REGULAR COUNCIL MEETING

A G E N D A

August 13, 2007 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE

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
   A. Special Council Budget Hearings - 2007
   B. Regular Council Meeting of July 23, 2007

2. Public Hearing/Final Reading - Rezoning
   Properties located at 118 and 122 Roosevelt Avenue, owned by F. L. and D., Inc. These properties are currently zoned R-8 (One Family Residence) and the proposed zoning is C-4 (Highway Commercial). *The First Reading of the proposed ordinance was accomplished during the Council Meeting of June 25, 2007.* **(Received request to postpone - Recommend referral to the Planning Commission on August 20, 2007 and that a Public Hearing be set for Monday, September 10, 2007)**

* 3. Special Legislative, Finance, and Administration Committee Report - July 16, 2007
   A. Presentation - Mortgage Foreclosure Filings in Delaware *(Gerard W. Kelly, Deputy Bank Commissioner for Consumer Affairs, State Bank Commissioner's Office)*
   B. Proposed Ordinance - Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 2 - Permit, Section 22-351 - Generally (Rental Permit Fees) **(See Item #9-A)**
   C. Capital and Caesar Rodney School District Liaison Committee
   D. Addition of Third Council Meeting per Month

* 4. Utility Committee Report - July 23, 2007
   A. Evaluation of Bids - 69Kv Transmission Line Relays
   B. Briefing on 69Kv Feeders 3 & 4 Project Phase I
   C. PACE/NAES Monthly Report (May and June)

* 5. Legislative, Finance, and Administration Committee Report - July 23, 2007
   A. Evaluation of Bids
      a-1. iSeries Replacement
      a-2. Safety Retrieval Equipment
   B. Pay for Performance (PFP) - Discuss Parameters/Scope of Assessment
   C. 2005 Charter Review Committee Recommendation

* 6. Safety Advisory and Transportation Committee Report - July 24, 2007
   A. Discussion - Transit Hub Concept *(Ken Potts - DART)*
   B. Presentation - GIS Use During June 2007 NASCAR Races *(Dave Truax)*
   C. Briefing on MPO Projects *(Juanita Wieczoreck)*

7. Evaluation of Bids - 69 Kv Cable

8. Appointments Recommended by Council President Salters - Dover Human Relations Commission - Three (3) Year Terms to Expire February 2010
   A. Katrina Brumble *(To Fill Expired Term of K.C. Sheth)*
   B. Michelle Lee *(To Fill Expired Term of Nilakantan Nagarajan)*

9. First Reading - Proposed Ordinances
   The First Reading is offered on the following proposed ordinances. Final action by Council will take place during the Second Reading of the ordinances on August 27, 2007. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

   A. Proposed Ordinance - Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 2 - Permit, Section 22-351 - Generally (Rental Permit Fees)
      (Legislative, Finance, and Administration Committee)

10. Council Members Announcements

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

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on May 23, 2007 at 6:00 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. Hogan, Mr. Salters (arrived at 6:29 p.m., departed at 7:30 p.m., and returned at 8:26 p.m.), and Mr. Ruane. Mr. McGiffin was absent.

Council staff members present were Mr. DePrima, Mrs. Mitchell, and Mrs. Clendaniel.

AGENDA ADDITIONS/DELETIONS

Mr. Carey moved for approval of the agenda, seconded by Mrs. Russell and unanimously carried.

PRESENTATION - 2007/2008 BUDGET OVERVIEW

Council President Williams explained the guidelines to be used during the budget review process. In order to expedite this process and without objections, she stated that members should refrain from repeating concerns and that as chair, if this is being done, she will request that members bring their comments to an end to allow other members an opportunity to speak. Council President Williams advised members that an introduction and presentation of the budget would be provided and requested members to hold all questions and comments until the end of the introduction. Council President Williams also requested that questions regarding specific budgetary items be held until that specific budget is being discussed.

Mr. DePrima provided a brief introduction and presentation of the 2007/2008 Draft Budget (***Exhibit #1)***. He noted the addition of a new fund entitled "Governmental Capital Projects Fund" which was approved by Council in the Financial Policy.

Revenue

Mr. DePrima provided a presentation of the Revenue estimates for fiscal year 2007/2008 (***See Exhibit #1***).

Responding to Mr. Ruane, Mr. DePrima concurred that the actual carry forward balance is approximately $3.4M; however, the policy requires the carry forward balance to be 8%. As a result, Mr. DePrima stated that the difference has been allocated to various expense accounts. Mr. Ruane reminded members that as previously directed by Council, any excess carry forward balance is to be allocated to the Library Reserve account. Concurring, Mr. DePrima explained that the actual excess amount, as a result of the City's audit, is the amount that will be transferred to the Library Reserve account. Mrs. Mitchell explained that once the audited balance is obtained, the excess amount is reduced by any project money that was carried forward which is re-appropriated and that any amount remaining over 3.5% of the 8% is then transferred to the Library Reserve account.

Mr. Ruane requested that before members begin to review the Library account, staff provide a report that depicts the process for allocating funds from the carry forward balance and what staff estimates this amount to be as of today. He also requested clarification as to why the amount being shown as a balance in that fund is not the amount being carried in the monthly reports. Mr. Ruane stated that the amount shown in the Library Reserve account is different from the monthly reports to date, explaining that it appears that some funds, in the amount of $344,000, have been removed from that account and requested that staff provide an explanation.

In regards to the report, Mr. McGlumphy requested that staff include details regarding any funds from the carry forward balance that have been spent in other areas.

P.F. P. Salary Calculations (Non-Bargaining Employees)

Mr. DePrima provided a presentation of the Pay for Performance and Staff Changes for fiscal year 2007/2008 (***See Exhibit #1***).

With regards to the Market Analysis, Mr. Ruane stated the proposed is not what the Market Rate Maintenance procedure is as described in the PAS Study. The policy Council adopted suggested that the Market Survey methodology be used for updating the Pay Plan and recommended against what is being proposed by staff, which he felt is actually a COLA increase.

Responding, Mr. DePrima stated his recollection was that the PAS Study discouraged COLA increases based on inflation rates, since there is no true correlation and explained that the increases are based on market salary surveys. He explained that if a PAS type study is desired every year, it would be a costly endeavor. It was his feeling that such a study, at an estimated cost of $50,000 to $60,000, would be beneficial to have conducted every 5 or 6 years.

For clarification, Mr. Hogan noted that the City maintains a pay scale that provides for ranges. After completion of the survey, the pay ranges are changed; however, an individual is only provided for an increase based on their performance and does not receive an additional increase as a result of the pay scale adjustment.

Mrs. Russell advised members of her opposition to the Pay for Performance system in its entirety.

Mr. McGlumphy stated that the PAS Study was initiated due to the large deviation between the union and non-union employees and it was felt that there was a need to bring the non-union employees “up to grade”. He agreed that a market study should not be accomplished every year; however, in reviewing the proposed calculation worksheet, the percentages seem to have increased substantially over the past two (2) to three (3) years. It was his opinion that the non-union employees have been provided increases more than what was originally intended and that at this time, there is a need to re-review the program.

In response to Mr. Slavin, Mr. DePrima explained that the PFP Study was to re-calibrate and re-adjust the non-bargaining employees. He referred to page 176 of the Budget and stated that the labor grades and ranges were created from the PAS Study. The labor grade ranges have been increased annually based on the market rate, this year being 3.5%. As was previously mentioned by Mr. Hogan, Mr. DePrima explained that although the labor grade range would increase, a current employee would only receive an increase based on their evaluation (PFP increase). He confirmed that the PAS Study assisted the City in addressing a salary structuring problem and was meant to re-calibrate the salary and positions over a finite period of time. Responding to Mr. Slavin, Mr. DePrima stated that the finite period of time would be approximately five (5) years. He stated that individual job titles may change in value and may need to be re-calibrated.

Responding to Council President Williams, Mrs. Tieman indicated that 28% of the non-bargaining employees are below market - 40% are at market and 15% are above market. Mr. DePrima explained that there will always be employees at "below market" since most new hires are hired within that range. Of the 28% of the non-bargaining employees below market, Council President Williams requested that staff provide the percentage of those employees that are new hires. She also requested the percentage of those employees that are "over market" and why they are at that point.

Mr. Hogan stated his strong belief in a pay-for-performance system, feeling that employees that do a good job, should be provided more of a salary increase. There are two (2) issues necessary that need to be reviewed to assure that such a system continues to work: 1) an adjustment in the range; and 2) the percentages for the pay-for-performance increase. It was his feeling that the pay-for-performance table represents too high of percentage increases. The table is the key to what the current employees' raises will be and it was his feeling that members should be paying particular attention to the proposed PFP table.

With regards to the pay grades, Mrs. Russell requested that staff provide job classifications, titles, and pay grades assigned.

Mr. Ruane stated that there were several reasons for agreeing to conducting the PFP system, one of which was due to the fact that the City, on average, was over-paying 11.2% at the entry level for all positions with some positions overcompensated as much as 41%. He questioned if the PFP system has changed this problem and if staff has a means of quantifying that the entry levels are no longer in the same situation. Responding, Mr. DePrima felt confident that these issues have been resolved with regards to the non-bargaining employees; however, the real issue is with the bargaining units. The last time the IUE contract was negotiated, the entry level pay grades were reduced.

Mr. Ruane also alluded to the fact that the savings the City could realize through the adoption and implementation of the PFP system totaled over $450,000 annually and questioned if such savings have been realized. Responding, Mr. DePrima felt that the savings have been realized; however, in order to quantify the savings, it would take a substantial amount of staff's time. He explained that many of the savings are of common sense, such as the change to the IUE Contract, and the entry level salaries being substantially reduced. When these and non-bargaining new employees are hired, their salary is based on an entry level pay grade. Mr. DePrima stated that these savings are evident in reviewing last year's budget for salaries, noting that there has been a decrease. This was due to there being several retirements, with employees whose salaries were much higher than that of the employee hired to fill the position.

Relative to the proposed promotions, it was Mr. Ruane's understanding that according to the PAS Study, when an employee's position is being re-classified, all employees in that particular classification would perform a PCQ. He stated that this would help eliminate some of the moral problems amongst employees, noting that some employees are being recognized for the "extra" work they are doing while others are not.

Mr. DePrima advised members that the final decision as to whether to include new positions for the Tax Assessor's Office or to hire an outside firm to conduct the work has not been made; however, he noted that funds have been included in the budget under the salaries for this purpose.

With regards to the new positions requested, Mr. McGlumphy advised members that the amount budgeted in the table does not necessarily reflect a full year's salary. He explained that this is due to the time frame necessary to fulfill the position if approved. He stated that when totaling the salaries, these amounts total $916,475, which is not reflective of a full year, explaining that several of the positions have only been budgeted for either a half of a year or three-quarters of a year. Mr. McGlumphy stated that a full year's cost for filling these positions would be $1,103,213, which will increase next year with any salary adjustments. He requested that members pay particular attention and understand what is being requested.

Mr. Slavin noted that some of the new positions being requested will result in additional revenues for the City.

Mr. DePrima stated that although the costs for the requested new positions for part-time employees has been included in the budget, they were not included in the presentation for new position recommendations.

Mr. Hogan moved for a brief recess, seconded by Mr. McGlumphy and unanimously carried.

Meeting Recessed at 8:03 P.M. and Reconvened at 8:15 P.M.

Mr. Carey moved to reconvene, seconded by Mr. Hogan and unanimously carried.

Review of 2007/2008 Draft Budget - Water/Wastewater Fund

Mr. DePrima provided a presentation of the Water/Wastewater Fund for fiscal year 2007/2008 (***See Exhibit #1***). He introduced Mrs. Sharon Duca, Water/Wastewater Operations Manager, and Mr. Ron Lunt, Public Utilities Manager who reviewed and explained details regarding this section of the proposed budget.

Mr. Slavin moved to recess until Thursday, May 24, 2007 at 6:00 p.m. The motion was seconded by Mr. Carey and unanimously carried.

Meeting Recessed at 8:51 P.M.

THURSDAY, MAY 24, 2007 - 6:00 P.M. - 8:00 P.M.

By motion of Mr. Hogan, seconded by Mr. Salters, the Special Council Meeting reconvened on Thursday, May 24, 2007 at 6:03 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane. Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. McDowell, and Mayor Speed (departed at 7:15 p.m.).

Mr. McGiffin apologized for being absent from the meeting of May 23, 2007 and advised members that he listened to the deliberations of that meeting.

Review of 2007/2008 Draft Budget - General Fund

Mr. DePrima provided a presentation of the General Fund for fiscal year 2007/2008 (***See Exhibit #1***).

Mayor Speed indicated that after the review of the Mayor's Budget, it will be necessary for him to depart the meeting in order to attend a League of Local Governments Meeting. However, he assured members that he would remain throughout the discussion of the Mayor's Budget. As a result of his previous commitment, he requested the opportunity to make additional comments on the budget, as follows:

Mayor's Budget: Referring to the Salary and Economic Development line items in the Mayor's budget, Mayor Speed stated that the amounts do not reflect what he had submitted. He explained that both of these amounts were changed without his permission and without his knowledge. Although he agrees that the budget is that of the City Manager's, it was his opinion that for the Mayor's budget, staff should not be permitted to make any adjustments. Such adjustments in the Mayor's budget, if they are to be made, should be accomplished by City Council only.

Responding to Mr. Ruane, Mayor Speed explained that Economic Development included amounts for Kent County Tourism and the Central Delaware Economic Development Council (CDEDC). He included an increase for Kent County Tourism from $10,000 to $15,000 from last year, which was not changed by the City Manager. Mayor Speed indicated that there was an increase for the CDEDC from $16,000 to $20,000 from last year and that the City Manager reduced this amount by $5,000, which decreases the budgeted amount by $1,000 from last year.

Mr. Ruane recollected that during the past year, there was some concern regarding the inactivity of the CDEDC. He felt that there should be a meeting regarding economic development and how the City has traditionally participated with the CDEDC, which may have resulted in the inability to explore other options in this regard. Mr. Ruane felt that the City should keep all options open and suggested that the additional funds originally requested by the Mayor be included in the budget unearmarked.

Mr. Ruane moved that the amount of $15,000 proposed for CDEDC be maintained in the budget with the understanding that it be, in the generic sense, for economic development without a specific designation for a specific agency, seconded by Mr. McGlumphy.

Although he does not necessarily disagree with the motion, Mr. Slavin requested that the motion be withdrawn at this time. He explained that members have made substantial progress in reviewing the budget without taking specific actions, which in his opinion will occur at a more appropriate time after the general review.

Mr. Ruane withdrew the motion, as did the seconder.

Mr. Slavin noted that the budget, as presented, is proposed by the City Manager and that it is not the City's Budget until such time that it is enacted by City Council. With this in mind, he questioned the original requests of the Mayor for the Salary and Economic Development line items within the Mayor's Budget. Responding, Mayor Speed stated that an amount of $55,000 was submitted for the Salary line item and $46,000 was submitted for the Economic Development line item.

Pay for Performance: Mayor Speed stated his opinion that the percentage increase proposed in the PFP Calculation Worksheet are high, particularly for those listed "below market".

Unfunded Liability: Mayor Speed relayed his surprise that there is no amount included in the budget for the unfunded liability. He reminded members that as was indicated last year by the Actuary, the smaller amount of money allocated to the unfunded liability in the current year will have a much greater impact on the total than allocating a larger amount in future years. He suggested that members of Council include an amount in the budget to be allocated for the unfunded liability.

Members conducted a review of individual departmental budgets within the General Fund.

Mr. Ruane felt that members of Council should have more details with regards to the City Manager's budget, more particularly the Legal Fees line item.

Mr. McGlumphy requested that the City Manager provide members with specific details regarding the legal fees.

Mr. Slavin moved for a brief recess, seconded by Mr. McGiffin and unanimously carried.

Meeting Recessed at 7:17 P.M. and Reconvened at 7:33 P.M.

Mr. Salters moved to reconvene, seconded by Mr. Carey and unanimously carried.

Members continued their review of the departmental budgets for the General Fund.

With regards to the Police Department's budget, Mr. Slavin reminded members that there was a recommendation submitted by the Sex Offender Review Committee to create a Sex Crimes Unit, which would require two (2) additional full-time employees to the force. He requested that Lt. Bernat be requested to provide cost estimates based on this recommendation.

In response to Mr. McGiffin, Mr. Koenig advised members that the Emergency Management position has not been included in the Public Services budget. If the position is included, the plan for future years, would be to add to the Fire Marshal's Office and create a Fire Marshal/Emergency Management Division. His estimate is that the salary would be $45,000 - $55,000 per year. The entire costs for such a program is estimated at $100,000.

At the request of Mr. McGlumphy, Mrs. Tieman indicated that the details regarding the Emergency Management position will be developed and provided to members for their review and consideration. Mr. DePrima explained that the direction of Council regarding the addition of this

position was given after the draft budget was prepared, which is why this position and its associated costs was not included in the draft budget submitted to members.

Responding to Mr. Ruane, Mr. Koenig stated that the safety vests have not been included in the budget and that it would cost approximately $2,600 to purchase five (5) vests ($650 each). Mr. DePrima stated that he does not support the safety vests since he does not feel that inspectors should be entering dangerous places, explaining that they should contact the police when these situations occur. He explained his fear that the vests would create a false sense of security for the inspectors.

In response to Mr. McGlumphy, Mrs. Townshend indicated that the inspectors have been very clear of their desire to have the safety vests. She reminded members that City Council has requested pro-active code enforcement. Unfortunately, the areas that are in the most need of code enforcement are located in the areas that are the least safe. There have been efforts to begin conducting manual housing inspections, which includes some dangerous areas. Mrs. Townshend assured members that the inspectors are fully aware of their need to have police escort when necessary; however, she stated that when being escorted in these areas, the police have the safety vests and the inspectors do not. Should someone decide to begin shooting, the police officer would be protected while the inspectors would not have any protection.

It was Mr. McGlumphy's opinion that considering the safety issue involved, $2,600 is not a lot of money.

Mr. Slavin moved to recess until Friday, May 25, 2007 at 6:00 p.m. The motion was seconded by Mr. Hogan and unanimously carried.

Meeting Recessed at 9:02 P.M.

FRIDAY, MAY 25, 2007 - 6:00 P.M. - 9:00 P.M.

By motion of Mr. Carey, seconded by Mr. Salters, the Special Council Meeting reconvened on Friday, May 25, 2007 at 6:04 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane. Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. McDowell, and Mayor Speed.

Council President Williams noted that staff has provided members with copies of detailed information in response to the requests that have been made during the budget hearings. In addition, she noted that the agenda has been revised to include a discussion for a COLA increase for retirees as requested by Mr. Hogan.

Review of 2007/2008 Draft Budget - Electric Fund

Mr. DePrima provided a presentation of the Electric Fund for fiscal year 2007/2008 (***See Exhibit #1***).

In response to several concerns regarding the costs of the Power Plant to the City, Mr. DePrima explained that the Power Plant Operations has not been included in the City's budget since it is not a department of the City and that such operations is a contracted service with NAES; however, there is a line item in the budget for Power Plant Operations. He advised members that these costs are noted on page 32 of the budget and that the capital expenses are noted on page 33. Mr. DePrima also referenced detailed information that was provided to members by Mrs. Mitchell, Finance Director/Treasurer.

Responding, Mr. Ruane indicated that as it is being reported, he finds it difficult to understand the budget expense details. In an attempt to understand the cost centers and the drivers for increasing the rates, of which members of Council will be considering in the approval of the budget, Mr. Slavin suggested that Mr. Blaha, General Plant Manager, make a brief presentation to members regarding this issue before the adoption of the budget.

Mr. Ruane referred to page 151 of the CIP, and noted that there is a $75,000 allocation for the Frazier Substation. He reminded members that this was originally associated with the Civic Center. It was his understanding that the substation will not be relocated and, therefore, questioned why these costs have been included in the budget. Responding, Mr. Lunt, Public Utilities Manager, stated that although the substation will not be relocated, there will be some transmission line work and upgrades to the substation if the Civic Center comes to fruition. He advised members that the upgrades are necessary for reliability within the 69Kv line, and that the $75,000 are the costs associated with an engineering study to move the transmission line. Since the use of these funds has changed, Mr. Ruane suggested that staff either provide members with another explanation why funding should be allocated for the Frazier Substation or that it be deleted from the budget.

For clarification, Mr. DePrima suggested that this page and the $75,000 be deleted from the budget at this time, explaining that it is necessary for staff to further review this project to determine if any funds will be necessary for this year or that it be deferred until the next year.

In response to Mr. Ruane, Mrs. Mitchell explained that during the review of the Electric Rate Study this past fall, members were advised that there would be a $20M Bond Issue for the feeders 3 and 4 ($15M) and for substation projects ($5M). She reminded members that the details regarding this matter was provided during the analysis of the Rate Study. She stated that staff included the actual debt service in the Rate Study when the cost of service and rates were presented to Council this past fall (November 2006) and assured members that Council was advised that a $20M Bond Issue was included in the cost of service study.

Mr. Ruane requested that, in the future, staff provide these types of details during the budget review to assist members in recollecting such issues.

With regards to the engineers, Mr. Lunt stated that within the salary structure of the Engineering Budget, an engineer has been included. Also, funds have been included in contractual services for engineering services. He advised members that it is difficult to obtain an engineer with any real distribution experience, which are rare; therefore, the plan is to hire a graduate student to be employed as a contract employee for six (6) months. At the conclusion of the six (6) months,

provided the employee has proven capabilities and qualifications to perform the work, they would then be employed as a City employee. Mr. Lunt stated that the engineering position has been open for a couple of years and that this is the only solution he has been able to develop to fill the position. As a graduate student, there will be a substantial amount of training required.

In response to Mr. Ruane regarding the salary, Mr. Lunt stated that the City's current pay range is adequate for a graduate student. As this individual becomes experienced, he indicated that the salary would need to be increased in order for them to remain employed with the City. He advised members that the annual salary for an experienced engineer would be $125,000 to $150,000; the City's current pay range for an engineer is $55,000 - $65,000. Responding to Mr. McGlumphy, Mr. Lunt indicated that most towns rely on contractual services for this type of work.

Discussion - COLA Increase for Retirees

At the request of the retirees, Mr. Hogan referred to information distributed to members with regards to a COLA increase for retirees (***Exhibit #2***). He advised members that to fully fund a 1% COLA, the cost would be $283,518. He noted that if the COLA was not fully funded, it would increase the City's long-term liability and to fund the COLA without fully funding, would cost approximately $25,904. Although he understood that no decisions would be made at this time, it was Mr. Hogan's hope, when appropriate for a vote, that members would approve a COLA to the retirees, whether it be fully funded or not.

Responding to Mr. Salters, Mr. Chappy Lucas (civilian member to the General Pension Board and retiree) explained that there was a disagreement with regards to the process for consideration of a COLA, which is why the matter has come before members during the budget review rather than its review by the Pension Board with a recommendation to Council.

Mayor Speed indicated his opposition to any COLA that is not fully funded and explained the financial burdens that the City's retirement system is placing on the City's tax and rate payers. It was his opinion that the obligations that the City has already incurred should take priority over new obligations.

Mr. Lucas advised members that one of the reasons why the COLA request is presented during the budget review process is because up until a few years ago whenever the Pension Board recommended and Council approved a COLA increase, it went right into the unfunded liability. There was no funding by the City, it simply became an obligation of the fund. Last year, 2006, was the first year that in addition to a COLA increase, the Pension Board recommended that the increase be fully funded. By doing this, members are attempting to avoid increasing the unfunded liability; however, by doing this, it places the request to become before members during the budget review process rather than it simply being a part of the unfunded liability for the City.

Mayor Speed apologized for the misunderstanding regarding the manner in which a COLA should be considered. It was his recollection that previous COLA requests were considered by the Pension Board, whose recommendation was then presented to Council and acted upon before the draft budget was developed and presented to Council. It was his opinion that this is the means in which such a COLA request should be handled in the future.

Council President Williams announced that members of Council realize that the process was flawed and felt assured that it will be corrected for the future.

Mr. McGlumphy moved for a brief recess, seconded by Mr. Hogan and unanimously carried.

Meeting Recessed at 7:04 P.M. and Reconvened at 7:25 P.M.

Mr. Carey moved to reconvene, seconded by Mr. Slavin and unanimously carried.

Final Discussion/Action and Wrap-Up

Council President Williams suggested that each member be given the opportunity to relay any concerns regarding the budgetary process and to identify those items included in the budget that may require additional work to be accomplished by staff before taking final action.

Mr. Slavin relayed his appreciation to the budget team for the quantity and quality of the information provided during this budget review. He felt that once members have the opportunity to identify the issues, there is a need for members to pause and reflect on the discussions that have occurred, review their notes, etc., after which time, members could reconvene the following week to further review the issues and then a poll of Council could be taken to give staff direction for finalizing the budget. Mr. Slavin noted that the Revenue Forecasting, which was issued in March, was utilized to develop the draft budget. He requested that staff provide members with an updated Revenue Forecasting to determine if there is any variation than what was projected.

Rather than a poll of Council, Mr. McGlumphy suggested that members present their issues and concerns to the City Manager and that he be directed to develop a budget to be presented for Council's review.

Mr. Carey felt that the Mayor's requests with regards to his salary and economic development should be considered for inclusion, as well as the $15,000 for vehicle insurance for the Fire Department, and the Emergency Preparedness position. He also felt that an additional ambulance (2nd ambulance for 24 hour shift) should be included.

Mrs. Russell also felt that the Mayor's requests with regards to his salary and economic development should be considered for inclusion. She suggested that the Pay for Performance program should be reviewed in its entirety. It was her opinion that the 1% COLA for retirees should be included as well as the Insurance for the Fire Department. She also supported the additional ambulance.

Mr. McGlumphy suggested that consideration be given to fully funding the pension liability. He would like for there to be a return of the $800,000 for the debt savings to the reserves or rate stabilization fund increase. He felt that there should be a "time-out" on the Pay for Performance to recalibrate the calculation worksheet. Mr. McGlumphy suggested an overall reduction in spending in the operations budget to approximately 5%-6%, that there be an analysis of funds to examine budgeted revenues compared to actual revenues, revised revenues compared to actual revenues, examine budgeted expenditures, revised expenditures compared to actual expenditures. He also requested a comparison of beginning balances to ending balances and review the carry forward

balances. He requested that there be a department spending analysis comparing adopted expenditures to actual expenditures to determine if departmental expenditures increase during the latter part of the year. He suggested an examination of the annual budgets and external audit reports for the last three (3) or four (4) years. Mr. McGlumphy also requested consideration of a new way of conducting the budget process, suggesting that it would be more conducive if the City Manager and Senior Administrator submit the draft budget to the Legislative, Finance, and Administration Committee to allow citizen representatives as well as the City's Finance Director/Treasurer to ask questions regarding the budget. It was his feeling that this would reduce the amount of time currently required of Council in their review of the draft budget.

Responding to Mr. DePrima, Mr. McGlumphy stated that he would distribute the information he has regarding the spending analysis and that the City Manager does not have to accomplish the requested analysis for the final review of the budget.

Mr. Slavin indicated his concern with regards to the unfunded liability and the COLA, explaining his concurrence with the Mayor and that if the City is going to fund a COLA, it should be funded fully and not create more of a deficit. He relayed grave concern with the Pay for Performance and indicated that he never really appreciated such a procedure. It was his opinion that members of Council have an obligation to honor past commitments and decisions and requested that members consider the Library Reserve and the commitment for the Library not to fade and continue to be very strong. With regards to new items, Mr. Slavin suggested that members review the downtown BID Tax, which has been a wonderful mechanism to fund Main Street Dover; however, with the increased activity downtown, it was his opinion that it is serving as a disincentive to double tax property owners downtown, an area the City is attempting to revitalize. Lastly, he suggested that members consider the recommendation of the Sex Offenders Committee regarding the establishment of a Sex Crimes Unit.

Mr. McGiffin stated that with this being his first year, at this time, he is unable to formulate any concrete position on any particular items. He is open to consider suggestions of any members.

Mr. Hogan relayed five (5) major issues: 1) the electric rate increase in the amount of 9.75%, explaining that although he understands that the rate stabilization fund is necessary, when it is necessary for the City to consider a rate increase, he has difficulty understanding the need to transfer $1.8M for the future, when the future is now. He suggested that this be reduced by $1M to reduce the electric rate increase; 2) the City has a transfer from the Electric Fund to the General Fund; however, he suggested that only $6M be transferred this year and take the $576,000 to be used to help reduce the electric rate increase; 3) He agrees and supports a 1% COLA increase for retirees and would prefer that it be fully funded; 4) He does not agree with the percentages provided on the Pay for Performance worksheet and felt that they should be reduced; and 5) He also would like for the City to include an additional payment to reduce the unfunded liability, no matter how small.

Mr. Salters stated that he would support a modest increase in the Mayor's salary as well as an increase for City Council. It was his feeling that the prioritized items that were discussed at the Retreat should be given attention. He relayed concern regarding the escalation of the budget, particularly with the increase in personnel. If a COLA is approved for retirees, he felt that it should

be fully funded. Mr. Salters stated that he would like to see that the Community Development Block Grant (CDBG) funds be put back into the budget to be used by the City and that these funds should not be given to outside agencies or individual contractors. He relayed his support for additional police patrol for the Quality of Life in the Target Area and suggested the consideration of a curfew for this area. It was his opinion that it is necessary to continue to provide adequate funding to the Rate Stabilization Fund.

Mr. Ruane requested that corrected pages be provided to members for their final review of the draft budget, noting that some of those corrections are noted in the memorandum provided by the Finance Director/Treasurer, dated May 18, 2007. In terms of the Mayor's salary, he would like for members to recommend the establishment of the Compensation Commission rather than members taking action on the salaries for the Mayor or Council. Also, within the Mayor's budget, the line item for economic development, he suggested that the details include economic development generically and not to be specifically assigned to the CDEDC. Mr. Ruane stated that the audit amount in the Finance Department's budget, should be increased to $20,500. The request for the emergency preparedness position proposed for the Fire Marshal's Office should be resubmitted, with specific costs for the position. He relayed support for the inclusion of $2,600 for the purchase of vests in the Inspections Budget for each of the inspectors. He also felt that the Frazier Substation should be deleted, which will decrease the Electric Engineering Budget by $75,000. Based on the testimony by the City Assessor, Mr. Ruane stated that the $1.1M proposed for the newly established Government Capital Projects fund should be deleted so that a false over-statement of revenue is not given. It was his opinion that the Library needs a stable funding source and requested that the City Manager provide some sample residential and commercial property tax increases if a one cent, two cent, and three cent dedicated to the library fund to eliminate any nebulous and confusing type of funding for this project. He also felt that members should not approve any electric rate increase without another mini-review of cost centers to determine if any of these costs can be reduced. Mr. Ruane stated his support for funding the Rate Stabilization Fund, feeling that it will be very necessary due to the volatility of the market.

Council President Williams thanked all staff for their efforts with regards to the draft budget and its presentation to Council. As was previously mentioned, she concurred that the City should have a fully funded pension liability and that any COLA should not add to this unfunded liability. She also relayed concern with the Planning and Inspections Department, explaining that the City of Dover is continuing to grow and with that she would like to be assured that there are enough planners and inspectors to avoid problems that have occurred in other jurisdictions within the State of Delaware. She concurred with Mr. McGlumphy with regards to the replacement of the Contingency Fund. She would like for there to be more aggression in the hedge market, feeling that the City could realize improvement if there was a financial buffer. Council President Williams urged members to support alternatives for the replacement of the CAMA software utilized by the Tax Assessor's Office. With the understanding that the City may be eligible for additional COPS money for the Sex Offender Enforcement Unit, she suggested further evaluation as well as the reassignment or reallocation of manpower within the Police Department to avoid any delay in some of the enforcement issues regarding Sex Offenders.

Mayor Speed reminded members that he relayed his concerns during the previous evening. Although he does not have any issues regarding the concept of not designating funds (for economic development) specifically for the CDEDC, he explained that there is a caveat, that being that a part of the improvement process currently being conducted by the CDEDC is that they have asked for additional resources. He advised members that the current budget request is actually a reduction in the resource as compared to previous years. Mayor Speed also recommended that staff provide specific details with regards to the results of particular requests (showing where the necessary funds will be taken from or the tax increase that would be necessary).

After much discussion regarding the process in order to develop a revised draft budget, Mr. DePrima indicated that the Budget Team will develop of list of items (based on the comments of Council), along with their associated costs, revenue sources, etc. to be brought back to members for further consideration and direction to staff.

Mr. Ruane requested that the electric presentation be included during the next session.

Mr. Slavin moved to recess until Thursday, May 31, 2007 at 6:00 p.m. The motion was seconded by Mr. Carey and unanimously carried.

Meeting Recessed at 8:11 P.M.

THURSDAY, MAY 31, 2007 - 6:00 P.M. - 9:00 P.M.

By motion of Mr. Carey, seconded by Mr. McGiffin, the Special Council Meeting reconvened on Thursday, May 31, 2007 at 6:02 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane. Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. McDowell, and Mayor Speed.

Power Supply/Power Generation Cost Center Presentation

In response to the request of members, Mr. DePrima provided a presentation on the City's power supply and generation cost centers as well as the revenues such as capacity credits and emission rebates (***Exhibit #3***). He introduced representatives of PACE, Mr. Keith Mills and Fred James, who addressed each of the cost centers.

Responding to Mr. Ruane regarding the dramatic variances, Mr. Mills advised members that initially, for fiscal year 2006/2007, when PACE was hired by the City, there were no forward hedges in place. In a very short period of time, in order to preserve the price target for cost of service, hedges were needed to be put in place in an expedited manner. In doing so, the market was on a trend up and encroaching against that target; therefore, hedges were put in place to preserve that cost of service target. He noted that there was not a lot of hurricane activity, high heat degree days, etc., which caused the gas market to drop dramatically. Since these occurrences are the main drivers for power prices in the forward market, they brought power prices down along with it. On a forward basis, Mr. Mills stated that this is not typically the way the program is designed, explaining that it is designed to take pieces of the market further out into the future. Therefore, the first power year was sort of an anomaly given the fact that the hedges were necessary to be placed in an expeditious

manner. Currently, PACE is taking positions out further in the market to provide better positioning upon the actual arrival of a cost of service amount.

Mr. Mills further explained that the idea is to remove the volatility out of the market equation in order to arrive at a cost of service number that is acceptable and at a risk tolerance that is satisfactory. He assured members that appropriate action is being done to address these concerns for the future.

Elaborating, Mr. James stated that there are multiple objectives in the hedging program and that these objectives continue to be discussed over time as they may shift. When PACE was hired by the City, the objective was clearly price stabilization since the market was up against the budget and there was not a lot of tolerance for remaining unhedged where the market could increase without protection. The only opportunity to provide protection was at the current forward pricing levels which was done. The objective was achieved in terms of providing price and cost stabilization. He stated that the market dipped and has since rebounded, which provided a buying opportunity. In terms of addressing the future objectives, there is a desire for continued cost stabilization and to accomplish this in an environment that allows them the opportunity to take advantage of those buying windows. The opportunity was not available last year since they were fully hedged through the period and there was no need or cause to purchase additional energy when the market dipped. Although this is the objective, Mr. James stated that this was not available this past year because the only means of budget protection was to almost completely hedge out the current power year at a time when it was not the most opportune time to purchase energy.

In response to Mr. McGlumphy, Mr. James stated that the Rate Stabilization Fund provides additional flexibility to avoid having to take "offensive" hedges, like those that were taken last summer, which are designed to protect the budget. He also indicated that remaining unhedged entering an uncertain market, has cost risks.

Mr. James assured members that the $6.3M plant operations budget has been thoroughly reviewed and significant efforts are being made to control the cost of that plant. He advised members that the plant and the current capacity environment is highly valuable. The value of that capacity is completely dependent on the plant being highly reliable and on-call to PJM. Therefore, care must be taken in terms of reducing certain cost elements.

Council President Williams thanked Mr. James and Mr. Mills for the presentation and the time taken to provide explanations to members of Council.

Kent County Sewer Adjustment Charge Increase

Mr. DePrima alluded to an email notification received this week from the Manager of the Utilities Department at Kent County indicating that they are contemplating a rate increase for the Kent County Sewer Adjustment Charge. Since this increase has not been adopted by Kent County as of this time, there has been no adjustment made to the draft budget; however, he reminded members that this is a "pass through" charge and if such an increase is approved, the City's budget will be adjusted accordingly.

Pay for Performance Presentation

In response to several concerns relayed by members during previous sessions, Mr. DePrima gave a presentation of the Pay for Performance (***Exhibit #4***) and explained the goals of the program. He advised members that based on the comments of members of Council, staff has made adjustments to the PFP scales.

Responding to Mr. Ruane, Mr. DePrima estimated a $20,000 cost savings with the approval of the revised PFP worksheet.

Mr. Slavin noted that there was a certain mediation that the PFP Study was designed to accomplish. He suggested a post-mortem to be accomplished on this program by hiring a third party to assess the program, with the following points to be addressed: 1) has the program achieve its intended purpose, which was to adjust the salaries of certain employees to be within market; 2) whether or not the current practice is acceptable for on-going maintenance; and 3) what is the projected shelf-life of such a study.

Due to the continued concerns of some members, Mr. Slavin suggested that this issue be referred to the Legislative, Finance, and Administration Committee for their review and recommendation.

Mr. Hogan moved for a brief recess, seconded by Mr. Carey and unanimously carried.

Meeting Recessed at 7:40 P.M. and Reconvened at 7:56 P.M.

Mr. Slavin moved to reconvene, seconded by Mr. Hogan and unanimously carried.

Discussion/Presentation Resulting from Council Member Requests of May 26, 2007 Budget Hearing

Mr. DePrima distributed and reviewed information resulting from the requests and concerns of members of Council during the May 26, 2007 Budget Hearing (***Exhibit #5***).

Mr. Hogan expressed concern with the lack of concern of City Council regarding the 9.75% electric rate increase. Noting that the presentation consisted of items that only increased the budget, without any decreases, he stated that he would not support any of the additions without members giving further consideration to reducing the electric rate.

Mr. McGlumphy relayed concern that the presentation did not offer any reductions within the budget to account for the additional items. He also relayed concern with the proposed electric rate increase.

Referring to the cost centers, Mr. Ruane indicated his anticipation of members challenging the cost centers should they feel that they were being over-funded and thus, unfair to the rate payers. He explained his understanding that a utility must be self-sustaining and that the rate payers benefitting from the service of that utility should pay for the full cost of that utility. Mr. Ruane noted that the amount of revenue is necessary in accordance with the Electric Revenue Bond Covenant in order to maintain a certain ratio; therefore, it was his opinion that any argument regarding to the General Fund transfer would require members to determine budget cuts within the General Fund.

Mr. Slavin stated that he is not prepared to vote on the budget and requested that if there are cuts to be identified, it would be the responsibility of members of Council to do so.

Referring to the comments of Mr. McGlumphy, Mr. McGiffin questioned where there is excess to be eliminated. Responding, Mr. McGlumphy indicated that there are several amounts that could be reduced or eliminated that are listed on the information distributed and included in the presentation.

Mr. Slavin moved to recess and to reconvene at a convenient time to be determined (*City Clerk's Office Note: Reconvened meeting was scheduled for June 11, 2007 at 5:30 p.m.*), seconded by Mr. Carey and unanimously carried.

Meeting Recessed at 8:33 P.M.

Mr. Salters moved to recess, seconded by Mr. Ruane and unanimously carried.

MONDAY, JUNE 11, 2007 - 5:30 P.M. - 6:30 P.M.

By motion of Mr. Carey, seconded by Mr. Salters, the Special Council Meeting reconvened on Monday, June 11, 2007 at 5:30 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane. Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. McDowell, and Mayor Speed.

Final Discussion/Action and Wrap-up

Members were provided and reviewed a list of proposed additions to and deletions from the draft budget, as prepared by Mr. Slavin *(**Exhibit #6**)*.

Mr. Ruane moved that the new Inspector position be kept in the budget, with the understanding that it be fully funded by the rental fees. The motion was seconded by Mr. Salters.

Mr. Slavin stated that it would be disingenuous to raise the fee after the budget is adopted. Mr. DePrima advised members that the position would be budgeted for three quarters of the year and could be contingent upon approval of the fee increase.

Mr. Hogan moved to amend the motion to indicate that the Inspector shall not be hired until such time that the ordinance increasing the rental fee has been approved and is in effect. The motion was seconded by Mr. Slavin.

Mr. McGlumphy questioned whether any other new positions were associated with a specific revenue. Responding, Mr. DePrima stated that the Rental Permit Fee was instituted to fund property maintenance positions.

The amendment to indicate that the Inspector shall not be hired until such time that the ordinance increasing the rental fee has been approved and is in effect was carried by a roll call vote of six (6) yes and three (3) no (Mr. McGlumphy, Mr. McGiffin, and Mr. Salters).

The motion that the new Inspector position be kept in the budget, with the understanding that it be fully funded by the rental fees and that the Inspector shall not be hired until such time that the ordinance increasing the rental fee has been approved and is in effect, was carried by a roll call vote of eight (8) yes and one (1) no (Mr. McGlumphy).

Mr. Ruane moved that $75,000 be budgeted for the Emergency Preparedness Position, seconded by Mr. Slavin and carried by a roll call vote of eight (8) yes and one (1) no (Mr. McGlumphy).

Mr. Salters moved that the amount of $175,000 be included in the budget for the Unfunded Pension Liability, seconded by Mr. Slavin.

Mr. Hogan relayed reluctance in considering action regarding the unfunded liability until such time that members have taken action regarding other items in order to determine the final monetary outcome.

Responding to Mr. McGiffin, Mrs. Mitchell explained that the plan has been to amortize the unfunded liability over 20 years, confirming that if the City took no action with regards to making additional payments, the unfunded liability would be paid in full in 20 years.

Mr. DePrima requested the opportunity for staff to review the list of items, in order to indicate those that are acceptable by staff and provide alternatives. At that point, the remaining funds would be known and then members could determine where the funds would be assigned. With regards to the motion currently on the floor, Mr. DePrima suggested that the amount of money, $175,000, be amended based on the amount that would be determined after the review of the list of items.

Disagreeing, Mr. Slavin stated his opinion that Council has determined a priority and that if an amount is agreed upon to be included in the budget for the unfunded pension liability, then the process begins to find the cuts necessary to balance the budget rather than the other way around.

Mr. Salters questioned if it would be beneficial for members to allow the City Manager to express his opinion regarding the items in order for them to come to a decision regarding the unfunded pension liability.

Mr. Salters withdrew his motion, as did Mr. Slavin his second, in order to allow Mr. DePrima to review the list of items.

In reviewing the list of items, Mr. DePrima stated that everything included in the list, from the rental fees to financial legal fees were already proposed in the amended draft budget. He stated that although the space needs implementation can be deferred, there are areas that construction has begun and would like to have some of the funds included. The IT expansion and city-wide document imaging can be reduced by $30,000. Regarding the inspections fire investigation mobile vehicle, Mr. DePrima stated that since there is the possibility of the $30,000 grant, he would request that this item remain in the budget. In terms of the vehicles for the Parks and Recreation and City Assessor's Department, he noted that they were already eliminated. He recommended that the $50,000 for the

Peterbuilt Side Loader remain in the budget and review the need of other sanitation and general fund vehicles for possible elimination to make up for this expense. Mr. DePrima agreed to the Public Utilities two (2) pickup trucks. He has no position with regards to the Mayor's salary, noting that it was also already included in the revised draft budget as well as the emergency preparedness position. In consideration of these changes, he estimated approximately $150,000 to $175,000 remaining that could be used for the unfunded pension liability.

Mr. Slavin felt that it may be appropriate, at this time, for Council to relay priorities in order to give staff direction in developing an amended draft budget. Rather than hope that the results would provide an amount to fund the unfunded pension liability, he suggested that Council provide staff with such an amount and that they be charged and identify the means of providing the necessary funds to meet the amount provided.

Mr. Slavin moved to recess until the conclusion of the City Council Meeting, seconded by Mr. McGlumphy and unanimously carried.

Meeting Recessed at 6:27 P.M. and Reconvened at 8:19 P.M.

Mr. Hogan moved to reconvene, seconded by Mr. Salters and unanimously carried.

Mr. Hogan moved to set the property tax rate at the current rate of $0.33 cents per $100 of Assessed Value, seconded by Mr. Carey.

Members were provided a Sampling of Impact of 1, 2, and 3 Cent Tax Increase on Selected Properties *(**Exhibit #7**)*.

Mr. Ruane reminded members of the unmet Library Funding need, which will not happen without sustained, regular support, such as a specific tax increase dedicated and allocated for the Library Building Fund. He noted that Kent County has a Library specific tax and that the City of Dover previously had an $.08 cent Library Tax. Mr. Ruane also noted that there have only been two City of Dover tax increases since 1993 totaling $0.10 cents.

The motion to set the property tax rate at the current rate of $0.33 cents per $100 of Assessed Value was carried by a roll call vote of eight (8) yes and one (1) no (Mr. Ruane).

Mr. Hogan moved to set a system-wide average electric rate increase of 9.75%, as presented in the draft budget, seconded by Mr. Carey and carried by a roll call vote of eight (8) yes and one (1) no (Mr. Ruane).

Mr. Slavin moved to adjust the proposed budget to include a $150,000 payment toward the Unfunded Pension Liability, seconded by Mr. Carey and carried by a roll call vote of six (6) yes and three (3) no (Mr. McGlumphy, Mr. McGiffin, and Mr. Ruane).

Mr. Hogan moved that $125,000 be budgeted for eight (8) additional hours of ambulance service, $15,000 for insurance for the Dover Fire Department equipment, $35,000 to start a Sex

Crimes Unit, and $3,500 for the Kevlar vests for the Inspectors. The motion was seconded by Mr. Carey and carried by a unanimous roll call vote.

Mr. Slavin moved to reserve $75,000 toward the implementation of a fully funded Cost of Living Allowance (COLA) for retirees for FY2009, and to study the issue to see how they can best serve the needs of the retirees. The motion was seconded by Mr. Carey and carried by a roll call vote of five (5) yes and four (4) no (Mr. McGlumphy, Mr. McGiffin, Mr. Salters, and Mr. Ruane).

Mr. Hogan moved to budget $20,500 to cover the audit fees, seconded by Mr. Slavin and carried by a unanimous roll call vote.

Mr. Slavin moved to increase the Mayor's proposed budget by $10,800 for a one-time adjustment to salary, with the provision that it would revert to the original salary of $45,000 for a newly elected Mayor. The motion was seconded by Mr. Ruane and carried by a roll call vote of five (5) yes and four (4) no (Mr. McGlumphy, Mr. McGiffin, Mr. Hogan, and Mrs. Williams).

Mr. Hogan moved to direct Mr. DePrima, City Manager, to review the budget and identify appropriate cuts to balance the budget, seconded by Mr. Slavin and carried by a unanimous roll call vote.

Mr. Carey moved to amend the proposed budget to include $16,000 to fund Central Delaware Economic Development Council (CDEDC). The motion was seconded by Mr. Slavin.

Mr. Ruane expressed concern that the CDEDC's pace to reorganize has been slow and suggested that the funds be budgeted for undesignated economic development.

The motion to amend the proposed budget to include $16,000 to fund Central Delaware Economic Development Council (CDEDC) failed by a roll call vote of six (6) no and three (3) yes (Mr. Carey, Mrs. Russell, and Mr. Slavin).

Mr. Slavin moved to adjust the proposed budget to include $46,000 for economic development, all of which is undesignated. The motion was seconded by Mr. Salters.

Mr. Carey stated that $16,000 should be earmarked for CDEDC. Mr. Slavin noted that the motion would not exclude CDEDC from receiving funds from the City.

The motion to adjust the proposed budget to include $46,000 for economic development, all of which is undesignated, was carried by a roll call vote of six (6) yes and three (3) no (Mr. Carey, Mr. Hogan, and Mrs. Williams).

Mr. Ruane moved to eliminate the use of credit cards for the payment of electric bills, seconded by Mr. Salters.

Mrs. Mitchell explained that there are fees to the City for offering the use of credit card payments. One of the major users of the credit card payment (which is actually the use of a debit card) is by the State of Delaware, which has increased the fees by approximately $139,000. She advised members that she is working with the State to eliminate their payments by credit cards and instead, implement the use of CH transfer, which will reduce the City's fees substantially. To offset these costs, she advised members that staff is currently reviewing the possibility of instituting convenience fees for those wishing to use credit card payments.

Mr. Ruane withdrew his motion, as did the seconder.

Mr. McGlumphy moved to take a "time out" from the Pay-for-Performance Plan (PFP) for evaluation and analysis and to grant a 3.5% cost of living increase to those employees, similar to the FOP increase. The motion was seconded by Mr. Ruane.

Mr. McGlumphy stated that he feels very strongly that in the past few years, the PFP has favored individuals in executive positions. Those salaries have increased considerably and some have received 5% - 6% increases on an annual basis, some of which have been complicated with a variety of promotions.

The motion to take a "time out" from the Pay-for-Performance Plan (PFP) for evaluation and analysis and to grant a 3.5% cost of living increase to those employees, similar to the FOP increase, failed by a roll call vote of seven (7) no and two (2) yes (Mrs. Russell and Mr. McGlumphy).

Mr. Slavin moved to recess until Monday, June 25, 2007 at 5:00 p.m., seconded by Mr. Carey and unanimously carried.

Meeting Recessed at 9:26 P.M.

MONDAY, JUNE 25, 2007 - 5:00 P.M. - 6:30 P.M.

By motion of Mr. Carey, seconded by Mrs. Russell, the Special Council Meeting reconvened on Monday, June 25, 2007 at 5:01 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane. Council staff members present were Mr. DePrima, Mrs. Mitchell, Mrs. McDowell, and Mayor Speed.

Review of Revisions Made to Balance Budget

Mr. Hogan moved to amend a previous motion regarding the Mayor's Salary increase, by deleting the amount of $10,800 and inserting, in its place, an amount of $2,000. The motion was seconded by Mr. McGiffin and failed by a roll call vote of eight (8) no and one (1) yes (Mr. Hogan).

Continuation - Final Discussion/Action and Wrap-up

Mr. Ruane moved to remove the items listed for the anticipated transfer tax revenue and expense associated for the Sale of the Dover Mall from the budget, seconded by Mr. McGlumphy.

For clarification, members were advised that page 14, Revenue Transfer Tax, Transfer From, would be reduced by $1,114,000 as well as the amount on Page 16, transfer from General Fund for Projects, under the governmental capital projects fund.

The motion to remove the items listed for the anticipated transfer tax revenue and expense, in the amount of $1,114,000, anticipated for the Sale of the Dover Mall from the budget was unanimously carried.

Mr. Carey moved to request that the Legislative, Finance, and Administration Committee review a pay for performance program for the Mayor's position to allow for evaluation of a salary, similar to what is provided for City employees. The motion was seconded by Mr. Slavin.

Mr. McGlumphy did not feel that it would be adequate or appropriate for members of City Council to evaluate the Mayor.

Mr. DePrima reminded members that during the past Council Retreat, there was strong support for a Salary Commission to be established to review the Mayor and Council salaries, which is also a recommendation of the Charter Review Committee.

Mr. Carey withdrew his motion, as well as the seconder.

Mr. Ruane moved that an ordinance be drafted that would establish a Compensation Commission that would have the responsibility of reviewing the compensation for the Mayor and Council, on a three (3) year cycle, and that their recommendations become effective unless Council considers their recommendations within two (2) meetings. The motion was seconded by Mr. Carey.

Mr. Slavin moved to amend the motion by appointing a Committee to study the issue of compensation for the Mayor and Council and that the Committee be charged with making recommendations regarding a permanent governing body (commission) that would develop rules and guidelines pertaining to how those salaries may or may not be adjusted and implemented. The motion was seconded by Mr. Salters.

After much discussion and with the understanding that the original motion will require the issue to be presented to the Legislative, Finance, and Administration Committee, Mr. Slavin withdrew his motion to amend, as did the seconder.

On a call for the question by Mr. Ruane, the motion for an ordinance to be drafted that would establish a Compensation Commission (to be considered by the Legislative, Finance, and Administration Committee), was unanimously carried.

Mr. Slavin moved to adopt all the changes included in the document provided to members titled "Summary of Changes Due to Council Action on June 11, 2007", prepared by the Budget Team (***Exhibit #8***). The motion was seconded by Mr. Carey.

Responding to Mr. Ruane, Mr. DePrima assured members that the quality of services will not be affected with the removal of the sanitation truck. However, he indicated that if additional funds become available, this is an item that he would bring back to members of Council for further consideration during the upcoming fiscal year.

The motion to adopt all the changes included in the document provided to members titled "Summary of Changes Due to Council Action on June 11, 2007", prepared by the Budget Team was carried with Mr. Hogan voting no.

Mr. Slavin moved for adjournment, seconded by Mr. Ruane and carried with Mr. McGlumphy voting no.

Meeting Adjourned at 5:53 P.M.

TRACI A. MCDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of May 23, 2007 (continued May 24, 25, and 31, and June 11, and 25, 2007), are hereby approved.

STEPHEN R. SPEED
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation of the 2007/2008 Draft Budget
Exhibit #2 - Details Submitted by Councilman Hogan - COLA Increase for Retirees
Exhibit #3 - Power Supply/Power Generation Cost Center Presentation
Exhibit #4 - Pay for Performance Presentation
Exhibit #5 - Presentation Resulting from Council Member Requests of May 26, 2007 Budget Hearing
Exhibit #6 - List of Proposed Additions/Deletions from the Draft Budget, as Prepared by Councilman Slavin
Exhibit #7 - Sampling of Impact of 1, 2, and 3 Cent Tax Increase on Selected Properties
Exhibit #8 - Summary of Changes Due to Council Action on June 11, 2007

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 23, 2007 at 7:30 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane.

Council staff members present were Deputy Police Chief Taraila, Mr. Capuano, Mrs. Mitchell, Mrs. Townshend, Fire Chief Osika, Mr. DePrima, City Solicitor Rodriguez, and Mrs. McDowell.

OPEN FORUM

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

There was no one present wishing to speak during the Open Forum.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 9, 2007

The Minutes of the Regular Council Meeting of July 9, 2007 were unanimously approved by motion of Mr. Carey, seconded by Mr. Slavin and bore the written approval of Mayor Speed.

PROPOSED RESOLUTION - APPOINTMENT OF MAYOR AND COUNCIL PRESIDENT

Due to the resignation of Mayor Stephen R. Speed, an extended vacancy, beginning July 23, 2007, will exist in the Mayor's seat.

By motion of Mr. Slavin, seconded by Mr. McGlumphy, the following Resolution was unanimously adopted in accordance with Section 15 of the City of Dover Charter:

WHEREAS, Mayor Stephen R. Speed whose term expires May 12, 2008, submitted his resignation as Mayor of the City of Dover effective July 23, 2007; and

WHEREAS, Mayor Speed will be away on military leave and vacation until July 22, 2007; and

WHEREAS, in accordance with Sec. 13 of the Charter, a special election to fill the vacancy is required no sooner than thirty (30) days from the date of vacancy and no later than (60) days after the date of vacancy; and

WHEREAS, in accordance with the provisions of Sec. 15 of the Charter, the Mayor's absence will be extended, in which case Council shall pass a resolution appointing the Vice-Mayor as Mayor until the Mayor's position is filled in accordance with Sec. 13, which resolution shall provide that the Vice-Mayor shall have the right to approve council action in accordance with Sec.10 hereof, in which case the Vice-Mayor shall lose his/her vote as Council person until further action is taken by Council.

NOW THEREFORE IT BE RESOLVED by Council of the City of Dover and in Council, met:

1. Council President and Vice-Mayor Beverly C. Williams shall serve as Mayor until the Mayor's position is filled, in accordance with the provisions of Sec. 13 of the Charter, due to the extended absence and resignation of Mayor Stephen R. Speed and during this period of time Beverly C. Williams, acting as Mayor, shall have the right to approve or disapprove Council action in accordance with the provision of Sec. 10 of the Charter, in which case she shall lose her right to vote as Councilperson until further action is taken by Council. Upon the election and installation of a new Mayor, Vice-Mayor Beverly C. Williams shall return to her position as Vice-Mayor and shall regain her vote as Councilperson.

2. In accordance with Sec. 9 of the Charter, Reuben Salters, the senior member of Council, in terms of length of service, shall assume the duties of Council President and is hereby appointed as acting Vice Mayor and Council President.

3. Further, based on the interpretation by the City Solicitor, the provisions of Sec. 5 of the Charter require a Councilperson who files and runs for Mayor to automatically give up his or her position as Councilperson applies only to general elections and not to special elections, which exist at the present time where the Mayor has resigned during his existing term, any Councilperson who wishes to run for Mayor at the present special election will not be required to give up their position as Councilperson and if he or she is unsuccessful in the special election he or she shall resume their remaining term as Councilperson.

ADOPTED: JULY 23, 2007

(City Clerk's Office Note: Following adoption of the Resolution, Mr. Salters presided over the meeting as Council President.)

RESOLUTION/PRESENTATION - STEPHEN R. SPEED

By motion of Mr. Carey, seconded by Mr. Ruane, Council unanimously adopted the following Resolution:

WHEREAS, Stephen R. Speed was sworn into office as First District Councilman on May 14, 2001 and during his term, was appointed as a member of the Utility Committee, Parks and Recreation Committee, Chairman of the Legislative and Finance Committee, and as a Liaison to Kent County; and

WHEREAS, after serving one year of his second term, Stephen R. Speed relinquished his seat as Councilman and successfully ran for Mayor, being sworn into office and taking the Oath of Office as Mayor of the City of Dover on May 10, 2004 serving with distinction until his resignation of July 22, 2007; and

WHEREAS, Mayor Speed has been an exceptional community leader, as evidenced by the support he has shown the Police Department in attaining national accreditation, development of a Home Ownership Initiative for the Downtown area, and to the military through his interaction with the United States Navy Academy; and

WHEREAS, Mayor Speed has dedicated countless hours of personal family time to represent the City at various events that were held on nights and weekends; and

WHEREAS, Mayor Speed, whose term expires on May 12, 2008, submitted his resignation, which takes effect July 23, 2007, and has accepted the position of Director of the Airways Science Program at Delaware State University.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council express sincere appreciation to Stephen R. Speed and his family for the many dedicated years of service and personal sacrifices made for the good of the community and welfare of the citizens of the City of Dover and recognize that his leadership will be sorely missed.

BE IT FURTHER RESOLVED that the Mayor and Council wish Mayor Speed and his family success in all future endeavors and direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Stephen R. Speed.

ADOPTED: JULY 23, 2007

Mayor Williams and members of Council presented Mayor Speed with the Resolution, a Dover Cup, and a Key to the City.

Mayor Speed read the following excerpt from his resignation speech:

> *"It has been an honor to serve the citizens of Dover alongside the many outstanding employees here at the city. There is a recognizable culture of excellence among the dedicated members of the city staff. I offer them my sincere thanks and appreciation for their dedication and for their vital, generous, and constant help in the performance of my duties. They deserve all of the credit for any successes and advancements made on behalf of the citizens of Dover.*
>
> *I also thank the members of City Council for their support of the vast majority of initiatives I have proposed. Despite what many people may think, we have agreed on most issues and jointly have tried to make Dover an even better place to live than it already is.*

I have met and enjoyed the company and support of many of the citizens and other people who live and/or work in the City of Dover. I will always be grateful to the volunteers and supporters who helped me get elected and to the people who elected me and encouraged me throughout my time as mayor. You have all been absolutely wonderful and your enthusiasm has been humbling. I am truly blessed."

Members of Council thanked Mayor Speed for his contributions to the City and wished him well in all his future endeavors.

UTILITY COMMITTEE REPORT - JULY 9, 2007

The Utility Committee met on July 9, 2007 with Mr. Carey presiding in the absence of Chairman Ruane.

Tidewater Agreement

The City of Dover has served potable water and provided fire protection service to the Wilmington College building located at 3282 North DuPont Highway since March 2004. This building is located within Tidewater Utility's Certificate of Public Convenience and Necessity (CPCN) territory. Staff has been working with Tidewater to develop an equitable agreement which results in the City receiving the right to serve this customer and Tidewater relinquishing its rights under the current CPCN. The result of these negotiations is an Agreement Regarding Water Service Rights. Conditions of this agreement include the following:

- Construction of a twelve-inch (12") diameter water main along the northern property line of Wilmington College in an easterly direction to a proposed interconnection location with Tidewater Utilities. (This project was completed in FY 2007.)

- Construction of valves, vault(s) and meter(s) at the proposed interconnection location. (This project is proposed for FY 2008. Work is to be completed by the Public Utilities Construction Division and expenses are to be equally shared between the City of Dover and Tidewater Utilities.)

Responding to Mr. Snaman, Mr. DePrima, City Manager, stated that if the City bears the entire $50,000 expense of building the pipe, Tidewater will not challenge the loss of Wilmington College as a customer. He noted that the agreement benefits both the City and Tidewater by enabling the buying and selling of water when necessary to either party.

The committee recommended authorizing the City Manager and Finance Director to execute the agreement with Tidewater Utilities regarding water service rights with respect to service at the Wilmington College property, as recommended by staff.

By consent agenda, Mr. Carey moved to authorize the City Manager and Finance Director to execute the agreement with Tidewater Utilities regarding water service rights with respect to service at the Wilmington College property *(Exhibit #1)*, as recommended by the committee. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote.

Update - Brown Water

During the Regular Utility Committee Meeting of July 9, 2007, Mrs. Sharon Duca, Water/Wastewater Manager, provided a PowerPoint Presentation which included a water quality overview, expenses, strategy and capital improvements to address the brown water issue and staff's desired results and resources *(as on file in the Office of the City Clerk)*. At the request of members, Mrs. Duca provided the presentation again for members of Council.

Responding to Mr. Ruane, Mrs. Duca stated that the contact chamber will stabilize the water chemistry prior to it being introduced into the distribution system. She noted that other states require this step to ensure water stabilization. Mrs. Duca advised members that the installation of sample analyzers will enable them to test for chlorine residuals which will provide data on the effectiveness of the contact chambers.

Update - Verizon Franchise Agreement Negotiations

Mrs. Mitchell, Finance Director/Treasurer, advised members that they held their first negotiation meeting with Verizon on June 26, 2007. Both the City and Verizon had requests and concerns and each party will gather the requested materials and meet again.

Mrs. Mitchell stated that she did not anticipate additional revenue from new customers. It was her feeling that some customers may switch from Comcast to Verizon.

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

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JULY 10, 2007

The Parks, Recreation, and Community Enhancement Committee met on July 10, 2007 with Chairwoman Russell presiding.

Presentation - Boys and Girls Club

Mr. Michael Harrington, Jr., President of the Greater Dover Boys and Girls Club Board, provided a presentation on meeting some of the increasing needs of youth in Dover.

Mrs. Lisa Ratliff, Executive Director of the Greater Dover Committee (GDC), advised members that the GDC became involved in the Boys and Girls Club project after an independent study of community needs was performed. The Study identified the need for additional recreational outlets and additional affordable wraparound after school care services for our youth. Mrs. Ratliff clarified that there are many great existing youth organizations in our community, but due to the current growing population, expansion of what is currently available is needed. She commended the City for adding the John W. Pitts Recreation Center at Schutte Park; however, the Center will be at full capacity, even prior to opening its doors which is just one of the many reasons for the presentation. After additional research, the GDC realized that the Greater Dover Boys and Girls Club, in partnership with other organizations, could address some of the critical needs for our youth at an affordable cost for our families if given the proper facilities. She stated that the GDC formed a Task Force, in partnership with the Greater Dover Boys and Girls Club, which is made up of GDC members, Boys and Girls Club Unit Board Members, and other key community individuals. The

goal of the Task Force has been to develop a plan for the expansion and development of the Greater Dover Boys and Girls Club and to foster partnerships. Mrs. Ratliff indicated that the presentation will address the current needs, background of the mission, programs of the Greater Dover Boys and Girls Club, and outline the plans for expansion and development. She also noted that all the children shown in the presentation are actual Greater Dover Boys and Girls Club members.

Mr. Tingle, Executive Director of the Greater Dover Boys and Girls Club, introduced additional presenters, Mr. Frank Fantini and Mr. Robert MacLeish, co-chairs of the Task Force and members of the GDC. Mr. Fantini stated that the Greater Dover Boys and Girls Club is the only organization that holistically looks after all the needs of our youth, has a tremendous record of success, is a good citizenship program and allows youth to grow up in a positive environment with positive role models. Mr. Fantini advised members that their goal is to show options that would create a magnet club that would provide the facilities to draw children throughout the City of Dover and to continue to maintain and develop walkthrough neighborhood clubs in various areas.

Mr. Fantini stated that Land Option #1, the preferred site to locate a Boys and Girls Club, is Schutte Park due to its geographic location which is accessible to children that can either walk or bike to the club. Mr. MacLeish indicated that the club would be located adjacent to the John W. Pitts Recreation Center building. Land Option #2 would be to locate the club in a building that would replace the existing Parks and Recreation building on White Oak Road. This option is not as centrally located as the first option and is located on the east side of Route 13. Land Option #3 is to locate the club on the Lewis Farm which is located on the east side of Route 1 and is in the preliminary exploratory stage. This site is not very favorable due to the remoteness from children.

Mr. Fantini introduced Mr. Michael Thomas, Superintendent of the Capital School District, to give his perspective of why the development of Boys and Girls Club facilities are good for the community as a whole and not just Capital School District. Mr. Thomas stated that our children are our future and noted that it is our responsibility to involve our youth in productive activities to develop their character, work ethic, and educational interests. In 1955, the average family was composed of a man, wife, and two (2) children; whereas, in today's world that figure only makes up for four percent (4%) of the statistical average. He noted the school system is in full support of this project and will continue to work hand in hand with the Greater Dover Boys and Girls Club.

Mr. Fantini stated the State Board of the Boys and Girls Club will include Dover in their next capital campaign and take the lead in raising the majority of the $6M to $8M needed for this project.

Mr. Anthony DePrima, City Manager, indicated that there are some concerns with utilizing Schutte Park for their club due to the proposed building location hindering the expansion potential of the John W. Pitts Recreation Center. Mr. Zachery Carter, Director of Parks and Recreation, concurred.

Mrs. Russell recommended that Mr. DePrima and Mr. Carter explore possible land options for the proposed club and report back to the committee during their August meeting.

Mr. Harrington stressed that a commitment of a determined location must be received within the next few months so that it can be included in their presentation to the State Board of the Boys and Girls Club to acquire funding.

CDBG Action Plan Amendment

Mrs. Ann Marie Townshend, Director of Planning and Inspections, stated that approximately one (1) month ago, an application for a business license was received to open a recording studio at 301 W. Loockerman Street. The applicant indicated the studio would be located in the basement of the building and that the work was completed and ready for occupancy. Mrs. Townshend noted that an inspection of the building on June 15, 2007 revealed that a tenant "fit-out" had been performed in the basement without obtaining building permits. Mrs. Townshend indicated that the 2007 CDBG Action Plan allocated $57,000 for a rental rehabilitation for this location and staff is concerned that providing grant funding to a property currently in violation of City codes could send an inconsistent message and set a precedent that may be problematic. Responding to Mr. Lewis, Mrs. Townshend stated the CDBG funds were not associated with the basement project.

Mr. Grant Prichard, Chief Building Inspector, indicated the last renovation permit for this property was applied for in 1998, and the last general permit was for the placement of signs by Ready Staffing. Mr. Prichard stated that Mr. Tolano Anderson, property owner, indicated the wall studs and electric existed in the basement when he purchased the property and that he only closed in the walls. Mr. Prichard then advised Mr. Anderson that a permit was necessary for the work he performed and that a change of use would require a Certificate of Occupancy, a Fire Marshal and building approval, and architectural plans. Responding to Mrs. Russell, Mrs. Townshend stated that Mr. Anderson has completed numerous projects within the City of Dover.

Mr. Anderson indicated that he was given notice of this meeting on Thursday, July 5, 2007, which was not acceptable, and questioned if the item could be tabled until the next meeting. He advised members that he has received no supporting information or citations/violations regarding this meeting or what needs to be corrected to bring the building up to code. The building permit had not been pulled for the building in question. Mr. Anderson noted that the previous owner failed to obtain permits for the work done in the basement and felt he should not be responsible for this work, but is willing to pay for the permitting fees.

Responding to Mr. Lewis, Mrs. Townshend stated that a formal violation has not been issued to date and has only been verbally discussed between Inspection Staff and Mr. Anderson to assist in bringing the building up to code.

Mrs. Russell recommended that the item be tabled until their next meeting so that both parties can try to rectify the problem and present a solution in writing to members. Mr. McGlumphy stated that clarification should be made with regards to what had been done, what needs to be corrected to bring the building into compliance, and what is planned for the future for presentation during their next meeting. Mrs. Horsey noted that Mr. Anderson is a great supporter of the downtown area and felt confident that the City would work with him in resolving the problem at hand.

Update on Report Examining the Cost Differential Between a Geothermal System and a Traditional Air-conditioning System - John W. Pitts Recreation Center

During their meeting of November 28, 2006, members reviewed bids with and without air-conditioning for the construction of the John W. Pitts Recreation Center. They then recommended that staff present a report examining the cost differential between a geothermal system and a traditional air-conditioning system.

During their meeting of June 12, 2007, members reviewed the cost differential between a geothermal system and a traditional air-conditioning system for only the gymnasium area of the John W. Pitts Recreation Center. Mr. Tony DePrima, City Manager, stated that he would provide Mrs. Russell with the payback savings information regarding utilizing a geothermal system for the entire building. Mr. Ruane suggested that Mr. DePrima and Mr. Carter explore the funding or cost sharing possibility available with the State of Delaware and provide a report back to members for review. He also suggested that a report be provided regarding the one hundred wells supporting a potential addition to the John W. Pitts Recreation Center. Members accepted the report examining the cost differential between a geothermal system and a traditional air-conditioning system for the John W. Pitts Recreation Center with the understanding that the concerns expressed by members will be addressed during their next meeting.

Mr. Zachery Carter, Director of Parks and Recreation, stated that an update is not available at this time. A meeting has been scheduled with a representative from Becker Morgan Group, Inc., Mr. DePrima, and himself on Friday, July 13, 2007, and a report will be available at the next meeting.

Proposed Formation of Youth Council

Mrs. Russell stated that during the Washington, D.C. 2006 NLC Congressional City Conference and the Reno, NV 2006 NLC Congress of Cities and Exposition she attended Youth Advisory Committee sessions that were given by youths from Las Vegas, NV and Florida respectively. Mrs. Russell indicated that her main goal is to help make today's youth civic minded and to explain the importance of voting in elections.

Mrs. Russell indicated that she believed it would be beneficial to both the City and its youth to establish a Youth Advisory Committee for the purpose of providing opportunities for the youth to lead and plan recreation and community service activities, with an emphasis on youth development. She stated the role of the Youth Advisory Committee is to foster increased involvement of youth in the affairs of the municipal government. The responsibilities are as follows:

- Review problems, issues, activities and concerns of youth, especially as they relate to municipal programs and projects of the City of Dover.
- Hold forums on health, safety, recreation, employment and school issues and concerns of youth.
- Make recommendations to the Parks and Recreation Department regarding the planning and implementation of the programs.

Mr. McGlumphy, Mrs. Horsey, and Mr. Lewis concurred with Mrs. Russell and indicated that it is an excellent idea to have a Youth Advisory Committee.

The committee recommended establishing a Youth Advisory Committee.

By consent agenda, Mr. Carey moved for approval of the committee's recommendation, seconded by Mr. Slavin and carried by a unanimous roll call vote.

Update - Puncheon Run Watershed Action Team Update

Mr. Scott Koenig, Public Services Manager, stated that DelDOT is moving forward with the South Governors Avenue upgrade, which is fully funded, and will include the replacement of the box culvert located at Governors Avenue with a bridge. The project is expected to cost approximately $15 million and construction is expected to start in early Spring of 2008. He also indicated that the mapping of the stormwater system has begun and the Conservation District is working with URS Corporation on a hydraulic study on the lower basin. This study will determine the potential choke points within the Puncheon Run, including flood elevation information, with the preliminary report being completed by August 31, 2007.

Mr. Koenig noted that the next Puncheon Run Watershed Action Team meeting will be held July 25, 2007. Responding to Mrs. Russell, Mr. Koenig stated additional mailing lists, which will be used to notify adjacent property owners, will be created by the City as future projects are developed.

Update - John W. Pitts Recreation Center

Mr. Zachery Carter, Director of Parks and Recreation, advised members that progress meetings were held on June 12, 2007 and June 26, 2007 and the John W. Pitts Recreation Center Project is currently on schedule. Within the next few weeks the underground utilities will be installed and the metal building should be delivered by the end of July.

Responding to Mrs. Russell, Mr. Carter stated he was not aware of the makeup of the laborers working on the project.

Update - Planning and Funding for New Library

Mr. Richard Thau, Director of the Dover Public Library, advised staff that recruitment is continuing for the Library Project Coordinator and Library Building Committee members. He reminded members that the committee will be involved in the development of a comprehensive building program, marketing, and fund raising campaign.

Update - CDBG Program

Members reviewed the status report provided on the FY 2005 and FY 2006 Program Funds Spent for the CDBG Program. Mrs. Tracey Harvey, Community Development Director, advised members that the 2007 Action Plan has been approved and funding should be available within the next three (3) weeks.

Mrs. Russell requested that Mrs. Harvey start working on the plans for their next workshop.

By consent agenda, Mr. Carey moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Slavin and unanimously carried.

MONTHLY REPORTS - JUNE 2007

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

Budget Report
Chief of Police Report
City Assessor Report *(May and June)*
City Manager's Report
Planning and Inspections Report
Dover Fire Department Report

EVALUATION OF BIDS - FY08 STREET PROGRAM

In conjunction with the City of Dover's Capital Investments Plan, it is proposed to rehabilitate various pavement sections throughout the City of Dover during Fiscal 2008. The following locations are to be completed under the FY-2008 Street Program:

George Washington Drive
Andrew Drive
Morris Drive
Cowgill Street
Clara Street Extended
Legislative Avenue
Maryland Ave (Pennsylvania Ave to end)
Maryland Ave (Pennsylvania Ave to State St. east alley)
Pennsylvania Avenue West Alley
Robbins Hose Station #1 Parking Lot
West Street East Alley
State Street West Alley (Loockerman Street to Fulton Street)
State Street West Alley (Cecil Street to Ross Street)
State Street East Alley
Governors Ave West Alley (Division St to Clara St)
Governors Ave West Alley (Columbia Ave to Walker Rd)
Governors Ave East Alley (N. Governors Ave. to William St)
Governors Ave East Alley (Columbia Ave to N. Gov. Blvd)
Governors Ave East Alley (Ross Street to Walker Road)

Staff has reviewed the bids and adjusted the quantities to reflect the work identified for the above referenced locations. Three (3) contractors submitted unit price bids for the work to be performed. Based on the quantities, the estimated contract values are as follows:

George & Lynch, Inc.	Dover, Delaware	$668,554.85
Daisy Construction Co.	New Castle, Delaware	$699,022.51
David A. Bramble, Inc.	Chestertown, Maryland	$735,527.15

The FY-2008 Street Program contract documents allow staff to alter quantities up to 35% without changes to unit prices; therefore, the contract final value may be adjusted to reflect all available funding.

Staff recommended awarding a unit price contract for the FY-2008 Street Program to George & Lynch, Inc. based on the unit prices for each work item. The scope of work for the program will be altered to reflect the funding that has been secured to complete each location. The Public Services Manager may add or delete from the contract based on available funding throughout the contract period and inform the City Manager of such additions or deletions. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. The total work authorized under this contract will not exceed the available funding.

Responding to Mr. Ruane, Mr. Koenig, Public Services Manager, stated that in order to keep track of the funds for the contract they will be holding weekly meetings with the Finance Department staff to discuss funding, interest earnings, the flow of the funds through the system, the reimbursements from the State, and tracking the financing by agreement. He noted that additional field controls have been put in place, such as weekly reporting by the contractor and the inspector in order to check the progress being made with the anticipated quantities used to prepare the bid package.

Mr. Hogan requested staff to provide the new street grading list. Mr. Koenig noted that the streets were last graded in 2003; however, he could provide the updated list of scheduled street repairs.

Mr. Slavin noted that many of the repairs included on the list are alleys and when the residents lose access to the alleys they will not be able to access their off-street parking. He requested staff to work in close coordination with the police department during that time with regard to parking.

Mr. Hogan moved to award a unit price contract for the FY-2008 Street Program to the low bidder, George & Lynch, Inc., based on the unit prices for each work item, as recommended by staff. The motion was seconded by Mrs. Russell and carried by a unanimous roll call vote.

EVALUATION OF BIDS - 69KV BREAKER

The Electric Engineering Division began a transmission breaker replacement program in FY 06 whereby all the obsolete breakers are replaced with new breakers. This is a multi-year project scheduled to end in FY 09/10, the program envisions replacing four (4) breakers each year. This bid also envisioned the purchase of one (1) breaker for the College Road Substation which will be constructed this year. This bid price is within the engineering estimate for the breaker portion of both CIP projects.

Bids were solicited and advertised according to City Policy by the Contract and Procurement Manager under bid number 07-0054DPU and received as follows:

Siemans Power T&D/NTS	$34,100 each
Stuart Irby	$39,750 each
HD Supply	$40,000 each
Stuart Irby	$41,667 each
ABB	$44,351 each
National Electrical Systems	$47,270 each

Staff recommended awarding the bid to the low bidder, Siemens Power Transmission & Distribution, Inc., at a unit cost of $34,100, with a total expenditure of $170,500.

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

2007 SPECIAL MAYORAL ELECTION - CORRECTION TO FILING DEADLINE

Council President Salters advised members that, although the City Charter provides for a 4:00 p.m. deadline for candidates to file nominating petitions for the seats of Mayor and Council, Title 15 of the Delaware Code now stipulates that deadlines shall be no earlier than 4:30 p.m., local time. He

noted that the filing deadline for the 2007 Special Mayoral Election had been set for July 27, 2007 at 4:00 p.m. and it was necessary to change the deadline to 4:30 p.m.

Mr. Hogan moved to change the filing deadline for the 2007 Special Mayor Election from 4:00 p.m. to 4:30 p.m. on July 27, 2007. The motion was seconded by Mr. McGiffin and unanimously carried.

TITLE V GRANT - CRIMINAL JUSTICE COORDINATING COUNCIL - OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) (CONSIDERED DURING THE LEGISLATIVE , FINANCE, AND ADMINISTRATION COMMITTEE MEETING EARLIER IN THE EVENING)

During the Legislative, Finance, and Administration committee meeting held earlier this evening, members considered staff's request to partner with Aid in Dover, Inc. to apply for a Title V Grant through the Criminal Justice Coordinating Council - Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The City of Dover's Weed & Seed/Community Prevention Program has been effective in providing programs that keep youth involved in positive activities in an effort to reduce juvenile delinquency in Dover. Programs offered include after school programs, summer day camps, field trips, and a PlayStation Too program on Friday nights. Recently, Aid in Dover, Inc. approached the program's coordinator with a potential grant opportunity through the Office of Juvenile Justice and Delinquency Prevention. The grant is for $50,000 over five years. Under the proposal, the City of Dover would partner with Aid in Dover, Inc. to secure the grant and provide youth programming through the grant. Traditionally, all of the money provided through the grant has gone to the City of Wilmington. If Dover is able to secure all or a portion of the grant, it would be the first time that another Delaware municipality receives funding through this program.

Mrs. Townshend, Director of Planning and Inspections, advised members that, due to Council President Williams' relationship with Aid in Dover, Inc., she wanted the grant request to be reviewed by both the Legislative, Finance, and Administration Committee and Council to ensure a transparent, public process. Mrs. Williams advised members that the application would be reviewed by the City Solicitor, Mr. Rodriguez, and she would not participate in voting on the grant, nor would she benefit from the allowable associated salary.

Mrs. Townshend stated that the City's commitment would be staff's time to administer the grant and there would be no related financial commitment. She advised members that the grant would provide additional funds for programs that the City already has in place and they would partner with Aid in Dover, Inc. to provide the services.

The committee recommended authorizing staff to apply for the Criminal Justice Coordinating Council - Office of Juvenile Justice and Delinquency Prevention (OJJDP) Title V Grant in partnership with Aid in Dover, Inc., as recommended by staff.

Mr. Slavin moved for approval of the committee's recommendation, seconded by Mrs. Russell and carried by a unanimous roll call vote.

REZONING REQUEST/FIRST READING - 967 SOUTH GOVERNORS AVENUE, OWNED BY HALPERN FAMILY PARTNERSHIP ONE

A request was received to rezone property located at 967 South Governors Avenue, owned by Halpern Family Partnership One. The property is currently zoned C-PO (Commercial/Professional Office) and R-8 (One Family Residence) and the proposed zoning is C-PO (Commercial/Professional Office).

Mrs. Townshend advised members that this parcel straddles the zoning classification line and falls within both a C-PO zone and an R-8 zone. She noted that, due to advances in technology, discrepancies are being found and brought forward for correction.

Responding to Mr. Hogan, Mrs. Townshend stated that staff could recommend that the owner consolidate the parcels since the building is on two (2) lots. Mr. DePrima advised members that if the property were ever sold, the title company would probably request certification of the legal non-conforming status from the City.

Mr. Ruane noted that there would be opposition to rezoning the residential property as C-PO.

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

By motion of Mr. Slavin, seconded by Mr. Carey, Council referred the request to the Planning Commission and set a public hearing for September 10, 2007 at 7:30 p.m, with Mr. Ruane voting no.

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 967 SOUTH GOVERNORS AVENUE

COUNCIL MEMBERS ANNOUNCEMENTS

Mr. Slavin congratulated Mrs. Williams on being the first woman Mayor and Mr. Salters on being the first African American Council President.

Mr. McGlumphy requested staff to provide a presentation explaining the various charges on the City's utility bills.

Mr. Hogan moved for adjournment, seconded by Mr. Carey and unanimously carried.

Meeting Adjourned at 8:40 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 23, 2007, are hereby approved.

BEVERLY C. WILLIAMS
MAYOR

/TM
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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Agreement with Tidewater Utilities Regarding Water Service Rights with Respect to Service at the Wilmington College Property

MEMORANDUM

Department Public Services – Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: August 1, 2007

To: City Council

From: Ann Marie Townshend, AICP

RE: Rezoning of Properties Located at 118 and 122 Roosevelt Avenue

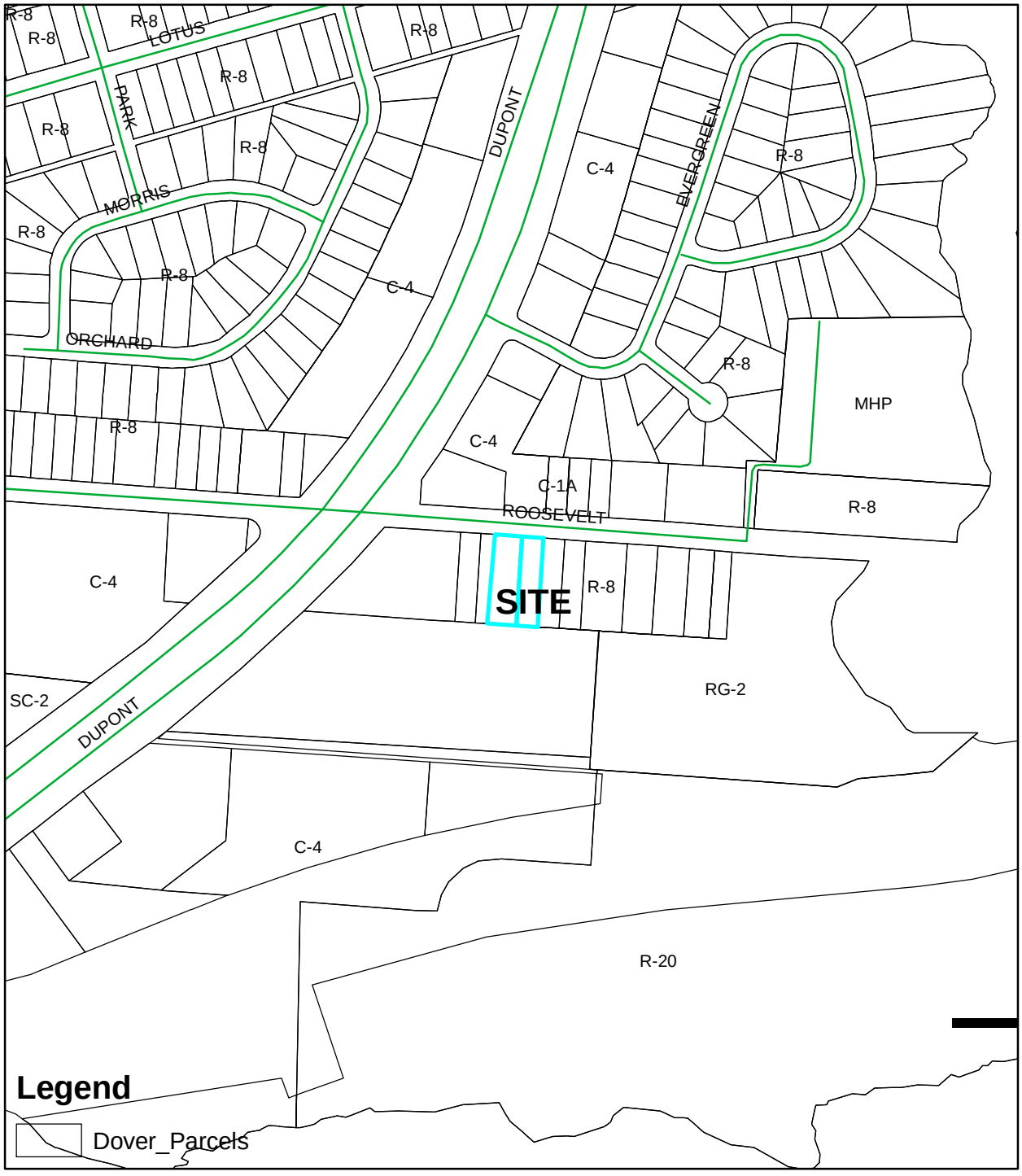
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The final reading and public hearing on the rezoning of properties located at 118 and 122 Roosevelt Avenue, owned by F.L. and D., Inc., from R-8 (One Family Residential Zone) to C-4 (Highway Commercial Zone) is scheduled to go before City Council on August 13, 2007. The application was scheduled to be heard by the Planning Commission on July 16, 2007.

The applicant for this rezoning failed to appear at the Planning Commission meeting on July 16, 2007. Because there was no applicant present, the Planning Commission tabled the application until the August 20, 2007 Planning Commission meeting.

On behalf of the Planning Commission, I request that City Council reschedule the public hearings before Planning Commission and City Council on this matter. I request that the Planning Commission public hearing be set for August 20, 2007 at 7:00 p.m., and that the final reading and public hearing before City Council be set for September 10, 2007 at 7:30 p.m.

Z-07-08
The Lands of Bruce Fisher
118 & 122 Roosevet Avenue

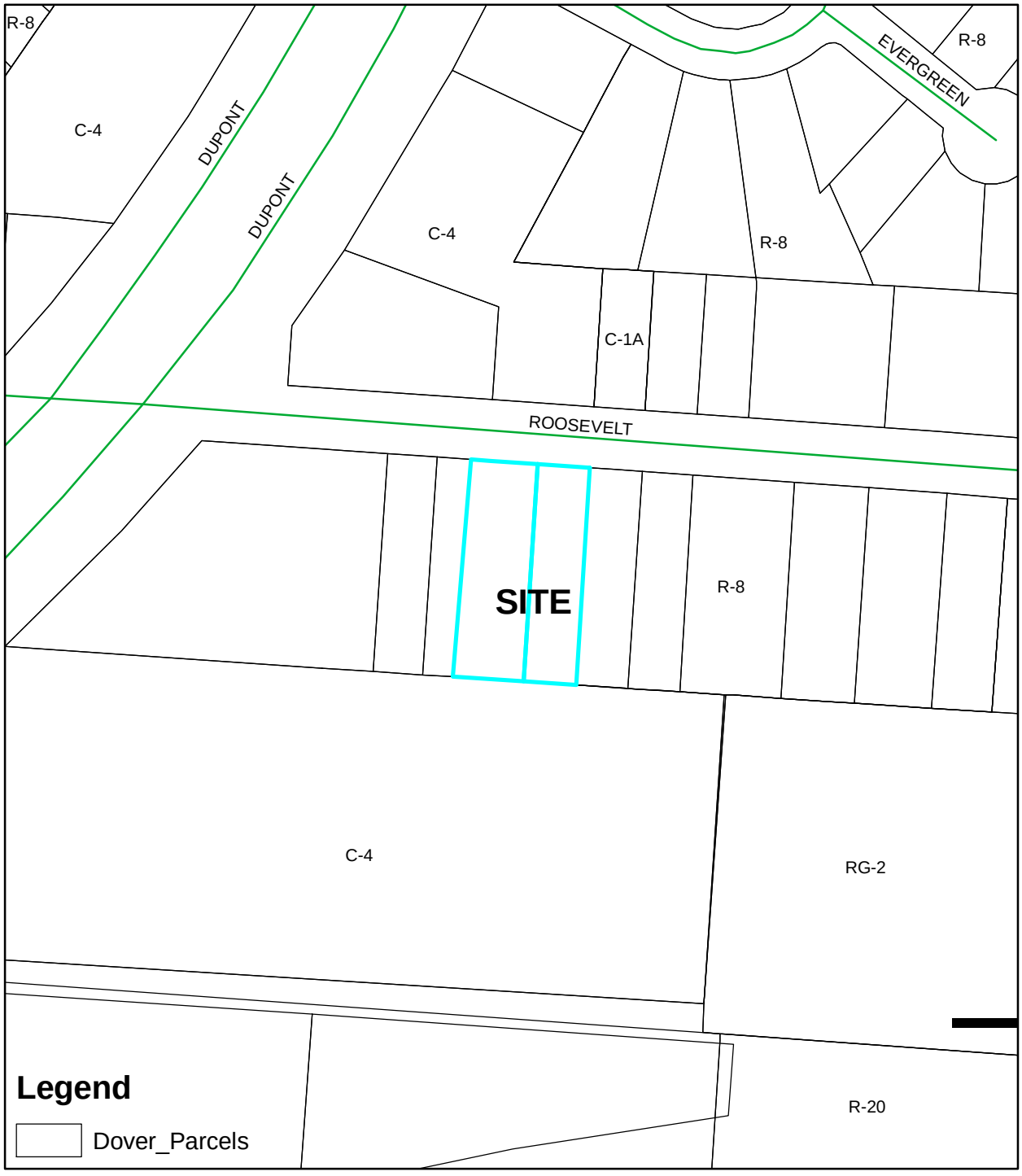


City of Dover
Department of Planning
Z-07-08 The Lands of Bruce Fisher
Parcel IDs: ED-05-077.18-02-84.00-000 and ED-05-077.18-02-83.00-000
Acres: 0.576 +/- Total
Council District 2
Current Zoning: R8 (One Family Residence Zone)
Proposed Zoning: C-4 (Highway Commercial Zone)

The material is for reference purposes only, and the City makes no warranty, representation, or guaranty as to the accuracy of the material.

The material is in the public domain and may be copied without permission.

Z-07-08
The Lands of Bruce Fisher
118 & 122 Roosevet Avenue



City of Dover
Department of Planning
Z-07-08 The Lands of Bruce Fisher
Parcel IDs: ED-05-077.18-02-84.00-000 and ED-05-077.18-02-83.00-000
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FINAL READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 118 AND 122 ROOSEVELT AVENUE.

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 properties described below from R-8 (One Family Residence) to C-4 (Highway Commercial) .

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 R-8 (One Family Residence) to C-4 (Highway Commercial) on those properties located at 118 and 122 Roosevelt Avenue, owned by FL&D, Inc.

ADOPTED: *

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LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 16, 2007, at 4:30 p.m. with Chairman Slavin presiding. Members present were Mr. Salters (arrived at 4:38 p.m.), Mr. McGlumphy, Mr. Shevock, and Mrs. Jones. Members of Council present were Mr. Carey and Mr. Hogan.

AGENDA ADDITIONS/DELETIONS

Mr. McGlumphy moved for approval of the agenda, seconded by Mrs. Jones and unanimously carried.

Presentation - Mortgage Foreclosure Filings in Delaware *(Gerard W. Kelly, Deputy Bank Commissioner for Consumer Affairs, State Bank Commissioner's Office)*

Mr. Gerard W. Kelly, Deputy Bank Commissioner for Consumer Affairs, provided mortgage foreclosure statistics for Kent County, Delaware. He noted that there were 475 mortgage foreclosures in Kent County last year compared with 349 in 2006.

Mr. Kelly reviewed the Delaware Foreclosure Timeline, which is a nine (9) or ten (10) month process. He advised members of the State's Delaware Emergency Mortgage Assistance Program (DEMAP), which will assist homeowners who are two (2) months behind in their mortgage payments by lending them up to $15,000 if they are in foreclosure through no fault of their own. DEMAP currently has funding in the amount of $650,000 for the program.

Mr. Kelly provided a sub-prime snapshot, information on DEMAP, and the refinance program *(Attachment #1)*. He also provided information on the 10 Ways to Avoid Foreclosure *(Attachment #2)*. Mr. Kelly noted that one of the best ways to avoid foreclosure is by having a home inspection done prior to purchasing a property so that unnecessary future expenses can be avoided.

Responding to Mr. Slavin, Mr. Kelly stated that the City could help by encouraging citizens to attend the informational meetings being provided by the State, sponsoring meetings in the community, and making citizens aware of the options available to them to avoid foreclosure.

Proposed Ordinance - Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 2 - Permit, Section 22-351 - Generally *(Rental Permit Fees)*

City Council has placed a high priority on proactive code enforcement. The Department of Planning and Inspections has a property maintenance inspection staff which is charged with code enforcement. One of the responsibilities of this staff is performing annual housing inspections (AHIs) of rental properties in the City. These inspections are key to proactive code enforcement, as they address both exterior property maintenance issues and interior code issues; however, they require a great deal of inspection staff time. Frequently, AHIs reveal significant code violations that affect the health and safety of occupants of rental properties, including lack of smoke detectors, plumbing violations, broken windows, exposed wiring, open electrical outlets, and unsanitary conditions.

In order to effectively provide proactive code enforcement and successfully implement the AHI program, the Department needs to add an additional property maintenance inspector. The increase in rental permit fees is proposed to fund this new position. Because there is a direct correlation to

code enforcement staff hours and rental permits, the fee increase is appropriate for this purpose. The fees within the program have not been raised since initially implemented in 2000.

Mrs. Ann Marie Townshend, Director of Planning and Inspections, reviewed a proposed ordinance amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 2 - Permit, Section 22-351 - Generally, which would increase rental permits for single-family dwellings from $90 to $120 for each single-family detached rental dwelling and increase the permit for each single-family attached dwelling from $70 to $90. The ordinance would also increase the rental permits for multiple-family dwellings from $90 to $100 for multiple dwellings consisting of three or less dwelling units; increase from $90 to $100 for the first three dwelling units of a multiple dwelling with four or more dwelling units; and increase from $30 to $50 for each additional dwelling unit in excess of three. The fee for condominium units and accessory apartments located within structures principally used for owner occupancy is proposed to increase from $30 to $50.

Responding to Mrs. Jones, Mrs. Townshend stated that the projected amount that would be generated by the fee increase, based on the 2006 rental permits, would be $101,000. She noted that the cost for the additional inspector would be approximately $64,000 for the salary and benefits. Noting that the City received an additional $100,000 in realty transfer taxes, Mr. McGlumphy stated that it was difficult to believe that the City could not find funds in the budget to pay for the inspector without increasing fees. Mr. Slavin requested that an updated realty transfer tax figure be provided prior to the First Reading of the ordinance.

Mr. McGlumphy asked how the proposed fees compared with other local municipalities. Mrs. Townshend noted that it was hard to compare since many municipalities do not charge rental permit fees, nor do they practice strong, proactive code enforcement. Mr. Salters stated that he thought increasing the associated fees was an appropriate way to fund the new inspector's position.

Mrs. Townshend advised members that she sent the proposed ordinance to the Delaware Association of Realtors. They responded that they had some questions; however, they have not contacted her again. Mr. Slavin requested that a public hearing be held prior to adoption of the ordinance.

Mr. Salters moved to recommend adoption of the proposed ordinance amending Chapter 22-Buildings and Building Regulations, Article X-Rental Dwellings, Division 2-Permit, Section 22-351-Generally (*Attachment #3*). The motion was seconded by Mr. Shevock and carried with Mr. McGlumphy voting no.

Capital and Caesar Rodney School District Liaison Committee

Mr. Slavin reminded members that the City of Dover provides streets, electric, water, wastewater, traffic control, and police and fire protection within the school districts. Noting that there is very little formal dialogue with the districts, he suggested that a liaison committee consisting of two (2) members each be established. Mr. Slavin recommended that the non-voting committee be advisory in nature for the purpose of communicating issues between the City and the Districts without taking a stand on referendums, taxes, rates, etc. He noted that once established, the committee could be expanded to include charter and private schools, as well as colleges and universities.

As a former School Board member, Mr. Hogan stated that communication between the groups would be a tremendous information tool for everyone involved.

Responding to Mrs. Jones, Mr. Slavin stated that items for discussion could be how the Capital School District's Master Plan, which includes adding grades to schools, would impact neighborhood schools, traffic, parking, or police service. It would also make the City aware of any other issues that would need to be addressed. Noting that Capital School District is planning the addition of relocatable classrooms at North Dover Elementary, Mr. Slavin suggested that the committee could foster communications between the district and the Department of Planning and Inspections, which would issue the permits, perform the inspections, etc.

Mr. Salters moved to recommend establishing an Education Liaison Committee to include public, private, and charter educational institutions, consisting of two (2) non-voting, non-binding, members from each participating group. The committee is to be advisory in nature for the purpose of communicating issues between the City and the educational institutions. The motion was seconded by Mrs. Jones and unanimously carried.

Addition of Third Council Meeting per Month

Noting the difficulty in scheduling special meetings and the need for Council members to consider certain issues in greater detail, Mr. Slavin proposed the addition of a third Council meeting to be held on the first Monday of each month. He suggested that they could be workshop type, non-mandatory meetings, meaning they would not be scheduled unless there were agenda items to discuss. Mr. Slavin recommended that no action be taken during the meetings until arrangements could be made with Comcast to televise the meetings.

Mr. Salters stated that there are an extraordinary number of meetings already and expressed concern with having additional informational meetings. Mr. Slavin noted that 33 special meetings have been held since January 2006, 20 of which were held on non-council meeting nights. Mr. McGlumphy noted that 29 of the 33 meetings were executive sessions and the addition of a third meeting would not reduce the number of meetings held. Mr. Slavin suggested that any necessary executive sessions could also be held on the first Monday of the month. Mr. Hogan stated that he has no problem with scheduled meetings, it's the unplanned meetings that are more difficult to attend. Mr. Hogan stated that he liked the idea of a scheduled third meeting and suggested that they be specific to certain items such as planning and zoning issues, rezonings, annexations, and other items requiring public hearings.

Mr. McGlumphy moved to recommend the addition of a third Council meeting, to be held the first Monday of the month, for the purposes of setting aside a specific date that will help to streamline Council's calendars and to present an opportunity to discuss issues in a more orderly manner. No action will be taken during these meetings until such time as arrangements can be made with Comcast to televise the meetings. The motion was seconded by Mr. Shevock and carried with Mr. Salters abstaining.

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

Meeting Adjourned at 5:43 P.M.

Respectfully submitted,

Timothy A. Slavin
Chairman

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Attachments
Attachment #1 - Outline - Sub-prime Snapshot, DEMAP, and Refinance Program (Original Minutes and File Copy)
Attachment #2 - 10 Ways to Avoid Foreclosure (Original Minutes and File Copy)
Attachment #3 - Proposed Ordinance Amendment - Chapter 22 - Buildings and Building Regulations

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

That Chapter 22, Section 22-351 be amended by inserting the text indicated in bold, red and deleting the text indicated in red strikeout, as follows:

Sec. 22-351. Generally.

(a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be ~~$90.00~~ **$120.00** for each single-family detached dwelling, and ~~$70.00~~ **$90.00** for each single-family attached dwelling.

(b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefore from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be ~~$90.00~~ **$100.00** for multiple dwellings consisting of three or less dwelling units, ~~$90.00~~ **$100.00** for the first three dwelling units of a multiple dwelling with four or more dwelling units, and ~~$30.00~~ **$50.00** for each additional dwelling unit in excess of three. The fee for condominium units and accessory apartments located within structures principally used for owner occupancy shall be ~~$30.00~~ **$50.00**.

(c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee in the amount of ten percent per month of the amount of the license fee until the same is paid.

(d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-352 shall pay a $100.00 reinstatement fee.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

(Code 1981, § 10-96; Ord. of 4-10-2000)

UTILITY COMMITTEE

The Utility Committee Meeting was held on July 23, 2007 at 5:00 p.m. with Chairman Ruane presiding. Members present were Mr. Carey, Mr. McGiffin, and Mr. Snaman. Mr. Cregar was absent. Council President Williams was also present.

AGENDA ADDITIONS/DELETIONS

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

Evaluation of Bids - 69Kv Transmission Line Relays

The Transmission Relaying, Replacement and Calibrations project requires the purchase of twenty-three (23) new transmission relays to replace the current obsolete relays.

As all new microprocessor based relays are very intricate and are programmed in a complex computer based application that requires extensive training, it was decided in 2000 that all transmission relays purchased in the future would be manufactured by Schweitzer Engineering Laboratories. Since that date, Public Utilities has only purchased Schweitzer transmission relays in accordance with State Code, Title 29. Staff provided documentation from Schweitzer Engineering that Robinson Sales is the exclusive marketer for these relays and a 2004 letter from the Electrical Engineering Division outlining the decision to utilize only Schweitzer Relays.

Staff recommended the purchase of 23 Transmission Relays from Schweitzer Engineering Laboratories, c/o Robinson Sales, Inc., for a total cost of $127,684.

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

Briefing on 69Kv Feeders 3 & 4 Project Phase I

Mr. Lunt, Public Utilities Director, provided a briefing on the 69 Kv Feeders 3 & 4 Project Phase I *(Attachment #1)*. He noted that the original design concept consisted of three (3) phases with a total budgeted Capital Improvement Plan (CIP) amount of $14,747,500. Mr. Lunt advised members that the project was originally presented as an Engineering Procurement and Construction (EPC) project, which meant the successful bidder would conduct the design layout, purchase all necessary materials, and provide the labor to complete the project. The project is now a City of Dover Engineered Project which will provide more control over the design and a greater number of bidders, which should result in a cost savings to the City.

Mr. Lunt noted that the briefing was provided to make members aware of the details of the project in preparation for the associated bond issue, which is forthcoming.

PACE/NAES Monthly Report (May and June)

The PACE/NAES Monthly Reports for May and June 2007 were provided to afford members the opportunity to monitor what is being sold in electric and the revenues received, which will give members a better understanding of any fluctuations and make improvements, if deemed necessary. A presentation of the reports was not intended; however, questions were welcomed.

Responding to Mr. Ruane, Mrs. Mitchell, Finance Director, advised members that the year-to-date power supply for the plant operations came in below budget, which added favorability to the budget. She noted that revenues were down $1.2M, which offsets the favorability. Mrs. Mitchell stated that they are continuing negotiations with PACE/NAES on the incentive issues.

Mr. Carey moved to recommend acceptance of the PACE/NAES Monthly Reports for May and June 2007, seconded by Mr. Snaman and unanimously carried.

Mr. Snaman moved for adjournment, seconded by Mr. Carey and unanimously carried.

Meeting Adjourned at 5:26 P.M.

Respectfully submitted,

Eugene B. Ruane
Chairman

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Attachments to Original Minutes and File Copy:
Attachment #1 - 69 Kv Feeders 3 & 4

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 23, 2007, at 6:00 p.m. with Chairman Slavin presiding. Members present were Mr. Salters, Mr. McGlumphy, Mr. Shevock, and Mrs. Jones. Members of Council present were Mrs. Williams, Mr. Carey, Mr. McGiffin, Mr. Hogan, Mr. Ruane, and Mrs. Russell (arrived at 6:35 p.m.).

AGENDA ADDITIONS/DELETIONS

Mr. Salters moved for approval of the agenda, seconded by Mr. McGlumphy and unanimously carried.

Proposed Ordinance - Chapter 19 - Omitted Assessments

Consideration of the Proposed Ordinance, Chapter 19 - Omitted Assessments, was deferred until the next meeting due to the absence of Mr. DePrima, City Manager, and Mr. Capuano, Tax Assessor.

Evaluation of Bids - iSeries Replacement

The City is currently running all utility billing, parcel management, tax billing, licenses and permits, etc. on the existing iSeries Model 820. This system is more than five (5) years old and has reached the limits of its upgrade path. In order to accommodate current and expected future workloads and prevent technological obsolescence a larger, faster, and more advanced system is required. Bids were solicited for a three (3) year lease of an i5 Model 525 with required associated hardware and system software. The RFP was submitted to several vendors; however, HTEVAR was the only response received.

Mr. Callan, Information Technology Director, advised members that it was more cost effective to lease the equipment than to purchase it. Additionally, staff was able to delay this purchase for one (1) year beyond the expected life cycle of the existing equipment.

Staff recommended approval of the three (3) year lease of an i5 Model 525, with the necessary hardware and software, from HTEVAR LLC/IBM Credit LLC, in the amount of $38,211 for the Year 1 costs; $18,591 for the Year 2 costs; and $18,591 for the Year 3 costs. The total amount of the three (3) year lease is $75,393.00, which includes yearly prepay hardware lease of $15,055 and yearly prepay software lease of $3,536 plus first year costs of $10,620 for hardware/software maintenance (full 3 years – one-time cost); $7,000 for installation and upgrade support, including travel expenses (one-time cost); $2,000 for 60 new tape cartridges (one-time cost).

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

Evaluation of Bids - Safety Retrieval Equipment

The Pump Station Crews of the City of Dover Water/Wastewater Division provide operation and maintenance services to the City's nearly forty (40) pump stations. This work often requires working within the sub-grade facilities associated with these pump stations. Following a review by the City's Safety Committee and Fire Marshal, it was determined that safety retrieval equipment is required for all Pump Station Crews for use at all pump stations.

Mr. Lunt, Public Utilities Director, advised members that, due to an error in the original bid solicitation, the first bids were rejected and re-solicited. This delay resulted in the project not being completed in FY 07 as planned; therefore, the funds will be carried forward to the FY 08 budget and the Finance Director will replenish this account during the first quarter budget adjustment. Responding to Mr. McGlumphy, Mr. Lunt stated that the error was not discovered in time to include the request in the FY 08 budget.

Staff recommended awarding the bid for Safety Retrieval Equipment to the low bidder, The Olympic Glove & Safety Company, Inc., in the amount of $25,360.07.

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

Title V Grant - Criminal Justice Coordinating Council - Office of Juvenile Justice and Delinquency Prevention (OJJDP)(Requested to be considered by Council during their meeting later in the evening)

The City of Dover's Weed & Seed/Community Prevention Program has been effective in providing programs that keep youth involved in positive activities in an effort to reduce juvenile delinquency in Dover. Programs offered include after school programs, summer day camps, field trips, and a PlayStation Too program on Friday nights. Recently, Aid in Dover, Inc. approached the program's coordinator with a potential grant opportunity through the Office of Juvenile Justice and Delinquency Prevention. The grant is for $50,000 over five years. Under the proposal, the City of Dover would partner with Aid in Dover, Inc. to secure the grant and provide youth programming through the grant. Traditionally, all of the money provided through the grant has gone to the City of Wilmington. If Dover is able to secure all or a portion of the grant, it would be the first time that another Delaware municipality receives funding through this program.

Mrs. Townshend, Director of Planning and Inspections, advised members that, due to Council President Williams' relationship with Aid in Dover, Inc., she wanted the grant request to be reviewed by both the Legislative, Finance, and Administration Committee and Council to ensure a transparent, public process. Mrs. Williams advised members that the application would be reviewed by the City Solicitor, Mr. Rodriguez, and she would not participate in voting on the grant, nor would she benefit from the allowable associated salary.

Responding to Mr. McGlumphy, Mrs. Townshend stated that the City's commitment would be staff's time to administer the grant and there would be no related financial commitment. She advised members that the grant would provide additional funds for programs that the City already has in place and they would partner with Aid in Dover, Inc. to provide the services.

Mr. Salters moved to recommend authorizing staff to apply for the Criminal Justice Coordinating Council - Office of Juvenile Justice and Delinquency Prevention (OJJDP) Title V Grant in partnership with Aid in Dover, Inc. The motion was seconded by Mr. Shevock and unanimously carried. *(Due to the July 30, 2007 application deadline, this item will be considered by Council during their meeting later in the evening).*

Pay for Performance (PFP) - Discuss Parameters/Scope of Assessment

During the budget hearings this year, City Council indicated a desire to have the Pay for Performance (PFP) Policy and its implementation evaluated to determine whether it is meeting its original purpose. Staff hopes to work with the Legislative, Finance, and Administration Committee to build the criteria that will be used to perform the assessment. From those criteria, a Request for Qualifications (RFQ) will be developed to seek a qualified firm to perform the assessment.

Members were provided the Pay for Performance policy adopted in March 2004, the evaluator instructions, and a series of questions developed by the City Manager, Mr. DePrima, for inclusion in the assessment.

Mr. Ruane reminded members that the PAS Study, which recommended development of the Pay for Performance policy, suggested that there would be a cost savings associated with the PFP. He requested staff to provide a report on the cost savings envisioned in the report compared with the savings realized. He also requested that the following questions be included in the assessment:

- Has the Pay for Performance system brought Dover's entry level salaries into closer conformity with local market comparable salary positions?
- Does the market survey currently being performed by the Human Resources Department correspond with the original market survey methodology that was used to establish the new pay grades and ranges in the original PAS Study?
- Have the goals and objectives that are now included in the annual strategic statements for each department been regularly incorporated into the goals and objectives of the individual employees working in the department?
- Are the employee's goals and objectives being reviewed quarterly?

Mr. McGlumphy stated that he felt a review of the PFP policy by an outside panel was necessary to determine if it is being administered fairly or if it is divisive; to examine the various documents that have been presented over the years; to question why some of the changes have taken place; to gain an understanding of how people move through the system; how they are re-graded or re-titled; are the employees in the program benefitting more than those who are not and, if so, why, and if not, why not; and whether or not the evaluative criteria is being administered fairly and advancing the mission of the organization.

Mr. Hogan stated that he feels that the Pay for Performance program is a valid attempt to recognize and reward employees who do a good job. He noted that the evaluators are also evaluated to ensure that they are not too easy, nor to hard. Mr. Hogan suggested that if it is not currently being done, the evaluators should be provided input and guidance on performing fair evaluations.

Mr. Salters reminded members that Council has the ability to adjust the percentage of the increases based on the status of the budget each year. He noted that the policy encourages employee initiative by resulting in a greater salary increase.

Mr. DePrima clarified that the table included in the budget was an example of proposed increases, assuming a good evaluation. He also noted that the PFP increases should not be confused with promotions. Mr. DePrima felt that promotions, title changes, and re-grading should be examined to see if the employees are being properly placed within the system.

Mr. Salters moved to recommend that the Pay for Performance policy be investigated further, seconded by Mr. McGlumphy and unanimously carried.

2005 Charter Review Committee Recommendation

During their Regular Meeting of May 23, 2005, Council adopted a Resolution establishing the 2005 Charter Review Committee to study the City Charter and submit recommendations relative to proposed changes in the form of government, election process, terms of office, and other amendments deemed necessary to assure the continued orderly growth and efficient management of the City.

During their Regular Meeting of July 9, 2007, Council accepted the 2005 Charter Review Committee report and referred the report to the Legislative, Finance, and Administration Committee for review.

Mr. Slavin advised members that they would be conducting a comprehensive review of the Charter, which would include public hearings in each election district. He noted that the review may require the Legislative, Finance, and Administration Committee to hold additional focus meetings.

Mr. Ruane urged the committee to utilize the *Model City Charter* as a guidepost in their review of the City of Dover Charter.

Mr. Salters moved to recommend that the City Clerk prepare a proposed schedule to complete the review over the next six (6) months, seconded by Mrs. Jones and unanimously carried.

Mr. William Daisey stated that he is opposed to changing from a Council/Manager form of government to a Mayor/City Manager form of government, as has been suggested. He felt that minimizing the power of City Council and providing the Mayor with too much power could lead to corruption, similar to that of the 1920's and 1930's.

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

Meeting Adjourned at 7:00 P.M.

Respectfully submitted,

Timothy A. Slavin
Chairman

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SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on July 24, 2007, at 6:07 p.m. with Chairman Hogan presiding. Members present were Mr. Carey and Mr. Link (arrived 6:18 p.m.). Mr. Slavin and Mr. Lakeman were absent.

AGENDA ADDITIONS/DELETIONS

Mr. Hogan requested Item #3, Briefing on DelDOT Projects, be deleted from the agenda.

Mr. Carey moved for approval of the agenda, as amended, seconded by Mr. Link and unanimously carried.

Discussion - Transit Hub Concept (*Ken Potts - DART*)

Mr. Ken Potts, Director of Development for Delaware Transit Corporation (DTC), stated the DTC operates transit within the City of Dover limits and indicated that their current location will be affected by the proposed expansion of the Courthouse. He advised members that a site had been located and the project had been approved by DelDOT; however, it is not on the present funding schedule due to the capital funding shortfall.

Mr. John Kotula, Facility Engineer for DTC, presented members with a layout of the proposed site of the new Dover Transit Center (*Attachment #1*), which will be located at the former George and Lynch property. He stated the site would be utilized by the inter-county and inter-state buses. The one-story building is approximately 2,500 square feet and would include restrooms, ticket office, and waiting lounge. Mr. Kotula advised members that the tar ditch issue has not yet been addressed. Additional parking, as well as a platform and station, have been planned for the railroad tracks located on the other side of West Street. Responding to Mr. Hogan, Mr. Kotula indicated they are interested in partnering with the local taxi cab services, as well as other services; however, the current layout does not indicate this usage.

Ms. Juanita Wieczoreck, Director of the Dover/Kent County Metropolitan Planning Organization (MPO), noted the design of the Dover Transit building will be revised to reflect a three-story building due to the needs of future tenants.

Mr. Hogan stated that members would continue to support this project.

Presentation - GIS Use During June 2007 NASCAR Races

Mr. David Truax, City Fire Marshal, and Mr. Mark Nowak, G.I.S. Coordinator, provided a Powerpoint presentation depicting how G.I.S. (Geographic Information System) was utilized during the June 2007 NASCAR event (*Attachment #2*). Mr. Nowak indicated the information used during this event was also shared with Kent County 911. The vending areas were named and all the hydrants located around Dover Downs International Speedway were identified by their gallons per minute capability and colored accordingly on the map.

Mr. Truax also identified the vehicle and RV parking sites that are utilized for NASCAR events and stated the Planning and Inspections Department is currently researching requiring a fee or license for the parking of vehicles and/or RV's. He invited members to participate in a ride along during the September 2007 NASCAR event.

Mr. Nowak advised members that the United States Coast Guard will be visiting the City on Friday, July 27, 2007 to review the G.I.S. program and how it is being utilized.

Briefing on MPO Projects - *Juanita Wieczoreck*

Ms. Wieczoreck reviewed the Project Status Report for Dover/Kent County MPO Region (*Attachment #3*). She also indicated a Public Workshop on the Route 8 Study is scheduled for Wednesday, August 1,2007 from 4:00 p.m. to 7:00 p.m. in the City Council Chambers at City Hall.

Ms. Wieczoreck stated that she contacted DelDOT regarding the timing of the signal lights along Division Street; however, she has not yet received a response. Mr. Hogan noted the left turn lane light on State Street, at the intersection of Division Street, is too short and should be adjusted. Mr. Link also indicated the light at Route 8 and Mifflin Road should be adjusted due to the length of time for the light changing from red to green.

Mr. Link moved for adjournment, seconded by Mr. Carey and unanimously carried.

Meeting Adjourned at 7:42 P.M.

Respectfully submitted,

Kenneth L. Hogan
Chairman

KLH/jcr
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Attachment to Original Minutes and File Copy:
Attachment #1 -Dover Transit Center Layout
Attachment #2 - G.I.S. Presentation
Attachment #3 - Project Status Report - Dover/Kent County MPO Region

ACTION FORM

PROCEEDING: Utility Committee **AGENDA ITEM NO.:** 07/23/2007
DEPARTMENT OF ORIGIN: Public Utilities – Electric Eng. **DATE SUBMITTED**: 07/12/07
PREPARED BY: Stephen A Enss
SUBJECT: Evaluation of Bids – 69Kv Transmission Line Relays
REFERENCE: CIP - Transmission Relaying, Replacement and Calibrations
RELATED PROJECT: N/A
APPROVALS: City Council, Finance Director
EXHIBITS: Sole Vendor Document, Authorized Sales Representative Document, and Robinsons Sales Quotation
EXPENDITURE REQUIRED: **$127,684** **AMOUNT BUDGETED**: $520,000 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Public Utilities – Electric Engineering, Project – Transmission Relaying, Replacement and Calibrations, CIP page 146, Account 487-8300-563-50-82.
TIMETABLE: Order will be placed following Council Approval.
RECOMMENDED ACTION: Staff recommends the purchase of 23 Transmission Relays from Schweitzer Engineering Laboratories, c/o Robinson Sales, Inc. for a total cost of $127,684.

BACKGROUND AND ANALYSIS

As part of the Transmission Relaying, Replacement and Calibrations project we require the purchase of twenty-three (23) new transmission relays to replace the current obsolete relays.

As all new microprocessor based relays are very intricate and are programmed in a complex computer based application that requires extensive training, it was decided in 2000 that all transmission relays purchased in the future would be manufactured by Schweitzer Engineering Laboratories. Since that date the Public Utilities have only purchased Schweitzer transmission relays in accordance with State Code, Title 29. Staff has provided documentation from Schweitzer Engineering that Robinson Sales is the exclusive marketer for these relays. We have also included a 2004 letter from the Electrical Engineering Division outlining the decision to utilize only Schweitzer Relays.

Staff has also included the Robinson Sales Quotation for the relays to be purchased for this project. Below is a summary of this quotation:

Quantity	Complete Part Number	Unit Price	Extended Price
14	SEL #0311C01424254XX	$4,688.00	$65,632
1	SEL #0311C00324254XX	$4,675.00	$4,675
7	SEL #0311L04DD4254XXXX	$7,761.00	$54,327
1	SEL #0351S51433554XXX	$3,050.00	$3,050
Total - 23			**$127,684**

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:** 8/13/2007
DEPARTMENT OF ORIGIN: Public Utilities – Electric Eng.	**DATE SUBMITTED**: 7/27/2007
PREPARED BY: Ron Lunt, Public Utilities Director	
SUBJECT: Evaluation of Bids – 69 Kv Underground Cable	
REFERENCE: CIP – 69 Kv Feeders 3 and 4	
RELATED PROJECT: To date, funds currently spent total $52,668, which consist of surveying, design, and engineering. An additional $50,000 has been committed by the City to obtain the Cartanza Right-Of-Way (Approved by the Legislative, Finance, and Administration Committee on May 29, 2007 and approved by Council (Consent Agenda) on June 11, 2007.	
APPROVALS: City Manager, Finance Director	
EXHIBITS: City of Dover Contract Engineer Bid Evaluation (Shaw Engineering Services)	
EXPENDITURE REQUIRED: **$240,950.16 ***	**AMOUNT BUDGETED**: $9,130,168.00
FUNDING SOURCE (Dept./Page in CIP & Budget): Public Utilities – Electric Engineering, 69 Kv Feeders 3 and 4, CIP page 144, Account 487-8300-563-90-26, Project EE0601. This is one component of the larger project reflected in the budgeted amount.	
TIMETABLE: Order will be placed following Council approval.	
RECOMMENDED ACTION: Staff recommends the purchase of 3,732 feet of 69 Kv underground cable and 2,940 feet of 5 Kv underground cable from HD Supply for a total cost of $240,950.16.	

BACKGROUND AND ANALYSIS

The State of Delaware will not allow the new 69 Kv feeders to aerially cross Route 1. To facilitate this requirement the Public Utilities solicited bids for underground cable to cross under this road. This bid includes the underground 69 Kv cables and the required shield cable.

Bids were advertised according to City Policy by the City's Purchasing Agent (Bid #07-0075DPU). The City received seven (7) bid responses; however, three (3) of the bid responses were received after the bid deadline date, one (1) bid did not reference the bid number in the subject line as required by the bid package, one (1) did not bid on the 69 Kv cable and was rejected as it was bid requirement that both items be awarded as a total package. Shaw Engineering Services, the City's engineering firm evaluated the two remaining bids. They determined that the Panamerica Supply did not meet two significant bid specifications and recommended that this bid be rejected. Therefore, it is the Engineers and staffs recommendation that the bid be awarded to HD Supply as their bid was the only one that met all specifications.

This is the HD Supply bid summary:

Description	Unit Price	Length	Extended price
69 Kv, 2,000 MCM Copper Cable	$61.68	3,732'	$230,189.76
5 Kv, 4/0 Copper Cable	$3.66	2,940'	$10,760.40
		Total	**$240,950.16**

Shaw® Shaw Energy Delivery Services, Inc.

A World of **Solutions**™

July 27, 2007

Stephen A Enss
Department of Public Utilities
Engineering Services & System Operations Superintendent
860 Buttner Place
Dover, DE 19904

RE: 69kV Underground Power Cable Recommendation for Feeder 3 & 4 Phase I

Mr. Enss:

In reference to your bid #07-0075DPU for 69kV underground power cable, Shaw Energy Delivery Services, Inc. recommends Southwire Quotation No. 07/133/1 Revision 0, dated July 9, 2007. The 69kV underground power cable quoted by the low bidder, PanAmerica Supply, Inc. is not recommended for the following reasons:

- No warranty information was included in the quotation.
- No data regarding reliability issues in the US market was included in the quotation.
- No record of power cable installation in the US market was included in the quotation.
- 17 week lead time was quoted, which is considerably longer than the next lowest bidder.
- The standards referenced in the quotation are not in accordance with those referenced in the specification. No exceptions were stated.
- The specification requires each power cable to be marked per the National Electric Code (NEC), Section 310.11. No references or exceptions were included in quotation as expected from a non US cable manufacturer.
- Conductor quoted is segmental compact stranded circular. Specification required Class B stranded or compress stranded per ATSM B-8.

If we can be of further assistance or help in any way, please do not hesitate to give us a call.

Respectfully yours,

Michael D. Luckey

Michael D. Luckey, PE

Substation Engineer

Cc: Jim Anderson, Danny Ewing, Mark Jennette, Rob Johnston, Dave Tennent

FIRST READING

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

That Chapter 22, Section 22-351 be amended by inserting the text indicated in bold, red and deleting the text indicated in red strikeout, as follows:

Sec. 22-351. Generally.

(a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be ~~$90.00~~ **$120.00** for each single-family detached dwelling, and ~~$70.00~~ **$90.00** for each single-family attached dwelling.

(b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefore from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be ~~$90.00~~ **$100.00** for multiple dwellings consisting of three or less dwelling units, ~~$90.00~~ **$100.00** for the first three dwelling units of a multiple dwelling with four or more dwelling units, and ~~$30.00~~ **$50.00** for each additional dwelling unit in excess of three. The fee for condominium units and accessory apartments located within structures principally used for owner occupancy shall be ~~$30.00~~ **$50.00**.

(c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee in the amount of ten percent per month of the amount of the license fee until the same is paid.

(d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-352 shall pay a $100.00 reinstatement fee.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

(Code 1981, § 10-96; Ord. of 4-10-2000)