

With regard to the appointments, Mrs. Russell stated that the applicants will be sworn in once the appointments are approved by City Council.

Benchmarks Established for the Economic Development Office

Members were provided the Major Programs and Strategic Objectives for the Economic Development Office. Mr. William Neaton, Economic Development Director and Director of the Downtown Dover Partnership, reviewed the Strategic Objectives, including benchmarks, for Fiscal Year 2010-2011.

In reviewing Item #1 of the Strategic Objectives, Complete a Site Development Master Plan for the Garrison Tract, Mr. Neaton stated that he has been working with a marketing company to develop a professional marketing plan. He noted that the plan is more extensive than he had anticipated and

stated that he met with the Secretary of the Delaware Economic Development Office (DEDO) to solicit DEDO's assistance. As a result, Mr. Jeff Stone, Director of Infrastructure and Intergovernmental Relations, DEDO, has been assigned to assist Mr. Neaton with this endeavor. He advised members that several subsequent meetings have been held to discuss developing marketing and business plans for the Garrison Tract.

At the request of Dr. McGlumphy, Mr. Neaton stated that he would provide members with the Economic Development Market Packet that he shared with members last fall.

Mr. Neaton advised members that he has received commitments from Macquarie Energy, LLC and DEDO to assist him with the Comprehensive Economic Development Strategy (CEDS) Application process for the infrastructure development of the Garrison Tract. He noted that the a quote from the Becker Morgan Group included an estimated a fee in the amount of $8,000 for infrastructure costs at the Garrison Tract; however, it has since been determined that this information could be obtained free of charge from EDiS, and the City should be in receipt of this information soon.

Responding to Mr. Ruane, Mr. Neaton stated that no funds have been set aside for marketing for the Garrison Tract. Elaborating, Mr. Anthony DePrima, City Manager, stated that staff has been considering creating a separate accounting fund for the Garrison Tract and making this project an independent line item so that income and expenses can be tracked.

Mr. Neaton advised members that Macquarie Energy, LLC, a second potential tenant for the Garrison Tract, will visit Dover this week and was scheduled to meet with the Department of Natural Resources and Environmental Control (DNREC) this morning. He stated that Macquarie Energy, LLC experienced difficulty obtaining the 80 air credits (Emission Reduction Credits) required by DNREC and hoped that this had been resolved. Mr. Neaton noted that the City of Dover has been instrumental in developing possible solutions to obtaining the required air credits and is scheduled to meet with Mr. David Small, Deputy Secretary of DNREC, on March 15, 2011 at 2:30 p.m. to discuss the matter.

In response to Mrs. Russell, Mr. DePrima stated that, although Macquarie Energy, LLC will not be responsible for property taxes on the land, which is leased from the City, the contract requires the solar park to pay tax on equipment such as iron stanchions and wiring. Although taxes will be paid to the City, he stated that the actual solar panels are not taxable.

After much discussion, Dr. McGlumphy suggested that, although specific details regarding the Sun Park were submitted previously to the Utility Committee and City Council, it would be beneficial for staff to make a presentation to the Committee. Mr. Neaton also invited members to contact him should they wish to tour the facility.

Mr. Clay Hammond, Chairman of the Delmarva Black Chamber of Commerce and Vice-President of Business Development, questioned if there has been any discussion regarding minority participation in this project with regard to the purchase of solar panels. Responding, Mr. DePrima

stated that the City's involvement extends only to the land lease. He noted that, since the project is strictly private and involves only private investment, there was no discussion regarding minority participation as there was with the new Dover Public Library project.

Mr. Bobby Wilson, 1561 Nathaniel Mitchell Road, stated his opinion that minority participation should be considered whenever the City is engaged in a project, since tax dollars come from the minority community as well. Responding, Mr. Ruane noted that Mr. Neaton was successful in allowing for the consideration of local companies for any improvements and/or purchases.

In the future, Mr. Hammond suggested that language be included in such contracts to encourage minority preference and stated that local preference differs from minority preference.

Mr. DePrima explained that this project involves the installation of 100 acres of solar panels and that few companies globally have the capability of producing the equipment required.

Regardless, Mr. Wilson reiterated his feeling that if language regarding minority preference had been included in the contract, the company would have given this matter consideration.

Referring to Item #2, Promote City-Wide Economic Development Initiatives, Mr. Neaton stated that he has attended monthly meetings of the Kent Economic Partnership for the past six (6) months and will continue to do so. In addition, he advised members that he has been working with a logistics company that has indicated possible interest in locating to the Kent County Aero Park. He noted that a Wilmington-based company, The Commonwealth Group, and the State Police are current occupants.

Mr. Neaton reminded members that the Job Growth Report was provided to members during their meeting of February 14, 2011; therefore, this goal has been accomplished. He stated that a table listing vacant buildings has been created and will continue to be updated by staff. In response to previous comments made by Dr. McGlumphy, Mr. Neaton stated that staff is in the process of identifying all of the vacant properties located on Route 13. At the request of Mrs. Russell, Mr. Neaton stated that the number of years a building has remained vacant could be included on the list.

With regard to vacant buildings, Mr. Ruane suggested the possibility of the City creating more stringent mandates by amending the existing ordinance.

Mr. Neaton stated that he has been developing a list of renewable energy manufacturers and higher education renewable energy researchers and bringing them together with state officials and that this is an ongoing project. He stated that meetings have been held and will continue.

Referring to Item #3, Advance Initiatives of the Downtown Dover Partnership (DDP), Mr. Neaton stated that Mr. DePrima is the Chairperson of the Recruitment Subcommittee of the DDP Economic Development Committee and that a recruitment strategy has been developed to attract new businesses to downtown. He reiterated that a marketing brochure, including a vacant property list, has been completed and is available in the DDP packet which is readily available from his office.

Mr. Neaton stated that the asbestos cleanup at 22-24 West Loockerman Street has been completed and staff is currently in the process of obtaining estimates for renovating the interior. Staff has been meeting with property owners individually, as previously suggested by Mr. Ruane. Mr. Neaton also stated that he has a conference call scheduled with the owners of the property located on the corner of Governors Avenue and Loockerman Street, which has been vacant for a long period of time. It is his understanding that the owners will be moving forward with establishing a business at this location.

Mrs. Russell relayed her concern that many businesses in the area remain open for only a short period of time. It was also her feeling that much effort is directed toward those properties located in the 100 block of Loockerman Street and suggested that staff give this same consideration to the 200 block, where more minority businesses are located. Responding, Mr. Neaton stated that a merchant meeting is held monthly and that all merchants along Loockerman Street are invited and encouraged to attend. In addition, he stated that a matching fund facade program is open to all merchants.

Mr. Neaton reminded members that the charrette for the downtown area has been completed and was endorsed by City Council during their meeting of February 14, 2011. With regard to the Memorandum of Agreement between the DDP and Delaware Department of Transportation (DelDOT) for the development of a public/private partnership for the Transit Center and recruitment of a private partner for the P3 Agreement to construct the Transit Center Building, Mr. Neaton noted that these goals are no longer germane and will not be completed. He explained that DelDOT has selected three (3) companies (EDiS, Buccini/Pollin Group, and Hunt Contracting) and will be sending each a Request for Proposal (RFP) for the development of the Transit Center. He stated that it is expected that the review of the RFPs will occur this summer and the contract will be awarded in September 2011. Mr. Neaton noted that after review and approval by the City, it is hoped that construction will begin after the first of the year (2012) and will consist of a 30,000 square foot building proposed to house the Kent County Metropolitan Planning Organization (MPO), E-Z Pass Delaware, and several other transit operations.

Responding to Mr. Hammond, Mr. Neaton indicated that the City will not be the owner of the facility; it is anticipated that the builder will be the owner.

In response to Mr. Ruane, Mr. Neaton confirmed that the first floor of the facility will be dedicated to the Transit Center and will include restrooms for patrons. The second and third floors will be offices. He also confirmed that Greyhound remains a potential partner.

Mr. Wilson questioned if there will be a requirement established that general contractors must provide for minority participation prior to the distribution of the RFPs. Responding, Mr. Neaton stated that the RFPs will be handled by DelDOT and the City has no control over this issue.

By unanimous consent, as a courtesy, members moved the Update - Planning and Funding for New Library forward on the agenda to be considered at this time.

Update - Planning and Funding for New Library

Ms. Margery Cyr, Library Director, advised members that EDiS located their construction site trailer onto the new library site on March 7, 2011 and began running power to the trailer on March 14, 2011. In addition, the City has begun relocating trees and shrubs on the site from Loockerman Street to other areas throughout the City. She also stated that the pavement work for the access road along the Department of Natural Resources and Environmental Control (DNREC) property line will begin soon and explained that this roadway is vitally important since it will be used to bring construction vehicles to the site. Mr. Scott Koenig, Public Services Manager/Director of Public Works, confirmed that the pavement work is scheduled for Thursday, March 17, 2011 and Friday, March 18, 2011.

Mr. Zachery Carter, Parks and Recreation Director, advised members that staff will meet with City employees on March 17, 2011 and March 18, 2011 to provide information regarding the work the effects it will have on parking and building access. He assured members that neighboring property owners will be made aware of this information as well.

Ms. Cyr stated that a groundbreaking ceremony is scheduled to be held on either April 5, 2011 or April 6, 2011, pending confirmation from the Governor's Office. She also apprised members that two (2) fundraising events have been scheduled for the new Dover Library building project, as follows: 1) Saturday, March 19, 2011 at the Dover Newsstand at 5:30 p.m.; and 2) Friday, March 25, 2011 at the Golden Fleece Tavern at 5:30 p.m.

FY 2012 Five-Year Capital Investment Plan (CIP)

Mr. Zachery Carter, Parks and Recreation Director, reviewed the draft Capital Investment Plan for the Parks and Recreation Department for Fiscal Years 2012-2016.

Responding to Mr. Ruane, Mr. Carter explained that the paving of parking lots at Schutte Park was moved to Fiscal Year 2015 because a portion of the site will be occupied in the future by the Boys and Girls Club and the specific location is not known. In addition, he stated that a skate park is planned for a portion of the property. As a result, staff felt that the City should not develop the land until the details of these projects are known. Mr. Carter explained that there would be no benefit for the City to seed the property because it would be time to begin construction on other projects by the time the grass matured for use as a soccer field.

Elaborating, Mr. Anthony DePrima, City Manager, stated that the Master Plan for Schutte Park will provide a better understanding of the proposed uses of the property.

In response to Mr. Ruane, Mr. Scott Koenig, Public Services Manager/Director of Public Works, confirmed that the realignment of Wyoming Mill Road will include the removal of all road surfaces. He explained that the old road bed will be milled out, dug down, and covered with topsoil to provide some type of positive drainage and that ponds are not proposed for this area. Mr. Koenig noted that there appear to be funds in the project budget to extend the path along Hazlettville Road to the intersection of Westover Drive, which was not originally included; however, federal

American Recovery and Reinvestment Act (ARRA) funds will be used for the project. He indicated his understanding that any funds remaining at the end of the project will be returned to the federal government; therefore, the City intends to put any cost savings into additional improvements. Mr. Koenig noted that the 10-foot wide sidewalk would be extended to the intersection and the old road bed would be seeded.

Mr. Ruane relayed his concerns regarding the out years of the Plan and requested specific details regarding when and if the Boys and Girls Club will relocate to Schutte Park. He questioned how long the City plans to hold the property in abeyance waiting for construction to begin on the Boys and Girls Club. It was his feeling that the property should not remain in perpetuity for the Boys and Girls Club when there is a need for other uses, such as a soccer field. Responding, Mr. DePrima suggested that this matter be further discussed when the Master Plan for Schutte Park is presented to members for their review, which is planned for next month.

Mr. Ruane suggested that staff present City Council with a more aggressive and timely plan for Schutte Park, feeling that some projects, such as tennis courts planned for Fiscal Year 2014, should be moved forward.

For the record, Mr. Ruane noted that the $195,000 included for the Lighted Soccer/Multi-Purpose Field and the $160,000 included for the Tennis Courts at Schutte Park (totaling $355,000) would equate to a one-cent (1¢) property tax increase.

Referring to the Dover Interfaith Mission located on Forrest Street, Mrs. Russell requested staff to consider the placement of stakes to allow for residents to play horseshoes.

Mr. Ruane moved to recommend that the Lighted Soccer/Multi Purpose Field and Tennis Courts at Schutte Park Projects be moved from Fiscal Year 2014 to at least Fiscal Year 2013 in the Capital Investment Plan (CIP). The motion was seconded by Mr. Lewis and unanimously carried.

Mr. Clay Hammond, Chairman of the Delmarva Black Chamber of Commerce and Vice-President of Business Development, noted that there have been several articles in local newspapers addressing how the quality of life can be improved for the African American community. As a result, recreational offerings have been identified to provide such improvement. He explained that many individuals in the community cannot afford recreational offerings in the City. He proposed that the City hold a carnival, similar to one held in Middletown, and that a percentage of the proceeds be dedicated to scholarships for disadvantaged children to attend recreational programs. He requested the opportunity to meet with staff and members of the Committee to discuss this concept and invited everyone to attend the carnival held in Middletown.

Responding, Mrs. Russell suggested the involvement of the Youth Advisory Committee.

Mr. Hammond questioned the amount of participation at the Pitts Center during the summer months. Responding, Mr. Carter stated that participation is substantial; however, not as great as during the winter months. Mr. Hammond felt that the reason for the lack of participation is due to the facility's lack of air conditioning. Mr. DePrima stated that, although air conditioning was removed from the project to provide cost savings, it has been discovered that it is uncommon to have air conditioning in gyms.

UPDATES

The following updates were provided to members:

Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Fund)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Update on the Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Program).

Referring to the NSP Properties, Mr. Ruane relayed concerns that the sale price of these properties will skew the comparable sale prices in the area and affect the appraisal of property. He suggested that the property records include a note indicating that the property was a neighborhood stabilization house.

Puncheon Run Watershed Action Team and Flood Plain Mapping Update

Mr. Scott Koenig, Public Services Manager/Director of Public Works, advised members that a Community Workshop will be held on Tuesday, March 22, 2011 at 6:00 p.m. at City Hall to review the improvements made by the Delaware Department of Transportation (DelDOT) and the Kent Conservation District, and to discuss a resident's recent success in obtaining a Letter of Map Amendment (LOMA) and identify other property owners who might be successful in pursuing this option. He stated that an electronic notice was distributed, and hand-delivered notices and mailings will also be distributed.

Mr. Anthony DePrima, City Manager, suggested that an effort be made to invite the engineer or surveyor who did the work that benefitted the successful resident so that he could explain the process. Responding, Mr. Ruane stated that he would attempt to contact him and request his presence.

CDBG Program

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reported the Status of FY 2009-2010 CDBG Projects.

Referring to the Committee meeting scheduled for March 24, 2011, Mr. Ruane questioned if members should consider grant applications at this time since the CDBG funding to the City may not be allocated by the federal government. He suggested that staff look into this matter and advise members if the scheduled meeting is necessary. *(Clerk's Office Note: Per an email from Mrs. Ann Marie Townshend which was forwarded to members by the Clerk's Office on March 15, 2011 (Attachment #1), CDBG funds will not be allocated until Congress passes the federal budget. The City's HUD representative recommended using the FY 2009 allocation to develop the City's Action Plan, which must be submitted to HUD by mid-May. For this reason, the meeting proposed for March 24, 2011 will take place as scheduled.)*

Dr. McGlumphy moved for adjournment, seconded by Mr. Lewis and unanimously carried.

Meeting adjourned at 1:38 P.M.

Respectfully submitted,

Sophia R. Russell
Chairwoman

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Attachment
Attachment # 1 - Email from Mrs. Ann Marie Townshend forwarded to members on March 15, 2011 - CDBG for Upcoming Funding Cycles

Stein, Jody

From: Clendaniel, Amber
Sent: Tuesday, March 15, 2011 1:28 PM
Cc: City Clerks Office
Subject: CDBG for Upcoming Funding Cycle

This email has been sent to members of the Parks, Recreation, and Community Enhancement Committee.

From: Townshend, Ann Marie
Sent: Monday, March 14, 2011 4:38 PM
To: City Clerks Office
Cc: Harvey, Tracy
Subject: CDBG for Upcoming Funding Cycle

Traci,

Please forward this e-mail to the Parks, Recreation & Community Enhancement Committee.

Members of the Parks, Recreation and Community Enhancement Committee,

I talked to Tracey Harvey about the CDBG funds that the Committee will be meeting on March 24th to allocate. These funds are in the current federal budget that continues in a state of limbo. The House has attempted to make deep cuts, but the spending bill that did this was rejected by the Senate. To answer the question that Mr. Ruane posed, the funds we will be allocating on March 24th have **not** been allocated to us yet, and will not be allocated until Congress passes a budget.

However, we are still obligated to submit our CDBG Action Plan by mid-May, so we cannot hold off on reviewing applications until there is more certainty in our funding level. Tracey Harvey has been in contact with our HUD representative, who recommended that for budgeting purposes, we use our FY 2009 allocation, which is the amount in your binder. It is possible that the actual allocation will be less, but until Congress passes a budget, this is the best number we have to work with.

Unfortunately, we cannot delay the process until there is more certainty, so the funding will need to be allocated with the understanding that we may need to make adjustments after Congress adopts a final budget.

Sincerely,

Ann Marie Townshend, AICP
Director, Planning & Community Development
City of Dover
PO Box 475
Dover, DE 19901

UTILITY COMMITTEE

The Utility Committee Meeting was held on March 14, 2011 at 5:01 p.m. with Chairman Ruane presiding. Members present were Mr. McGiffin and Mr. Snaman. Mr. Bonar and Major Kosior were absent. Council President Hogan (arrived at 5:13 p.m. and departed at 5:40 p.m.) and Mr. Leary were also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved, as presented.

Authorization to Conduct Financial Analysis of West Deptford Generation Station

Mr. Ron Lunt, Public Utilities Director, reminded members that since May 2007, the Dover 2030 Energy Plan Committee has been meeting periodically to review the PJM Market, evaluate the capacity/energy requirements of the City's system, and identify action plans to address future energy needs. After extensive discussion on the market and capacity/energy shortfall, it was decided in 2008, to solicit the energy development market to gain knowledge of what options are available to the City through a Request for Qualifications (RFQ) process. He explained that the goal was to gain information and knowledge from potential developers and identify possible solutions to the City's requirements. In March of 2009, staff completed Phase II of the project, which was the evaluation of the proposals and the selection of options for which to enter negotiations. Dover Sun Park and Garrison Energy Center Land Lease/Gas Turbine Combined Cycle (GTCC) were the first two (2) agreements to be executed through this process.

Mr. Lunt advised members that the final option available under the RFQ process and the proposal under consideration is a Purchase Power Agreement (PPA) for a GTCC plant located in West Deptford, New Jersey. He explained that the proposed West Deptford Generation Station would be a state-of-the-art GTCC generator offering an extremely efficient and environmentally prudent technology. The basis of the PPA would be that the City would secure 25 Mw of capacity from the 646 Mw Station. He explained that the City would receive a guaranteed heat rate (this is an efficiency measurement for the conversion of natural gas to electric energy) and the City would pay a prorated portion of the operating expenses. He noted that fuel costs are not included in the PPA, as these would be prorated and passed on to all users at the market rate. The energy purchased from the Station would further diversify the City's current energy portfolio by adding an efficient fixed asset and would displace future market-based energy hedges.

Mr. Lunt reviewed the highlights of the proposed PACE Global analysis, as follows:

1. The first task would be to analyze the proposal for fatal flaws, which would include a high-level view of the economics; review of the proposed terms; comparing terms to historic energy and capacity markets; and projecting power supply curves. If no deficiencies are discovered, Staff would direct PACE to proceed to the next task.

2. The next task would be to develop a detailed economic model; forecast future power pricing, potential changes and drivers for possible changes; develop market and technology trends, including the projected plant utilization/dispatch expectations; and identify possible negotiation points. If it appears that the economics of the plant are favorable, staff would direct PACE to proceed to the next step.

3. The final task would be to negotiate the final terms and conditions for the PPA and, if the financial benefits appear to be favorable, staff would present this proposal to City Council for consideration. $15,000 has been budgeted for this phase of the project.

Staff recommended that PACE Global be authorized to proceed with the financial analysis of the West Deptford Generation Station at a cost not to exceed $80,000 and that this project be funded by transferring $80,000 from the Engineering Operating Budget (480-8300-563-30-31) - Contractual Services to the Administration Operating Budget (480-8400-564-30-29) - Consulting Fees.

Responding to Mr. Ruane, Mr. Lunt stated that, although this project would further insulate the City from price volatility, the City would remain subject to the natural gas volatility. Should the capacity market be reduced or eliminated in the future, the City would be subject to paying some capacity payments. If this were to occur, there would be a switch on the energy side, since generators will recover their costs either in a two (2) phase market of capacity and energy or a combined market of energy and capacity. Mr. Lunt indicated that he would then expect power prices to increase in the future to compensate for losses in capacity payments.

At the request of Mr. Ruane, Mr. Lunt briefly reviewed a Presentation - City of Dover (Dover) West Deptford Opportunity Analysis, dated February 24, 2011.

Mr. Snaman questioned the amount of energy that the solar plant and natural gas plant will provide to the City's annual production. Responding, Mr. Lunt noted that the solar plant will provide less than 2% of the City's energy and explained that it would be difficult to compare this to an annual load due to scheduling. He stated that he did not expect the gas plant to be cheaper than the nuclear portion of the grid and anticipated a 60% to 70% dispatch schedule for the gas plant, whereas the City's current plants are less than 2%.

In response to Mr. Ruane, Mr. Lunt confirmed that the analysis will determine if the expectations reported are true and valid and provide a projection of what the future market may be for energy costs. This will assist in determining whether or not the City should enter into a PPA with the Station.

Mr. McGiffin moved to recommend approval of staff's recommendation to authorize PACE Global to proceed with the financial analysis of the West Deptford Generation Station at a cost not to exceed $80,000, and that this project be funded by transferring $80,000 from the Engineering Operating Budget (480-8300-563-30-31) - Contractual Services to the Administration Operating Budget (480-8400-564-30-29) - Consulting Fees. The motion was seconded by Mr. Snaman and unanimously carried.

Power Plant FY 2012 Capital Investment Plan (CIP) Review *(Deferred by Committee on February 28, 2011 Due to Time Constraints)*

Mr. Vince Scire, Plant Manager at McKee Run and VanSant Generating Stations with NAES Corporation, reviewed the draft Capital Investment Plan (CIP) for the Power Plant for Fiscal Years 2012-2016 and explained the need for the additional projects (as highlighted).

In response to Mr. Ruane, Mrs. Donna Mitchell, Controller/Treasurer, confirmed that she has been working on a cost of service revision that will result in amendments to capital needs. She stated that funding to cover the CIP remains consistent. Mrs. Mitchell noted that staff has allocated approximately $800,000 for the future capacity reserve for the VanSant capacity and that funds have been designated in Fiscal Years 2015 and 2016 from the depreciation reserve to help cover costs. She assured members that funding from the operating fund has remained consistent with last year. Mrs. Mitchell stated that the CIP will have no effect on the City's electric rate for the next five (5) years.

Mr. McGiffin moved to recommend approval of the Power Plant FY 2012 Capital Investment Plan (CIP), as presented by staff. The motion was seconded by Mr. Snaman and unanimously carried.

2012-2016 Utility Capital Investment Plan (CIP) ***(Deferred by Committee On February 28, 2011 Due to Time Constraints)***

Mr. Ron Lunt, Public Utilities Director, reviewed the 2012-2016 Utility Capital Investment Plan (CIP) and explained the need for the additional projects (as highlighted).

Mr. Ruane noted that the FY 2011 CIP included the Walker Road Overhead Conversion Project; however, it is not included in the current CIP. Responding, Mr. Lunt reminded members that at the beginning of FY 2011, the project was removed from consideration and some of the funds were allocated to order transmission switches that were failing on North Street. He stated that the Walker Road Overhead Conversion Project was coordinated with the Water System Upgrade, which was determined to be too expensive and was postponed indefinitely. From an electric standpoint, he stated that it was staff's opinion that it would not be feasible to complete the project without addressing the water system upgrade concurrently.

In response to Mr. Ruane, Mr. Lunt indicated that overhead conversion projects (included under "distribution upgrades") are continuing throughout other parts of the City, including Huntley Circle and Autumn Woods Apartments located off Webbs Lane. He stated that staff is in the process of analyzing outages for the past calendar year, which will assist in prioritizing developments and areas for this project. He stated that, although the Crossgates area has been completed, including the removal of overhead lines, work continues in the South State Street Extended area (Old Mill Road, Fairfield Drive, Candlewick Drive, etc.).

Mr. McGiffin moved to recommend approval of the 2012-2016 Electric Engineering and Transmission and Distribution Capital Investment Plan (CIP), as presented by staff. The motion was seconded by Mr. Snaman and unanimously carried.

Mr. Lunt reported that there were no changes to the 2012-2016 Water/Wastewater CIP, as submitted to members previously. He noted that some projects will be carried forward from the current fiscal year, due to funding or scheduling issues; however, these projects will be funded from the current source of funds.

In response to Mr. Ruane, Mr. Lunt stated that staff is attempting to mobilize the contractor to complete the inflow/infiltration (I & I) projects that were identified approximately four (4) years ago, for which funding is in place. He explained that staff is regrouping the I & I priority list by conducting an analysis of those pump stations that have higher rates during wet weather. Staff has been conducting "smoke" testing and an extensive amount of camera investigation on existing infrastructure in areas suspected of problems. Mr. Lunt noted that completion of the "smoke" testing would be necessary before staff can firmly identify the next area for this project.

Responding to Mr. Ruane regarding water quality improvements, Mr. Lunt stated that funding for Bayard Avenue is included in the current year's budget and work will begin once the area in front of City Hall is completed (within a week or so). A pre-bid meeting was held last week for the Route 13 Southbound Water Project and funding is included in the current year's budget. He advised members that staff is delaying the project located east of North State Street in case the bids for the Route 13 Southbound Water Project come in over budget.

At the request of Mr. Ruane, Mrs. Donna Mitchell, Controller/Treasurer, stated that she has not completed an analysis of the water/wastewater funds; however, she stated that since the City opted to use State revolving loan funds rather than issuing a bond, no interest is paid until the money is drawn. Therefore, she stated there will be a change in the forecast model (bonds versus state loans). She is revisiting the rates since the City will not incur the debt service as originally anticipated. As a result, she stated that she expects to see some changes in future rates (on the down side) from those included in the model last year.

In response to Mr. McGiffin, Mrs. Mitchell explained that the forecast currently indicates a rate increase every year to cover debt service, which may not be necessary since the City is not incurring the debt service that was originally anticipated.

Mr. McGiffin moved to recommend approval of the 2012-2016 Wastewater and Water Management Capital Investment Plan (CIP), as presented by staff. The motion was seconded by Mr. Snaman and unanimously carried.

PACE/NAES Monthly Report ***(December 2010) (Deferred by Committee on February 28, 2011 Due to Time Constraints)***

The PACE/NAES Monthly Report for December 2010 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

In response to Mr. Ruane regarding the new Solar Plant, Mr. Lunt referred to Page 5 of the report and confirmed that the cost of solar energy has been built into the City's Power Year projections and costs over time. Mrs. Mitchell, Controller/Treasurer, explained that the cost of the power supply itself has decreased; therefore, the incremental cost of solar energy is not evident since it is more than offset by the reduction in power supply.

Mr. Snaman moved to recommend acceptance of the PACE/NAES Monthly Report for December 2010, seconded by Mr. McGiffin and unanimously carried.

By unanimous consent, the meeting adjourned at 5:42 p.m.

Respectfully submitted,

Eugene B. Ruane
Chairman

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LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on March 14, 2011 at 6:01 p.m. with Chairman Leary presiding. Members present were Mr. McGiffin, Dr. Jones, and Mr. Shevock. Mr. Salters was absent. Members of Council present were Council President Hogan and Mr. Ruane.

AGENDA ADDITIONS/DELETIONS

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

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.

Mr. Leary noted that there were no critical positions to be considered; therefore, no further action was required.

Milliman Actuarial Analysis Updates: Overview of Pension and OPEB (Other Post Employment Benefits) Liability for Fiscal Year 2010/11 and Actuarial Pension for Fiscal Year 2010/11 and OPEB Benefit Rates for Fiscal Year 2011/12 Budget

Mrs. Donna Mitchell, Controller/Treasurer, stated that the actuarial analysis presentation to be reviewed by Mr. Scott Porter, Principal, Consulting Actuary, Milliman, Inc., would provide a summary of the analysis, an overview of the steps taken thus far, and recommendations.

Mr. Porter reviewed a Presentation - Pension and Other Post Employment Benefits, Actuarial Valuation Updates for Fiscal Year Ending June 30, 2011. He stated that actuarial valuations were performed for the City's Civilian and Police Pension Plans, as well as the Other Post Employment Benefits (OPEB) Plan. He explained that an actuarial valuation is a "snapshot" of the assets and liabilities of each plan as of June 30, 2010. Based on participant information, the actuarial valuation projects the benefits which would be received, using assumptions regarding when employees are expected to terminate or retire, how long they are expected to collect benefits, etc., and then discounts them all back at specific interest rates to determine the liability. Mr. Porter indicated that this information is then compared to the assets of the plan to determine the funded status.

Mr. Porter advised members that there are four (4) purposes for performing the actuarial valuation:

1) to determine the funded status of the plan;
2) to review the experience of the plan during the prior year;
3) to provide information for financial statements for the City of Dover; and
4) to determine the City's contributions to ensure that the plans are being adequately funded in a uniform manner.

Mr. Porter stated that all actuarial assumptions used to determine the liability of the plan are reviewed in the process of determining the funded status of the plan, and changes are made accordingly. Such changes may include lowering the assumptions used for investment return and salary increases.

Referring to Page 9 of the Presentation, Mrs. Mitchell reminded members of the positive steps City Council has taken regarding funding of these plans and explained staff's recommendations for both pension and OPEB funding, as follows:

1) Staff recommended transferring funds to keep up with actuarial contributions as has been done in previous years. Staff suggested that $732,455 be transferred to the Civilian Pension Plan, with $454,978 coming from the General Fund and $277,477 coming from the Electric Fund this fiscal year.

2) In order to maintain the 10-year phase-in plan for OPEB, staff recommended including the following percentages of base pay for the City's OPEB contributions in the FY12 budget: 6.6% for the General Fund, 5.3% for the Water/Wastewater Fund, and 5.1% for the Electric Fund.

Referring to salary assumptions, Mr. Ruane indicated that the trend for salary increases was less than 4%. Responding, Mr. Porter stated that, although salaries are lower now, the projections performed to determine member benefits encompass the next 5, 10, and 15 years. He explained that the long-term assumption used must be consistent with the underlying inflation assumption, as well as the investment return assumption. He assured members that this will continue to be monitored in the future. Mr. Porter stated that the impact of reducing the salary from 5% to 4% was not determined.

Mr. Ruane felt that it would be beneficial for Council to receive information regarding the salary assumption so that they could determine the future impact of salary increases when they are considered.

In response to Mr. Ruane regarding the positive steps City Council has taken, Mrs. Mitchell confirmed that the Civilian Pension Plan has been closed to new employees since September 2009. In addition, she stated that City Council eliminated Medicare Part B coverage for new employees.

Council President Hogan noted that, as indicated on Page 12 of the General Employee Pension Plan Actuarial Valuation, since July 1, 2006, the value of assets increased for four (4) years, yet during this same period, the actuary liability increased. He questioned why the actuary liability continues to increase if the City's assets increased. Responding, Mr. Porter explained that between July 1, 2008 and July 1, 2010, the increase in assets was $600,000, which he stated was a minimal increase, partially due to investment losses that occurred during this time period. Therefore, he stated, the actuarial value of assets has remained relatively stable during the past three (3) years. It was his opinion that the actual accrued liability is growing because of the additional year of service that members have earned; however, the actual value of assets has not grown to the same extent,

although contributions have been made to help cover what is referred to as "normal cost." Responding to Council President Hogan, Mr. Porter explained that a substantial amount of growth in assets is necessary in order to realize a decrease in liability.

In response to Mr. Ruane, Mr. Porter indicated that many jurisdictions are reviewing the level of benefits they currently provide and considering their ability to afford these levels based on their current funding status. One of the most common approaches taken by municipalities is to close the plan to new hires, which the City of Dover recently did. In addition, he stated that many jurisdictions are reviewing retirement eligibility ages, the timeline when employees are fully eligible for benefits, etc. He explained that the available options vary according to each jurisdiction's individual situation.

Mr. Leary noted that he recently met with Mrs. Mitchell to review this matter and that she provided him a copy of a very helpful article from *Government Finance Review Magazine*, entitled "Strategies to Consider as OPEB Costs Escalate," which discussed creative strategies being developed in other jurisdictions. He requested that staff provide members a copy for their information.

In regard to the staff's second recommendation pertaining to OPEB funding, Mr. McGiffin felt that action would not be necessary at this time, since this matter will be considered during the Budget Review.

Mr. McGiffin moved to recommend that staff be authorized to transfer $732,455 to the Civilian Pension Plan, with $454,978 coming from the General Fund and $277,477 coming from the Electric Fund this fiscal year. The motion was seconded by Mr. Shevock and unanimously carried.

Evaluation of Proposals - Investment Manager and Advisory Services

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that the City issued its original Request for Proposals (RFPs) for investment management services in 2001. The contract was awarded to Wilmington Trust on January 14, 2002, with a one (1) year review and renewal option if results were favorable. At that time, there was no provision for a contract end date. Given recent events in the financial markets and changes in recommended practices of the Government Finance Officers Association (GFOA) and the Internal Auditors Association, staff decided that it was time to rebid this service.

Mrs. Mitchell explained that an outline of the process, including the forms completed for the fee calculations, scoring, and evaluations, was provided to members to demonstrate the diligence staff felt was necessary to assure the City's assets are well managed and protected. In addition, staff provided an explanation for their recommendation.

Mrs. Mitchell stated that staff narrowed the list of providers to three (3) firms: 1) Cutwater Asset Management, 2) High Mark Capital Management, and 3) PFM Asset Management, LLC. She stated that the three (3) firms selected were the most responsive of the lowest cost providers. The proposals

were almost equally matched, with the exception that the PFM Asset Management proposal went above the requirements of the RFP. Staff conducted interviews with the three (3) finalists to determine which firm would be the best fit for the City. Mrs. Mitchell advised members that each firm was provided, in advance, the items to be discussed during the interview. Upon completion of the interviews, staff contacted several of the client references provided in each firm's proposal. All responses were highly complimentary.

Staff recommended awarding the Investment Management Services contract to PFM Asset Management, LLC for a three (3) year period, to start on the date of the contract. The contract can be renewed or extended for two (2) additional two (2) year periods by mutual consent and approval by City Council.

Dr. Jones moved to recommend approval of staff's recommendation, seconded by Mr. Shevock and unanimously carried.

Evaluation of Proposals - Investment Banking Custody Services

Mrs. Donna Mitchell, Controller/Treasurer, advised members that bids were solicited for Investment Banking Custody Services. She noted that all submissions received were from major financial institutions that are capable of managing custody of the City's investment assets; however, Wells Fargo and Union Bank were the two (2) most competitive banks.

Mrs. Mitchell reminded members that the City currently has contracts with Wells Fargo as custodian for three (3) Trust Funds: the General Employee Pension Fund, the Police Pension Fund (closed plan), and the Other Post Employment Benefits (OPEB) Fund. Although the City receives excellent service on these accounts from Wells Fargo, she stated that the Government Finance Officers Association's (GFOA) recommended practice is to diversify assets under custody when possible.

Based on the fees, scores, and GFOA's recommended practice, staff recommended awarding the service contract to Union Bank for a three (3) year period to start on the date of the contract, which may be renewed or extended for two (2) additional two (2) year periods by mutual consent and approval by City Council.

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

Review of Hospitality and Civic Function Policy *(Committee Deferred on February 28, 2011 Pending Additional Information)*

During their meeting of February 28, 2011, members considered a request from Mayor Carleton E . Carey, Sr. to include certain functions offered by the Central Delaware Chamber of Commerce and Kent County Tourism in the City's Hospitality and Civic Function Policy. Mayor Carey noted that these events are not covered under the City's existing Policy. At that time, members deferred action and requested that Mayor Carey provide the cost for each of the events listed and the annual cost for members to attend these events.

Mayor Carey submitted a memorandum providing details regarding the costs associated for members of Council to attend certain functions, as follows:

1.	Central DE Chamber of Commerce Annual Awards Dinner $50.00 x 9ppl	$450.00
2.	Mayors Annual Prayer Breakfast $20.00 x 9ppl	$180.00
3.	Governors Annual Prayer Breakfast $16.00 x 9ppl	$144.00
4.	Kent County Economic Summit $25.00 x 9ppl	$225.00
	TOTAL	$999.00

It was Mayor Carey's feeling that these functions offer a great deal of information for the City of Dover and enhance working relationships that benefit the City economically.

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the City's current Hospitality and Civic Function Policy was written to conform more closely to IRS Regulations, which prohibit attending events or activities sponsored by another organization unless official City business is performed. She noted the Mayor's concern that the City is a member of the organizations listed. Mrs. Mitchell requested that staff be given the opportunity to revise the Policy submit it to members at their next meeting for their review and recommendation to City Council.

Mr. McGiffin moved to recommend deferral of the Review of the Hospitality and Civic Function Policy to allow staff the opportunity to make revisions. The motion was seconded by Dr. Jones and unanimously carried.

FY 2012 Five-Year Capital Investment Plan (CIP)

Due to time constraints, and there being no objections, Mr. Leary deferred review of the FY 2012 Five-Year Capital Investment Plan (CIP) until the next meeting.

Mr. Anthony DePrima, City Manager, noted that staff is in the process of developing a proposed budget. He requested that members contact staff prior to the next meeting if they have any concerns regarding the projects listed so that staff can respond during the meeting.

Mr. Leary stated that this matter would be placed first on the agenda for the Committee's next meeting.

By unanimous consent, the meeting adjourned at 6:57 P.M.

Respectfully submitted,

Thomas J. Leary
Chairman

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FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-06

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

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

Sec. 46-5. Open burning.

~~**In residential multiple occupancy structures containing three or more dwelling units, including but not limited to apartment houses, dormitories, roominghouses, and condominium buildings, the open burning of any type shall be prohibited, except when permitted by the fire marshal. The use of charcoal or gas-fired grills, burners, or cookers shall be prohibited on balconies or within ten feet of the multiple occupancy structure.**~~

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

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

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

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

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

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

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

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

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

(1) The location has been approved by City of Dover Licensing and Inspections and the Fire Marshal and an Outdoor Public Gathering Permit has been obtained.

(2) One (1) fire extinguisher of not less than five (5) lbs. (pounds) ABC is to be located within ten (10) feet of the cooking area. Cooking area and cooking fuels shall be secured from public access.

(3) Approval from the Board of Public Health has been obtained.

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

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

Any commercial barbecuing operations which are a continual nuisance because of smoke, fumes, or sparks shall be terminated by the Code Official or Fire Marshal and the Outdoor Public Gathering Permit revoked until such time as the Director of Licensing and Inspections is satisfied that the problem has been corrected.

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

(f) Prohibited - Multi-family residential dwelling units. In apartment buildings, condominiums, or any other multi-family residential dwelling of three (3) or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.

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

(h) Authority of the Fire Marshal. The Fire Marshal is authorized to impose a ban on open burning if weather conditions do not safely permit open burning. The Fire Marshal or Fire Officer shall order any fire extinguished that is deemed unsafe or not in compliance with Section 46-5 of the Dover Code.

ADOPTED: *

SYNOPSIS

To enhance the safety of commercial and recreational barbecuing and to control and maintain the proper use of open burning.

Actions History

March 28, 2011 - Proposed Final Reading - Council
March 14, 2011 - First Reading - Council
February 23, 2011 - Considered by the Safety Advisory and Transportation Committee

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FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-09

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

The amounts hereinafternamed in various City funds are changes from the currently approved revenues/receipts and appropriations to the revised revenues/receipts and revised appropriations for use by the various departments of the Municipal Government for:

20010-2011 BUDGET ORDINANCES
GENERAL FUND
CASH RECEIPTS AND BUDGET FOR 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
RECEIPTS		
PRIOR YEAR BALANCE	1,034	2,655,562
FINES AND POLICE REVENUE	42,387	578,889
911 FEE	15,000	60,000
INVESTMENT INCOME	(108,000)	116,000
LIBRARY REVENUES	-	64,189
KENT COUNTY BOOK REIMBURSEMENT	-	460,000
BUSINESS LICENSES	-	1,523,675
PERMITS AND OTHER LICENSES	(42,000)	892,000
DEMOLITION REVENUE	-	-
MISCELLANEOUS CHARGES	11,500	65,750
POLICE EXTRA DUTY	-	300,000
PROPERTY TAXES	-	10,982,634
BID REVENUE	-	52,692
RECREATION REVENUE	-	141,500
FRANCHISE FEE	34,000	520,000
TRASH FEES	(194,511)	2,050,000
DSWA TRASH FEE REBATE	-	143,000
RENT REVENUE - GARRISON FARM	-	87,000
COURT OF CHANCERY FEES	-	645,000
RECEIPTS SUBTOTAL	(240,590)	21,337,891
INTERFUND SERVICE RECEIPTS		
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	(14,631)	958,258
INTRAFUND SERVICE RECEIPTS ELECTRIC	(33,445)	3,341,500
INTERFUND SERVICE RECEIPTS SUBTOTAL	(48,076)	4,299,758
GRANTS		
POLICE RELATED	(58,350)	80,000
CAPITAL SCHOOL DISTRICT REVENUE	-	73,500
POLICE PENSION GRANT	-	620,000
RECREATION GRANTS	51,000	51,000
MISC GRANT REVENUE	-	-
HOMELAND SECURITY GRANT	188,061	188,061
SALE OF ASSETS	-	-
GRANTS SUBTOTAL	180,711	1,012,561

20010-2011 BUDGET ORDINANCES
GENERAL FUND - CONTINUED

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
TRANSFERS FROM		
TRANSFER TAX	750,000	1,400,000
MUNICIPAL STREET AID	-	526,843
CIVIL TRAFFIC PENALTIES	70,000	1,000,000
WATER/WASTEWATER	-	-
ELECTRIC	-	8,856,000
PARKLAND RESERVE	-	-
LIBRARY RESERVE	-	-
CAPITAL ASSET RESERVE	-	-
WORKER'S COMP FUND	-	-
CONTINGENCY FUND		-
TRANSFERS FROM SUBTOTAL	820,000	11,782,843
TOTALS	**712,045**	**38,433,053**
EXPENSES		
CITY CLERK	(3,035)	284,368
COUNCIL	-	130,769
TAX ASSESSOR	69,497	266,746
FIRE	(44,130)	665,732
GROUNDS MAINTENANCE	(23,668)	1,031,889
LIBRARY	(46,711)	1,079,516
RECREATION	38,157	816,626
LIFE SAFETY	15,757	517,592
CODE INFORCEMENT	18,229	295,010
PLANNING	-	422,893
INSPECTIONS	65,000	559,807
ECONOMIC DEVELOPMENT	-	247,488
POLICE	(182,750)	12,275,623
POLICE EXTRA DUTY	-	449,516
STREETS	13,530	815,559
SANITATION	(49,505)	2,297,839
CITY MANAGER	17,943	579,515
INFORMATION TECHNOLOGY	(50,885)	697,329
FINANCE	(22,000)	805,169
PUBLIC SERVICES - ADMINISTRATION	-	369,752
FACILITIES MANAGEMENT	(34,925)	955,832
CENTRAL SERVICES	(13,133)	656,844
FLEET MAINTENANCE	(30,297)	731,632
CUSTOMER SERVICES	4,219	873,623
HUMAN RESOURCES	(12,500)	346,390
MAYOR	-	88,341
DEPARTMENT SUBTOTALS	(271,207)	28,261,400

20010-2011 BUDGET ORDINANCES
GENERAL FUND - CONTINUED

		INFO ONLY	
		2010-11	2010-11
		LATEST EST ADJMTS	REVISED
RETIREES HEALTH CARE		-	1,297,509
RETIREES PAYMENTS		-	-
PENSION UNFUNDED LIABILITY		-	995,000
POLICE PENSION UNFUNDED LIABILITY		-	95,000
POLICE PENSION FUND		-	620,000
OPEB		-	-
UNCOLLECTIBLES - TRASH AND OTHER		100,000	110,000
LOSS ON SALE OF ASSET		-	-
STORM EMERGENCY		-	-
STREET LIGHTS		-	985,000
OTHER EXPENSE SUBTOTAL		272,061	5,206,370
GRANTS			
IT EMERGENCY PREPAREDNESS PLAN		-	-
GRANTS SUBTOTAL		-	-
TRANSFERS			
TRANSFER TO PENSION COLA		-	-
TRANSFER TO CAPITAL ASSET RESERVE		-	-
TRANSFER TO CAPITAL FUND - PROJECTS		-	1,307,839
TRANSFER TO CAPITAL FUND - RESERVE		-	-
TRANSFER TO STREET PROGRAM		-	-
TRANSFER TO PARKLAND/RECREATION RESERVE		-	-
TRANSFER TO LIBRARY RESERVE		-	-
TRANSFER TO CDBG FUND		-	6,000
TRANSFER TO VERIZON RESERVE		-	-
INVENTORY WRITE OFFS		-	-
TRANSFERS SUBTOTAL		-	1,313,839
CURRENT YEAR BALANCE		711,191	3,651,444
TOTALS	**$**	**712,045**	**$** **38,433,053**

2010-2011 BUDGET ORDINANCES
GENERAL CONTINGENCY FUND
CASH RECEIPTS AND EXPENDITURES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
CASH RECEIPTS		
BEGINNING BALANCE	$ -	$ 530,393
INTEREST EARNINGS	-	23,100
REIMBURSEMENT FROM DEMA (SNOW EMERGENCY)	172,061	172,061
TOTALS	**172,061**	**725,554**
EXPENDITURES		
TRANSFER TO GENERAL FUND	-	-
TRANSFER TO OPEB	-	-
TRANSFER TO LIBRARY FUND	-	-
CARRY FORWARD TO NEXT YEAR	172,061	725,554
TOTALS	**$ 172,061**	**$ 725,554**

2010-2011 BUDGET ORDINANCES
GOVERNMENTAL CAPITAL PROJECTS FUND
CASH RECEIPTS AND EXPENDITURES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
CASH RECEIPTS		
BEGINNING BALANCE - PROJECTS	$ -	$ 227,592
STATE GRANTS	-	4,232,348
INTEREST EARNINGS	-	10,900
INCOME FROM SALE OF ASSETS	-	-
RECREATION GRANTS	-	34,583
POLICE GRANTS	20,000	38,000
HOMELAND SECURITY GRANTS	-	-
LIBRARY BOND ISSUE/CONTRIBUTIONS	-	1,000,000
TRANSFER FROM GENERAL FUND FOR PROJECTS	-	1,307,839
TRANSFER FROM PARKLAND RESERVE (JWP CNTR)	-	-
TRANSFER FROM LIBRARY RESERVE	-	2,363,732
GIFTS/DONATIONS (RECREATION)	-	-
PARKLAND RESERVE RECEIPT	-	36,872
TRANSFER FROM CAPITAL ASSET RESERVE	-	-
TOTALS	**20,000**	**9,251,866**
EXPENDITURES		
CITY CLERK	-	-
COUNCIL	-	-
TAX ASSESSOR	-	-
FIRE	-	223,700
GROUNDS MAINTENANCE	(17,158)	46,517
LIBRARY	-	7,630,663
RECREATION	-	81,872
LIFE SAFETY	-	-
PLANNING	-	-
INSPECTIONS	-	-
ECONOMIC DEVELOPMENT	-	-
POLICE	7,648	343,528
STREETS	(26,579)	454,476
SANITATION	(33,656)	212,419
CITY MANAGER	-	-
INFORMATION TECHNOLOGY	(5,000)	7,000
FINANCE	-	-
PUBLIC SERVICES - ADMINISTRATION	-	-
FACILITIES MANAGEMENT	-	-
CENTRAL SERVICES	-	-
FLEET MAINTENANCE	-	-
CUSTOMER SERVICES	-	-
HUMAN RESOURCES	-	-
MAYOR	-	31,500
DEPARTMENT SUBTOTAL	(74,745)	9,031,675
TRANSFERS		
TRANSFER TO CAPITAL ASSET RESERVE	-	-
TRANSFER TO PARKLAND RESERVE	-	-
TRANSFER TO LIBRARY RESERVE	-	-
TRANSFER TO GENERAL FUND	-	-
TRANSFER TO COMMUNITY TRANS. FUND 318	25,000	25,000
TRANSFER SUBTOTAL	25,000	25,000
CURRENT YEAR BALANCE	69,745	195,191
TOTALS	**$ 20,000**	**$ 9,251,866**

2010-2011 BUDGET ORDINANCES
WATER/WASTEWATER FUND
REVENUES AND EXPENSES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
REVENUE		
PRIOR YEAR BALANCE - WATER	$ 353	$ 1,236,546
PRIOR YEAR BALANCE - WASTEWATER	-	902,719
PRIOR YEAR BALANCE - KCSA	(353)	(1,872,434)
WATER FEES	-	4,206,700
WASTEWATER FEES	-	3,308,300
WASTEWATER ADJUSTMENT FEES	-	4,275,600
WATER TANK SPACE LEASING	-	299,400
SEWER IMPACT FEES	-	323,000
WATER IMPACT FEES	-	357,000
INTEREST - WATER	8,206	8,886
INTEREST - WASTEWATER	10,079	10,914
MISCELLANEOUS SERVICE FEE	-	71,000
REVENUE SUBTOTAL	18,285	13,127,631
GRANTS AND REIMBURSEMENTS		
STATE REIMBURSEMENT	-	-
GRANT REVENUE	-	-
GRANTS AND REIMBURSEMENTS SUBTOTAL	-	-
TRANSFERS FROM		
TRANSFER FROM CAPITAL ASSET RESERVE	-	-
TRANSFER FROM CONTINGENCY	-	-
TRANSFERS FROM SUBTOTAL	-	-
TOTALS	**$ 18,285**	**$ 13,127,631**

2010-2011 BUDGET ORDINANCES
WATER/WASTEWATER FUND - CONTINUED

	INFO ONLY	
	2010-11	2010-11
	LATEST EST ADJMTS	REVISED
EXPENSES		
ENGINEERING & INSPECTION	$ (70,548)	$ 572,330
WATER CONSTRUCTION	8,362	400,923
WATER DEPARTMENT	(26,692)	385,896
WATER TREATMENT PLANT	12,390	1,512,247
WASTEWATER DEPARTMENT	(45,852)	923,910
KENT COUNTY TREATMENT CHARGE		4,235,403
DIRECT EXPENDITURE SUBTOTAL	(122,340)	8,030,709
OTHER EXPENSES		
DEBT SERVICE - WATER	-	246,403
DEBT SERVICE - WASTEWATER	-	316,198
RETIREES HEALTH CARE	-	177,427
PENSION UNFUNDED LIABILITY	-	372,000
OPEB		-
UNCOLLECTIBLES - TRASH AND OTHER	71,000	71,000
INTRAFUND SERVICE FEES	(140,756)	1,131,575
ARBITRAGE PAYMENT 60/40 Water		-
OTHER EXPENSES SUBTOTAL	(69,756)	2,314,603
TRANSFER TO		
GENERAL FUND FROM WATER	-	-
GENERAL FUND FROM WASTEWATER	-	-
WATER IMP AND EXT	-	500,000
WASTEWATER IMP AND EXT	-	500,000
TRANSFER TO PENSION COLA	-	-
SEWER IMPACT FEE RESERVE	-	6,802
WATER IMPACT FEE RESERVE	-	110,597
CAPITAL ASSET RESERVE WATER	-	100,000
CAPITAL ASSET RESERVE WASTEWATER	-	100,000
TRANSFER TO SUBTOTAL	-	1,317,399
CURRENT YEAR BALANCES		
CURRENT YEAR BALANCE WATER	85,223	1,726,372
CURRENT YEAR BALANCE WASTEWATER	125,158	1,570,432
CURRENT YEAR BALANCE KCSA		(1,831,884)
CURRENT YEAR BALANCE SUBTOTALS	210,381	1,464,920
TOTALS	**$ 18,285**	**$ 13,127,631**

2010-2011 BUDGET ORDINANCES
ELECTRIC REVENUE FUND
REVENUES AND EXPENSES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
REVENUE		
PRIOR YEAR BALANCE	$ -	$ 13,537,864
DIRECT SALES TO CUSTOMER	1,321,906	97,917,206
PURCHASE POWER ADJUSTMENT	(293,603)	(2,293,603)
UTILITY TAX	100,200	1,965,000
GREEN ENERGY		128,600
MISCELLANEOUS REVENUE		891,200
RENT REVENUE		186,816
EMISSION CREDIT SALES		-
TRANSFER FROM CONTINGENCY	-	301,070
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	(126,125)	173,317
REIMBURSEMENT OF BOND ISSUANCE COST		-
INTEREST EARNINGS	44,600	110,300
TOTALS	**$ 1,046,978**	**$ 112,917,770**

2010-2011 BUDGET ORDINANCES
ELECTRIC REVENUE FUND - CONTINUED

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
EXPENSES		
POWER SUPPLY	$ (425,336)	$ 47,634,363
POWER SUPPLY MANAGEMENT	41,562	2,321,562
PJM CHARGES - LOAD	1,512,556	13,363,432
CAPACITY CHARGES	684,169	12,302,392
RATE STABILIZATION CREDIT	-	-
SUB-TOTAL POWER SUPPLY	1,812,951	75,621,749
PLANT OPERATIONS	469,000	6,163,315
GENERATIONS FUELS	2,947,157	3,244,977
PJM CREDITS	(4,832,607)	(5,553,404)
CAPACITY CREDITS	69,062	(11,419,723)
GENERATION SUBTOTAL	(1,347,388)	(7,564,835)
POWER SUPPLY & GENERATION SUBTOTAL	465,563	68,056,914
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	(159,371)	3,047,144
ELECTRICAL ENGINEERING	(87,898)	1,755,005
ADMINISTRATION	54,750	964,989
METER READING	(13,253)	209,655
SYSTEMS OPERATIONS	(25,560)	492,493
UTILITY TAX	100,200	1,965,000
DIRECT EXPENDITURE SUBTOTALS	(131,132)	8,434,286
OTHER EXPENSES		
ALLOW FOR UNCOLLECTIBLES	175,000	310,000
RETIREES HEALTH CARE	-	639,110
PENSION UNFUNDED LIABILITY	-	833,000
OPEB	-	1,200,000
GREEN ENERGY PAYMENT TO DEMEC	-	128,600
INTRAFUND SERVICE FEES	(33,445)	3,341,500
INTEREST ON DEPOSITS	-	54,500
INVENTORY WRITE OFFS	-	175,000
BOND ISSUANCE COSTS	-	-
POWER SUPPLY STUDY	-	-
DEBT SERVICE	(468,810)	3,589,890
OTHER EXPENSES SUBTOTAL	(327,255)	10,271,600
TRANSFER TO		
IMPROVEMENT & EXTENSION	-	3,500,000
GENERAL FUND	-	8,856,000
TRANSFER TO CONTINGENCY	301,070	301,070
TRANSFER TO PENSION COLA	-	-
TRANSFER TO DEPRECIATION RESERVE	-	1,250,000
TRANSFER FUTURE CAPACITY	-	-
RATE STABILIZATION RESERVE	-	1,300,000
TRANSFER TO SUBTOTAL	301,070	15,207,070
CURRENT YEAR BALANCE	738,732	10,947,900
TOTALS	**$ 1,046,978**	**$ 112,917,770**

2010-2011 BUDGET ORDINANCES
ELECTRIC CONTINGENCY RESERVE FUND
CASH RECEIPTS AND EXPENDITURES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
CASH RECEIPTS		
BEGINNING BALANCE	$ -	$ 1,039,766
INTEREST EARNINGS	-	31,200
TRANSFER FROM INSURANCE STABILIZATION	-	-
TRANSFER FROM ELECTRIC REVENUE	301,070	301,070
TOTALS	**301,070**	**1,372,036**
EXPENDITURES		
TRANSFER TO ELECTRIC FUND	-	279,640
TRANSFER TO RATE STABILIZATION FUND	-	-
CARRY FORWARD TO NEXT YEAR	301,070	1,092,396
TOTALS	**$ 301,070**	**$ 1,372,036**

2010-2011 BUDGET ORDINANCES
ELECTRIC IMPROVEMENT AND EXTENSION FUND
CASH RECEIPTS AND EXPENDITURES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
CASH RECEIPTS		
PRIOR YEAR BALANCE	$ -	$ 3,429,624
PRIOR YEAR BALANCE BOND	-	415,585
INTEREST EARNINGS	-	40,700
INTEREST TRUSTEE	-	-
INCOME FROM SALE OF ASSETS	-	-
ELECTRIC NEW SERVICE FEES	-	-
RECEIPT FROM DEPRECIATION RESERVE	-	-
RECEIPT FROM FUTURE CAPACITY RESERVE	-	-
DEMA GRANT	-	-
STATE REIMBURSEMENT FOR SR1 &SR9	-	-
STATE REIMBURSEMENT FOR GOVS AVE	-	254,757
STATE REIMBURSEMENT WYOMING MILL RD	91,000	91,000
STATE GRANTS	-	-
FEDERAL GRANTS	-	135,152
INSURANCE CLAIM PROCEEDS	-	280,000
TRANSFER FROM ELECTRIC	-	3,500,000
TOTALS	**91,000**	**8,146,818**
EXPENDITURES		
ELECTRIC GENERATION	-	2,106,427
TRANSMISSION AND DISTRIBUTION	-	739,000
ELECTRICAL ENGINEERING	91,000	1,740,295
ADMINISTRATION	-	-
METER READING	-	-
SYSTEMS OPERATIONS	-	-
TRANSFER TO DEPRECIATION RESERVE	-	1,000,000
CURRENT YEAR BALANCE	-	2,561,096
CURRENT YEAR BALANCE -BOND	-	-
TOTALS	**$ 91,000**	**$ 8,146,818**

2010-2011 BUDGET ORDINANCES
COMMUNITY TRANSPORTATION IMPROVEMENT FUND
CASH RECEIPTS AND EXPENDITURES FOR FISCAL 2010-2011

	INFO ONLY 2010-11 LATEST EST ADJMTS	2010-11 REVISED
CASH RECEIPTS		
PRIOR YEAR BALANCE	$ -	$ 100,913
GRANTS REVENUE	-	1,000,000
TRANSFER FROM GENERAL	25,000	325,000
INTEREST INCOME	-	2,800
TOTALS	**25,000**	**1,428,713**
EXPENDITURES		
PROGRAM EXPENSES	25,000	1,325,000
OPERATING TRANSFERS OUT	-	-
CURRENT YEAR BALANCE	-	103,713
TOTALS	**$ 25,000**	**$ 1,428,713**

ADOPTED: *

ACTIONS HISTORY

March 28, 2011 - Proposed Final Reading - Council

March 14, 2011 - First Reading - Council

February 28,2011 - Presented Latest Estimate to Legislative, Finance and Administration Committee

FINAL READING

CITY OF DOVER PROPOSED STAFF AMENDMENT #1
TO PROPOSED ORDINANCE #2011-07

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

That Proposed Ordinance #2011-07 be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

	Subsec. (d)	Fire signaling system inspection fee	
		~~***Annual Fee - Five or less buildings per complex***~~ ***Certificate of inspection***	$25.00 each fire alarm system
		Exception: apartment or other multi-family dwelling - five (5) or less buildings per complex	***$25 each fire alarm system***
		~~***Annual Fee - More than Five Buildings Per Complex***~~ ***Exception: apartment or other multi-family dwelling - more than five (5) buildings per complex***	$15.00 each fire alarm system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed $300.00 for fire alarm systems
	Subsec. (e)	Fire suppression system inspection fee	
		~~***Annual Fee - Five or less buildings per complex***~~ ***Certificate of inspection***	$25.00 each fire suppression system

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	Exception: apartment or other multi-family dwelling - five (5) or less buildings per complex	***$25.00 each fire suppression system***
	~~***Annual Fee - More than Five Buildings Per Complex***~~ ***Exception: apartment or other multi-family dwelling - more than five (5) buildings per complex***	$15.00 each fire suppression system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed $300.00 for fire suppression systems

ADOPTED: *

Actions History
March 28, 2011 - Scheduled for Final Reading
March 14, 2011 - Introduced at Council

S:\ORDINANCES\2011\Draft\Ordinance 2011-07 SA1 - Ch. 46, Art. III, Sec. 46-126 - Fire Prevention Permit Final Rdg.wpd

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FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-07

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

That Chapter 46 Fire Prevention and Protection, Article III - Fire Codes, Section 46-126 - Fire Prevention Permit, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-126. Fire prevention permit.

(a) *Required*. It shall be unlawful to construct, enlarge, alter or demolish a fire protection system without obtaining a fire prevention permit.

(b) *Fee*. Each applicant for a fire prevention permit, including, but not limited to, sprinkler systems, fire alarms, hood suppression units, and tank installation, shall pay unto the city a permit fee as provided for in Appendix F - Fees and Fines, before such permit shall be issued.

(c) *Reinspections*. There will be no charge for the first reinspection of a permit. The applicant shall pay a fee for subsequent reinspections as provided for in Appendix F--Fees and Fines.

(d) Fire Signaling System Inspection Fee. For each inspection of a fire alarm signaling system located within the jurisdiction of the City of Dover, and conducted by a licensed company pursuant to Delaware State Fire Prevention Regulations, the licensed company shall submit a copy of the certificate of inspection for each fire alarm system to the City of Dover Fire Marshals Office, along with a non-refundable fee as provided for in Appendix F - Fees and Fines.

(e) Fire Suppression System Inspection Fee. For each inspection of a fire suppression system located within the jurisdiction of the City of Dover and conducted by a licensed company pursuant to Delaware State Fire Prevention Regulations the licensed company shall submit a copy of the certificate of inspection for each sprinkler riser to the City of Dover Fire Marshals Office, along with a non-refundable fee as provided for in Appendix F - Fees and Fines.

~~(d)~~ ***(f)*** *Doubling of fees*. Fees established in subsection (b) of this section shall be doubled in the event that a permit is applied for after construction has commenced without the permission of the fire marshal. The fire marshal shall waive the doubling of fees in cases where the permit applicant is not a professional contractor and the work is not being done by a professional contractor.

BE IT FURTHER ORDAINED THAT:

Appendix F - Fees and Fines, Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, be amended by inserting the text indicated in bold, blue, italics, as follows:

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Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes				
Fees established in subsection (b) of this section shall be doubled in the event that a permit is applied for after construction has commenced without the permission of the fire marshal. The fire marshal shall waive the doubling of fees in cases where the permit applicant is not a professional contractor and the work is not being done by a professional contractor.				
Sec. 46-126	Fire Prevention Permit			
	Subsec. (b)	Fee; Each applicant for a fire prevention permit		$12.00 for each $1,000.00 of costs or multiple thereof of the fire protection system; provided that a minimum fee for each permit shall be $50.00
	Subsec. (c)	Reinspection		
			First reinspection	No charge
			Second reinspection	$25.00
			Third reinspection	$50.00
			Any subsequent reinspection	$100.00
	Subsec. (d)	***Fire Signaling System Inspection Fee***		
			Annual Fee - Five or less buildings per complex	***$25.00 each fire alarm system***
			Annual Fee - More than Five Buildings Per Complex	***$15.00 each fire alarm system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed $300.00 for fire alarm systems***
	Subsec. (e)	***Fire Suppression System Inspection Fee***		

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	Annual Fee - Five or less buildings per complex	***$25.00 each fire suppression system***
	Annual Fee - More than Five Buildings Per Complex	***$15.00 each fire suppression system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed $300.00 for fire suppression systems***
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		

ADOPTED: *

SYNOPSIS

Delaware State Fire Prevention regulations require periodic inspections, testing, and maintenance of fire alarm signaling, fire suppression, and any other fire protection systems, devices, and equipment in accordance with the National Fire Protection Association's Fire Codes and Standards. This amendment would enable the City to collect an administration fee for processing the required Certificates of Inspection.

Actions History
March 28, 2011 - Scheduled for Final Reading - Council
March 14, 2011 - First Reading - Council
February 23, 2011 - Considered by the Legislative, Finance, and Administration Committee

S:\ORDINANCES\2011\Draft\Ordinance 2011-07 Ch. 46, Art. III, Sec. 46-126 - Fire Prevention Permit - FINAL READING.wpd

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