REGULAR COUNCIL MEETING

A G E N D A

December 11, 2006 - 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 - Regular Council Meeting of November 27, 2006

2. Presentation - Disk Golf Course (*Nicholas Abrams*)

3. Parliamentary Procedure Review
   - A. Reading Prepared Statements
   - B. Negative Motions
   - C. Amending Motions

4. Utility Committee Report - November 27, 2006

* A. Annexation Request - Property Located at 1889 Kenton Road, containing .50+/- acres, owned by Brian L. and William A. Bright (**Adoption of Resolution Setting Annexation Referendum for January 11, 2007**)

* B. Dedication of Rights-of-Way and Public Infrastructure - Hidden Creek

C. Potential Electric Rates for January 1, 2007

5. Special Legislative, Finance, and Administration Committee Report - November 27, 2006
   - A. Financial Reporting and Information Flow

* 6. Parks, Recreation, and Community Enhancement Committee Report - November 28, 2006
   - A. Presentations
     - a-1. URS Stormwater Report - Puncheon Run Watershed Action Team (Jared Adkins)
     - a-2. Survey Results - Spring and Summer Performing Arts and Softball Leagues
     - a-3. Silver Lake Swimming Statistics
   - B. Evaluation of Bids - John W. Pitts Recreation Center
   - C. Proposed Amendment to 2005 Consolidated Plan - CDBG Citizen Participation Plan

D. Proposed Amendment to PLUS Memorandum of Understanding (MOU)
E. Discussion - Revisions to Animal Control Ordinance *(Deferred by Committee)*
F. Updates
f-1. Planning and Funding for New Library *(Deferred by Committee)*
f-2. CDBG Program *(Deferred by Committee)*

* 7. Safety Advisory and Transportation Committee Report - November 28, 2006
A. Briefing on Status of Area Transportation Projects *(Juanita Wieczoreck)*
B. Proposed Ordinance Amendment - Maintaining a Known Hazzard

8. Joint Legislative, Finance, and Administration and Utility Committee Report - **December 11, 2006**
A. Budget and Electric Rate Review and Recommendations ***(considered during the Joint Legislative, Finance, and Administration and Utility Committee Meeting earlier in the evening)***

9. Election of Officers - Robbins Hose Company - Year 2007
A. Acceptance of Results - Second Fire Line Captain - Joseph Simmons
B. Setting of Special Election - December 27, 2006
C. Appointment of Judges - Robbins Hose Company Special Election - December 27, 2006
c-1. Harry Hayes
c-2. Carlton Dill
c-3. William Jacobs *(Alternate)*

10. Proposed Amendment to the CDBG 2005 Action Plan

* 11. Appointment Recommended by Councilman McGlumphy - Services to Seniors Committee - William Hare

12. Annexation/Rezoning Request - First Reading *(Recommended for referral to the Utility Committee on January 8, 2007, the Planning Commission on January 16, 2007, and that a Public Hearing be set for February 26, 2007 at 7:30 p.m.)*

A. Properties located at 1044 South State Street, containing $.109^{+/-}$ acres, and 1050 South State Street, containing $.158^{+/-}$ acres, owned by 1050 South State Street, LLC. The present zoning classification is BG - General Business (Kent County) and the proposed zoning classification is C-1A - Limited Commercial (City of Dover).

13. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 27, 2006 at 7:30 p.m. with Vice President Salters presiding in the absence of Council President Williams. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, and Mr. Ruane.

Council staff members present were Police Chief Horvath, Mrs. Mitchell, Mrs. Townshend, Fire Chief Bashista, Mr. DePrima, City Solicitor Rodriguez, Mrs. McDowell, and Mayor Speed.

OPEN FORUM

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

Mr. Bobby Wilson, 1561 Nathaniel Mitchell Road, stated that the community is concerned with the level of minority contractor participation for the John W. Pitts Recreation Center. He noted that both Mr. Pitts and his wife worked tirelessly for the inclusion of all minorities in the life of the City. Mr. Wilson stated that Mr. and Mrs. Pitts grew up during the Civil Rights Movement and were lifetime members of the NAACP. Mr. Wilson suggested that the City Manager, Mr. DePrima, be appointed to head a committee that would be responsible for ensuring that minority construction contractors have contractual interest in this project to represent all that Mr. Pitts stood for.

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. Hogan and unanimously carried.

Mr. McGlumphy requested that item #4 - Legislative, Finance, and Administration Committee Report and item #5F - CIP Report, be removed from consent agenda. Mr. Slavin requested that item #5A - Budget Report, be removed from consent agenda. Mr. Hogan requested that item#7 - Election of Officers - Robbins Hose Company - Year 2007 Fire Line Officers, be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 13, 2006

The Minutes of the Regular Council Meeting of November 13, 2006 were unanimously approved by motion of Mr. Carey, seconded by Mr. Hogan and bore the written approval of Mayor Speed.

PRESENTATION - GREATER DOVER COMMITTEE DONATION - JOHN W. PITTS RECREATION CENTER

Mr. Jennings Hastings, President of the Greater Dover Committee, and Mr. Bill Holden, Chairman of the Greater Dover Committee Focus Group, presented Mayor Speed with a check in the amount of $10,000 for the construction of the John W. Pitts Recreation Center.

Mr. Hastings stated that, over the past two years, the Greater Dover Committee held 15 community focus groups representing all age, ethnic, and business groups to review the recreational needs for youth in the Dover area. He noted that, although the John W. Pitts Recreation Center will be a major step in addressing the needs of the youth, the City should consider establishing partnerships with local organizations, such as the Greater Dover Boys and Girls Club, to further address the needs of the youth.

Mayor Speed commended the Greater Dover Committee for promoting the John W. Pitts Recreation Center and for their generosity.

PRESENTATION - GREATER DOVER COMMITTEE - ECONOMIC ENHANCEMENT STRATEGY

Mr. Gregg Moore, Project Chair - Comprehensive Study of Downtown Dover, thanked City Council and Staff for their participation in the HyettPalma study and the development of the Downtown Economic Enhancement Strategy. He noted that a number of meetings have been held with a wide variety of groups to discuss and dissect the report. Mr. Moore advised members that there has been a tremendous outpouring of support for the project and contribution by the leaders of the city and community members.

Mr. Moore stated that one of the most important components is the "Partnership for Success", which is a new entity that will be created as a result of the study that will combine the efforts of the current Downtown Dover Development Corporation, the Parking Authority, and Main Street Dover into one entity with one group, one board, and the representation of all the groups. This will enable shared resources and more efficient communication. Mr. Moore stated that they have met with the current Chairs of each group and it agreed that this is a positive step for the City of Dover and the revitalization of downtown.

Mr. Moore advised members that another key element is the hiring of an economic development staff person who would work through the partnership but would likely be a City staff person under the City Manager or Planning Department. Their primary role would be to pursue economic development in the entire downtown area, not just Loockerman Street. Mr. Moore stated that the study also recommended hiring an outside firm to help with the creation of a marketing strategy for the downtown retail, office, and residential areas.

Mr. Moore advised members that a Steering Committee was developed to oversee the Study and they conducted a telephone survey and distributed business and individual surveys to obtain as much input as possible. He noted that he has received many accolades regarding the study and only one negative comment.

Mr. Moore requested members to support and pursue the revitalization of downtown in the general parameters of the report. He advised members that they would work with staff to develop initiatives for Council's review and approval prior to implementation.

Responding to Mr. Ruane, Mr. DePrima stated that the idea of the Partnership for Success is being further investigated and a meeting will be held with the City of Newark, which recently combined several committees.

Mr. Ruane stated that the City of Dover is the major metropolitan area for Kent County and the County should recognize that the revitalization of the downtown must be a part of their strategy. Mr. Moore stated that they are trying to garner support from all levels of government.

Mr. Slavin moved to suspend the rules to allow public comment, seconded by Mr. McGiffin and unanimously carried.

Ms. Georgiana Windley, 725 Bicentennial Boulevard, stated that she has been an economic development professional for over 25 years. She advised members that she has worked in the State Economic Development Office and started most of the Main Street programs for the State of Delaware. She also noted that she worked on the revitalization of the Riverfront in Wilmington.

Ms. Windley stated that she is delighted that downtown Dover is the focus of the study. She stated that she has read the study carefully and noted that the study was incomplete and its implementation is premature. Ms. Windley suggested that the methodology of the primary research needs to be articulated and the secondary research used needs to be sited because other professionals did the research. She also noted that there were gaps in the datasets and the primary research does not include the overlay of visiting populations, which have a tremendous impact on Dover.

Mrs. Windley recommended that an organizational development professional evaluate the different organizations, how they are incorporated, what their missions, goals, objectives, and strategies are and where there may be conflicts prior to proceeding with the "Partnership for Success".

Mr. Carey moved to accept the report, with the understanding that any changes or planned implementation would be presented to Council for review and approval prior to action being taken. The motion was seconded by Mr. Slavin and carried with six (6) yes, one (1) no (Mr. McGlumphy) and one (1) abstention (Mr. Ruane)(Mrs. Williams absent).

Responding to Mr. Ruane's concern that there may be other citizens that would like to speak regarding Economic Enhancement Strategy, Mr. Moore stated that the Greater Dover Committee would hold another meeting to receive additional public input.

UTILITY COMMITTEE REPORT - NOVEMBER 13, 2006

The Utility Committee met on November 13, 2006 with Chairman Carey presiding.

Green Energy Program - Net Metering and Tariff

In the Summer of 2005, the State of Delaware Renewable Energy Portfolio Standard (Delaware Code, Title 26, Chapter 1, Sections 351-363). Section 363 - Special provisions for municipal electric

companies and rural electric cooperatives states that municipal electric companies and rural electric cooperatives may elect to be exempt from the requirements of this subchapter provided that, on or before June 1, 2006, they:

(1) Submit a written notice to the General Assembly;
(2) Alert their end-use customers with notices inserted in two (2) consecutive electricity bills;
(3) Offer their retail customers a voluntary program for purchasing renewable energy under competitive rates; and
(4) Either contribute to the Green Energy Fund at levels commensurate with other retail electricity suppliers or create an independent, self-administered fund separate from the Green Energy Fund to be used in support of energy efficiency technologies, renewable energy technologies, or demand side management programs, into which they make payments of $0.178 for each megawatt-hour they sell, transmit, or distribute in the State. (75 Del. Laws, c. 205, § 1.)

Mr. DePrima, City Manager, informed members that the City has followed the four (4) steps and has generated a new electrical tariff to meet the requirements effective January 1, 2007. The City must also have a net metering electric tariff for green energy projects that will sell power back into the electric system.

Mr. DePrima reviewed the Net Energy Metering "NM" information, noting that it will allow the City to credit residential and small and medium commercial customers with less than 50KW of generation for KWH delivered from the customer to the City of Dover. All other rate classes or projects generating more than 50KW will be handled through special contracts. The rate of credit will be reviewed and adjusted annually. This does not apply to any electrical systems that are not connected to the City's electrical infrastructure.

Mr. Steve Enss, Public Utilities Field Engineer, provided additional information regarding the special meters that will need to be installed. He noted that the resident will be responsible for any costs associated with the installation of the special meters. Mr. Enss informed members that the City's technical considerations are similar to those adopted by Delmarva Power and the Delaware Electric Co-op. He advised members that the City is currently three months ahead of other local municipalities.

Mr. DePrima stated that there are funds available through the State of Delaware's green energy fund for residents if they wish to install solar panels or windmills as a source of alternative power. He also stated that there are some zoning and permitting issues associated with the use of wind mills, which the Planning department will review.

Mr. Ruane requested that a presentation be given to the committee regarding the City's Green Power Program and any financial incentives associated with the program. He also suggested that a representative from the State program be present, to provide valuable information to residents.

Staff recommended acceptance of the Net Metering Tariff, effective January 1, 2007.

The committee recommended acceptance of the Green Energy Program Net Metering Tariff, effective January 1, 2007, as recommended by staff.

By consent agenda, Mr. Carey moved for approval of the Green Energy Program Net Metering Tariff (Exhibit #1), as recommended by the committee. The motion was seconded by Mr. Hogan and carried by a unanimous roll call vote (Mrs. Williams absent).

Green Energy Program - Technical Considerations

In the summer of 2005, the State of Delaware issued a Renewable Energy Portfolio Standard (Delaware Code, Title 26, Chapter 1, Sections 351-363). *Section 363 - Special provisions for municipal electric companies and rural electric cooperatives* with which the City of Dover is required to comply. To comply with this law, which requires the City to support Green Energy Technology such as solar and wind power projects, technical guidelines for installation of these technologies must be adopted.

To insure the safe and proper operation of customer owned generation and the City's electric infrastructure, technical guidelines have been created. Staff recommended that the technical considerations be included in the City of Dover's Electric Service Handbook as Division VI – Parallel Operations of Customer Owned Generation.

The committee recommended amending the City of Dover's Electric Service Handbook to include Division VI - Parallel Operations of Customer Owned Generation.

By consent agenda, Mr. Carey moved to amend the City of Dover's Electric Service Handbook to include Division VI - Parallel Operations of Customer Owned Generation (Exhibit #2), as recommended by the committee. The motion was seconded by Mr. Hogan and carried by a unanimous roll call vote (Mrs. Williams absent).

By consent agenda, Mr. Carey moved for acceptance of the Utility Committee Report, seconded by Mr. Hogan and carried by a unanimous roll call vote (Mrs. Williams absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - NOVEMBER 13, 2006

The Legislative, Finance, and Administration Committee met on November 13, 2006 with Chairman Salters presiding.

Financial Reporting and Information Flow

Mrs. Donna Mitchell, Finance Director, provided members with a PowerPoint presentation regarding Financial Reporting and Information Flow. Mrs. Mitchell stated that the information contained in the presentation was based upon the June 6, and October 23, 2006 presentations given by Burns and McDonnell.

Mr. Slavin informed members that the subject of information flow and any subsequent employee action was originally scheduled to be discussed during a Council Executive session. Due to concerns expressed by several members of Council, it was decided that these issues would be presented in a public forum and that an executive session may be necessary to discuss personnel issues.

Responding to Mr. Slavin, Mrs. Mitchell stated that during the budget preparation process it was realized that Duke Energy purchased a blanket insurance policy which included the City of Dover. Under the new agreement with North American Energy Services (NAES), the City must purchase it's own policy at a cost of $300,000. Mrs. Mitchell indicated that this information was communicated to Council on September 18, 2006.

Mr. DePrima, City Manager, informed members that the City must purchase the difference between the current capacity requirements and the capacity generated by both the McKee Run and Van Sant stations from the PJM market. The current capacity requirement is 177 megawatts and both substations generate approximately 174 megawatts, necessitating the purchase of additional capacity at a cost of $63,000.

Mrs. Mitchell stated that due to the departure of the Public Utilities Director in May, this project has been a huge undertaking for staff. Responding to Mr. Slavin, Mrs. Mitchell stated that informational notes were sent to Council, via email, on September 18, 2006 and October 5, 2006.

During the October 23, 2006 presentation to Council, Mr. Jim Utt of PACE Global stated that an analysis of the electric plant would be conducted and the results would be presented to Council during the second quarter of fiscal year 2007. Mrs. Mitchell stated that the analysis will enable the City to make decisions and take the appropriate actions. Responding to Mr. Salters, Mrs. Mitchell stated that several factors will be included in the analysis, including staffing levels and maintenance costs.

Mrs. Mitchell advised members that if the projected sales of kilowatts hours to residents decreases it will affect the budget. She stated that 70% of the budget consists of fixed costs, the majority of which is employee benefits, and will be effected if the revenue decreases the funds available.

Mrs. Mitchell advised members that if the City's bond rating is lowered, the interest rates on the City's bonds will increase. Responding to Mr. Salters, Mrs. Mitchell stated that the rating agencies are reviewing the City's bond covenants, prior to the $20M bond issue scheduled for fiscal 2008. Mrs. Mitchell also stated that she has contacted all the rating agencies and the situation is being closely monitoring. Mr. Slavin asked if the rating agencies would provide anything in writing, prior to December, to ensure their understanding of the use of the electric rate stabilization fund. Mrs. Mitchell stated that the conversations with the agencies were all verbal; however, she will attempt to get the same assurances via email. Mrs. Mitchell also informed members that the bond covenant calculations were added to the Finance Department monthly report in May of 2005, for monitoring purposes.

Mrs. Mitchell, at the request of Mr. DePrima, advised members that there is approximately $12.5M in the depreciation reserve fund and approximately $8.7M in the future capacity reserve fund. Responding to Mr. Salters, Mrs. Mitchell stated that power supply expenses have increased $2.5M over last year.

Mrs. Mitchell noted that the $750,000 Duke Energy rebate will have to be recorded in fiscal year 2006 instead of fiscal 2007. The amount of the 2007 rebate is unknown at this time and cannot be

projected. Responding to Mr. Hogan, Mrs. Mitchell stated that the rating agencies do not look at revenue earned in previous years or previous ratings.

The committee requested Mrs. Mitchell to identify when the information presented on slide #14 "Summary of Presentation Changes - FY07 June 6 versus October 23" was first discovered and identify when the information was communicated to Council, as well as provide more long-term solutions for fiscal years 2008 and 2009.

Mr. McGlumphy stated that he requested that this item be removed from consent agenda due to the severity of the electric rate situation and the possible solutions being discussed. He requested that any items dealing with electric rates or cost be placed on the Regular agenda, since they are not routine or non-controversial. Mr. McGlumphy suggested that residents check the City's website for the reports.

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

MONTHLY REPORTS - OCTOBER 2006

By motion of Mr. Carey, seconded by Mr. Hogan, the following monthly reports were accepted by consent agenda (Mrs. Williams absent):

Chief of Police Report
City Assessor Report *(September and October)*
City Manager's Report
Planning and Inspections Report

Referring to the Budget Report, Mr. Slavin noted that the number of payroll checks issued has increased by approximately 30 checks per pay period. Mrs. Mitchell advised members that 89 checks were due to a separate pay for retroactive increases for the police officers, 15 checks were due to a separate pay for the SORT officers, and the remainder were for seasonal or newly hired employees.

Mr. Slavin requested Mrs. Mitchell to provide a list, by department, of all positions, including position title, the date the position was filled, and the salary level for the position. He also requested a list of all vacancies, by department, including the date the position became vacant and the salary amount budgeted for that position. Mr. Slavin stated that he would like the report in February 2007.

Referring to the Electric Revenue Fund Summary of the Budget Report, Mr. Ruane requested Mrs. Mitchell to comment on what effect sales-to-date through October has had on revenue. Mrs. Mitchell stated that the October year-to-date Sales to Customer was $28,779,524, or 35.3% of budget. She noted that the kWh sales were down from the prior year by 11,559,000 kWh's or 3.9% and 1% growth was projected, leaving a reduction in net revenue of $842,000 due to the decrease in consumption. Mrs. Mitchell advised members that kWh's purchased was down by 4,769,000 kWh's, or 1.6%, which equals a reduction of approximately $414,000 in purchased power. Mr. DePrima reminded members that the percentages are weather sensitive and, historically, October is not the best indicator of sales for the year.

Mr. Hogan suggested evaluating each quarter of 2003, 2004, and 2005 to determine if there is a trend.

Mr. McGlumphy moved for acceptance of the Budget Report, seconded by Mr. Carey and unanimously carried.

Referring to the Electric Improvement and Extension Fund - Major CIP Projects in the CIP Report, Mr. McGlumphy noted that project history shows that the total original project budget amount was $20.5M, the revised amount is $24.5M and, due to a variety of increases, it has risen $4.5M. He noted that only 12.5% of the budgeted amount has been spent to date. The current fiscal year budget shows that 21.5% of the projects have been completed.

Mr. McGlumphy suggested that residents check the City's website for the reports.

Mr. McGlumphy moved for acceptance of the CIP Report, seconded by Mr. Carey and unanimously carried.

EVALUATION OF BIDS - FIBER OPTIC NETWORK REPLACEMENT

The purpose of the Fiber Optic Network Replacement project is to perform an evaluation of the City's current fiber network and receive recommendations in order to improve and assure quality control.

Bids received were as follows:

Columbia Telecommunications Corp. (CTC)	$ 29,995
Damiano Long Engineering	$ 32,960
Burns & McDonnell	$ 39,000

CTC proposes a structured process of reviewing existing documentation, conducting on-site visits, and interviewing City staff and key individuals who are responsible for existing and planned communications systems and other City-wide infrastructure. CTC will conduct an on-site visit, organize a project kick-off meeting, review and visit key facilities, conduct a review of the current fiber cable routes and locations. They will also conduct a review of applications and the bandwidth usage of the current fiber network, develop a conceptual design, and engineer and design fiber construction for a redundancy route.

Current CTC staff members previously conducted a Connectivity Needs Assessment for the City when they were with Virchow, Krause & Company (VK). The City also contracted with the VK team for the study and development of a Voice over Internet Protocol (VoIP) telephone network. That project started under VK and was completed under CTC as the VK team was incorporated into CTC. The familiarity that the CTC staff has with current Dover networking and connectivity provides a unique advantage for the City with moving forward with this project.

Funds are available in the 2006/2007 Budget, Page 233, Account No. 487-8300-563-50-61 (Project No. EE0710). Funds are to be carried forward from FY 2005/2006, Budget Page 255, Account

#110-2100-515-30-31, which will be accomplished through the November budget revisions submitted through the Finance Department.

This is the first step in accomplishing this task; the remaining funds will be used for construction improvements. Upon Council approval, the review and evaluation of the fiber optic network will be completed by April 30, 2007.

Staff recommended awarding the contract to the low bidder, Columbia Telecommunications Corporation (CTC), in the amount of $29,995.

Mr. Hogan moved for approval of staff's recommendation, seconded by Mr. Carey and carried by a unanimous roll call vote (Mrs. Williams absent).

ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2007 FIRE LINE OFFICERS

Mr. Hogan advised members that there was an unresolved issue regarding a ballot received from a member who is currently overseas. Noting that there were two (2) contested seats, Mr. Hogan recommended approving the uncontested seats and deferring action on the Deputy Fire Chief and Second Fire Line Captain positions until the next meeting.

Mr. Hogan moved to defer action on the positions of Deputy Fire Chief and Second Fire Line Captain until the next meeting, seconded by Mr. Slavin and unanimously carried.

Mr. Hogan moved to for acceptance of the following Fire Line Officers for Robbins Hose Company No. 1 for the Year 2007, as submitted, seconded by Mr. Carey and unanimously carried:

Fire Chief	-	Jason A. Osika *(uncontested)*
First Assistant Fire Chief	-	Paul Strochine *(uncontested)*
Second Assistant Fire Chief	-	Patrick West *(uncontested)*
Third Assistant Fire Chief	-	Glenn Whitt *(uncontested)*
Fourth Assistant Fire Chief	-	Jason Anderson *(uncontested)*
First Fire Line Captain	-	Benjamin Smetana *(uncontested)*

COUNCIL MEMBERS ANNOUNCEMENTS

Mr. Salters announced that Mrs. Williams had returned to the hospital for further medical treatment.

Mr. Carey congratulated Chief Horvath on being named Delaware Police Chief of the Year by the League of Local Governments.

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

Meeting Adjourned at 8:33 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 27, 2006, are hereby approved.

STEPHEN R. SPEED
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Green Energy Program Net Metering Tariff
Exhibit #2 - Division VI - Parallel Operations of Customer Owned Generation

UTILITY COMMITTEE

The Utility Committee Meeting was held on November 27, 2006 at 5 p.m. with Chairman Carey presiding. Members present were Mr. Ruane, Mr. Slavin, Mr. Cregar and Mr. Snaman. Members of Council present were Mr. McGiffin, Mr. Hogan, Mr. McGlumpy, and Mr. Salters. Mayor Speed was also present (arrived 5:20 p.m.).

AGENDA ADDITIONS/DELETIONS

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

Annexation Request - Property Located at 1889 Kenton Road

Members were provided the Petition to Annex and Zone Property and a Cost/Revenue Analysis Summary for property located at 1889 Kenton Road, containing 0.50+/- acres, owned by Brian L. and William A. Bright.

Mrs. Ann Marie Townshend, City Planner, advised members that, in July of 2005, the City installed a low pressure sanitary sewer force main across Kenton Road to serve the property. Additionally, the City has installed a 1" water service to this property. This property is within the Delaware Electric Co-op's district and Mrs. Townshend stated that she will provide additional information regarding the possible use of City electric. The Cost-Revenue analysis showed a positive cash flow to the City of approximately $6,279 over ten years.

Mrs. Townshend informed members that neighboring land owners were contacted, with no one showing interest in annexation at this time.

Mr. Ruane moved to recommend adoption of the Resolution setting the date of the Annexation Referendum to be held on January 11, 2007 for the property located at 1889 Kenton Road *(Attachment #1)*. The motion was seconded by Mr. Slavin and unanimously carried.

Dedication of Rights-of-Way and Public Infrastructure - Hidden Creek

The developer of the Hidden Creek Subdivision, Hidden Creek, L.L.C. (Dilsheimer Homes), has requested that all rights-of-way and public infrastructure improvements related to this subdivision be dedicated to the City of Dover for permanent ownership and maintenance. Hidden Creek, L.L.C. has constructed all of the improvements in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and provided the developer with a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. All work has been completed and a one-year Maintenance Agreement, Maintenance Bond and a Release of Liabilities has been submitted by the developer. In addition, as-built drawings have been submitted to the Department of Public Services for its permanent records.

Staff recommended acceptance of the rights-of-way and public infrastructure in the Hidden Creek Subdivision. Dedication is to include all of the referenced public improvements as follows:

Sewer Utility Infrastructure (construction value = $ 523,391.00):

10" PVC Sanitary Sewer Main-		4,107 l.f.
8" PVC Sanitary Sewer Main	-	3,975 l.f.
4" PVC Sanitary Sewer Laterals	-	2,284 l.f. (70 laterals)
4' Diameter Sanitary Sewer Manholes	-	35 ea. (318 v.f.)

Water Utility Infrastructure (construction value = $ 161,916.00):

6" Ductile Iron Water Main	-	95 l.f.
8" Ductile Iron Water Main	-	4,270 l.f.
12" Ductile Iron Water Main	-	805 l.f.
1" Type "K" Copper Water Service Line	-	2,140 l.f. (68 services)
8" Gate Valves	-	11 ea.
12" Gate Valves	-	1 ea
6" Hydrant Valves	-	5 ea.
Fire Hydrants	-	5 ea.
2" Blow Off Assembly	-	2 ea.

Storm Water Infrastructure (construction value = $ 192,958.00):

Yard Basins	-	6 ea.
Single Catch Basins	-	33 ea.
Double Catch Basins	-	3 ea.
4' Storm Water Manholes	-	2 ea.
15" Type IV Reinforced Concrete Pipe	-	1,583 l.f.
18" Type IV Reinforced Concrete Pipe	-	617 l.f.
24" Type IV Reinforced Concrete Pipe	-	1,491 l.f.

Street Infrastructure: (0.78 miles) (construction value = $ 520,306.00)

Riverside Road	Station 0+00 to Station 12+52.24	1,252.24 l.f.
Creek Bend Road	Station 0+00 to Station 9+45.70	945.70 l.f.
Canal Street	Station 0+00 to Station 6+95.68	695.68 l.f.
Crickle Creek Lane	Station 0+00 to Station 12+28.83	1,228.83 l.f.
		4,122.45 l.f.

Mr. Carey requested that additional maps be provided that include landmarks to make the surrounding area easier to identify.

Mr. Snaman moved to recommend approval of staff's recommendation for the acceptance of the dedication of rights-of-way and public infrastructure in the Hidden Creek Subdivision, to include all of the referenced public improvements. The motion was seconded by Mr. Slavin and unanimoulsy carried.

Potential Electric Rates for January 1, 2007

The current electric rates were adopted in June 2006 and implemented on July 1, 2006. At that time, it was conveyed that there would be a need to adjust the rates again in the next six (6) to twelve (12) months. Members were provided proposed rates *(Attachment #2)* designed to provide the $3.144M additional revenue which was discussed during the Burns & McDonnell presentation of October 23, 2006 and in the November 13, 2006 presentation by Mrs. Mitchell, Finance Director. Some adjustments have also been made to the demand rates. These adjustments were made so as not to overcharge these customer classes and are based on a cost of service analysis by Burns & McDonnell. Only Tilcon and the Dover Air Force Base currently have a power cost adjustment. Both of these customers are contractual. The combined rates for power cost adjustment and energy equal the standard Dover energy rates of Primary and Transmission respectively. These two customers also have seasonal demand charges (charges that are different in the summer and winter billing months). Tilcon's contract will expire in February. Beginning in March 2007, Tilcon will be moved to the standard Primary rate. Staff is currently working with the Dover Air Force Base to move them to the standard Transmission class.

Staff recommended adoption of the potential rates, if City Council determines that the additional revenue is needed.

Mr. Carey expressed his concern regarding the current financial situation, especially the buy back of inventory from Duke Energy. Mrs. Mitchell stated that the $4.5M short-fall with the power plant includes materials and the buy back of inventory will be a balance sheet item, and will not be considered revenue. Mr. Ruane stated that the proposed 8% rate increase does not satisfy the cost of the power plants, and an additional 6% increase would be needed to reflect a true cost of service.

Responding to Mr. Snaman, Mrs. Tieman, Senior City Administrator, stated that the City's rates are the second lowest in the State of Delaware, behind Delaware Electric Co-op.

Mr. McGlumphy requested additional information regarding the proposed rate increase per 1000 megawatt hour for a typical residential bill.

It was the consensus of members that no action would be taken at this time.

Mr. Carey moved that a joint meeting of the Legislative, Finance and Administration and Utility Committees be held on December 11, 2006 to further discuss the potential electric rates. The motion was seconded by Mr. Slavin and unanimously carried.

Mr. Slavin requested staff to distribute information to members at least 48 hours prior to the meeting to allow appropriate time to review.

Mayor Speed provided information regarding the origins of the rate stabilization fund. He also informed members that transfers to the General Fund are a common practice among municipalities, with the average percent of transfer being 5.7%.

Mr. Snaman moved to recess, seconded by Mr. Slavin and unanimously carried.

Meeting Adjourned at 5:57 P.M.

Respectfully submitted,

Carleton E. Carey, Sr.
Chairman

CEC/hf
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Attachments
Attachment #1 Annexation Referendum Resolution - 1889 Kenton Road
Attachment #2- Potential Electric Rates for January 1,2007

A RESOLUTION PROPOSING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER AND CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE SAID AREA.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area located at **1889 Kenton Road**, which is contiguous to the present City limits, into the limits of the City of Dover and within a zoning classification as recommended by the City of Dover Planning Commission.

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

1. That a special election be held for an area located at **1889 Kenton Road** situated in East Dover Hundred, Kent County, State of Delaware.

2. That the election be held on the **11th** day of **January, 2007** commencing at the hours of 11:00 a.m. in the City Hall Annex, 15 E. Loockerman Street, Dover, Delaware, for the purpose of submitting the question of annexation of the above area to those persons entitled to vote thereon.

3. That the election be held and conducted pursuant to the provisions of the Charter of the City of Dover as amended.

4. That this resolution be published in accordance with the City of Dover Charter.

ADOPTED: *

ATTACHMENT #2

UTILITY COMMITTEE MINUTES 11/27/2006

Customer Class Rates	kWh Energy Charge		kW Demand Charge		Purchase Power Adjustment	
	Current	Proposed	Current	Proposed	Current	Proposed
Residential	$ 0.1146	$ 0.1240	N/A	N/A	N/A	N/A
Small Commercial 1 Phase	$ 0.1163	$ 0.1270	N/A	N/A	N/A	N/A
Small Commercial 3 Phase	$ 0.1163	$ 0.1270	N/A	N/A	N/A	N/A
Medium Commercial 1 Phase	$ 0.0743	$ 0.0870	$ 10.75	$ 10.00	N/A	N/A
Medium Commercial 3 Phase	$ 0.0743	$ 0.0870	$ 10.75	$ 10.00	N/A	N/A
Medium Commercial w/ Reactive Meter	$ 0.0743	$ 0.0885	$ 10.75	$ 10.00	N/A	N/A
Primary	$ 0.0815	$ 0.0840	$ 8.00	$ 7.50	N/A	N/A
Tilcon *	$ 0.0450	$ 0.0450	$ 8.00	$ 8.00	$ 0.0368	$ 0.0390
Dover Air Force Base*	$ 0.0411	$ 0.0411	$ 6.60	$ 6.60	$ 0.0485	$ 0.0399
Transmission	$ 0.0738	$ 0.0810	$ 6.75	$ 6.75	N/A	N/A
First State (NRG)	$ 0.0463	$ 0.0703	$ 6.75	$ 6.75	N/A	N/A
Water Pumping FP	$ 0.1146	$ 0.1306	$ 9.25	$ 9.00	N/A	N/A
Water Pumping F2	$ 0.1146	$ 0.1306	$ 9.00	$ 9.00	N/A	N/A

* Demand rates are different for Winter months, but no changes are proposed. Please see below:

	Winter kW Demand Charge	
	Current	Proposed
Tilcon	$ 5.30	$ 5.30
Dover Air Force Base	$ 5.05	$ 5.05

Outdoor Lighting

Outdoor Development Lighting Rate	$ 0.1146	$ 0.1240

	Unmetered Monthly Charge	
	Current	Proposed
Private Outdoor Lighting		
100 watt HPS	$ 6.9500	$ 8.6900
175 watt MV	$ 8.2100	$ 10.2600
70 watt HPS	$ 6.0500	$ 7.5600
Decorative Lighting		
70 watt HPS w/o ladder rest	$ 10.5300	$ 13.1600
150 watt HPS w/o ladder rest	$ 13.1100	$ 16.3900
250 watt HPS w/o ladder rest	$ 18.3500	$ 22.9400
175 watt MV w/o ladder rest	$ 12.8100	$ 16.0100
175 watt MV contemporary	$ 13.3800	$ 16.7300
Roadway Lighting		
100 watt HPS	$ 8.3200	$ 10.4000
175 watt MV	$ 9.3100	$ 11.6400
250 watt HPS	$ 12.9000	$ 16.1300
250 watt MV	$ 12.9000	$ 16.1300
400 watt MV	$ 17.3100	$ 21.6400
400 watt HPS	$ 17.3900	$ 21.7400

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Special Legislative, Finance, and Administration Committee meeting was held on November 27, 2006, at 4:00 p.m. with Chairman Salters presiding. Members present were Mrs. Jones, Mr. Hogan, Mr. Slavin, and Mr. Shevock. Members of Council present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. McGiffin and Mr. Ruane. Mayor Speed was also present

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

AGENDA ADDITIONS/DELETIONS

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

Financial Reporting and Information Flow

Mrs. Donna Mitchell, Finance Director, continued the presentation from the November 13, 2006 meeting *(Attachment #1)*. Mr. Hogan expressed concerns regarding the proposed rate increases and the $1.2M being placed in the Rate Stabilization Fund. Mrs. Mitchell stated that approximately $5M has already been used to off-set rate increases and the additional $1.2M will replenish the fund. Prior Council action placed the rebates received from Duke Energy into the Rate Stabilization Fund. Mrs. Mitchell informed members that the Rate Stabilization Fund should be used every year as a component when calculating electric rates during the budget preparation process. Responding to Mr. Shevock, Mrs. Mitchell stated the Rate Stabilization Fund was started in 2002 when the City began receiving rebates from Duke Energy.

Responding to Mr. Salters, Mrs. Mitchell stated the City's carry forward balance is currently 8.9% or $7.6M.

Mr. Slavin requested Mrs. Mitchell offer a recommendation regarding a possible reduction in the transfer to General Fund to correct the current shortfall. Mrs. Mitchell stated that reviewing the transfer to the General Fund and the proposed rate increases, in addition to a reduction in expenses, would be the appropriate course of action. Mr. Slavin stated that if the transfer to the general fund is discontinued in the coming fiscal year, rates would not be increased and expenditures would have to be reduced.

Mr. Ruane stated that the shortfall in revenue and the lower than expected rate of growth are significant components in establishing any proposed rate increases. Mrs. Mitchell informed members that if growth is less than projected, fixed costs will be not covered. Responding to Mr. Ruane, Mrs. Mitchell stated that the growth rate has been reduced to 1% based on historical data from the last five previous fiscal years. Mr. McGlumphy, noting that the total shortfall of $7.6M is for fiscal year 2007, questioned the setting of the growth rate at 3% based on the historical information available. He also expressed concern regarding the $20 million bond issue scheduled for 2008.

Responding to Mr. Ruane, Mrs. Mitchell stated that if the substation short fall is not factored into the proposed electric rate increases, the budget balance going forward into next year will be zero. This is based on the assumption that the power plant will be revenue neutral or break even. Mrs. Mitchell also stated that the current cash flow issues are due to large energy bills that are in excess of the available budget balance.

Mr. Slavin noted that if protecting the bond rating were the main priority, eliminating all of the transfers to the general fund would reduce the stress on the Electric Fund. Mrs. Mitchell agreed that the suggested action would be looked upon favorably by the bond rating agencies. Mr. Slavin also stated that, to reduce the gap in the current year and in future years, expenditures and transfers to other reserve accounts must be reviewed in addition to the proposed electric rate increase. Mr. Hogan stated that efforts should be made to cut expenses and eliminate the transfer of funds to the Rate Stabilization Fund this year. He also suggested evaluating next year's budget in effort to reduce expenses.

Mr. Slavin requested Mrs. Mitchell to provide the committee with the additional information, to be presented at the next meeting, that includes efforts to preserve the bond rating, a reduction in the transfer to the General Fund from the Electric Fund, and the details on the impact to the General Fund. He also requested Mrs. Mitchell to provide the following three (3) possible scenarios:

1. A rate increase only;
2. A reduction in expenses only;
3. If rates were adjusted to cover the true cost of providing the service, then what adjustments would need to be made to expenses and the transfer to the General Fund.

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

Meeting Recessed at 4:56 P.M.

Respectfully submitted,

Reuben Salters
Chairman

RS/hf
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Attachments to Original Minutes and File Copy:
Attachment #1 - Financial Reporting and Information Flow Presentation

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT

The Parks, Recreation, and Community Enhancement Committee meeting was held on November 28, 2006, at 4:01 p.m. with Chairman Ruane presiding. Members present were Mrs. Russell (arrived at 4:29 p.m.), Mr. McGlumphy, Mr. Lewis (departed at 5:59 p.m.), and Mrs. Horsey. Councilman Hogan (arrived at 5:04 p.m. and departed at 5:45 p.m.) and Mr. DePrima were also present.

AGENDA ADDITIONS/DELETIONS

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

PRESENTATIONS

URS Stormwater Report

Mr. Jared Adkins, Stormwater Engineer with the Kent Conservation District, provided an update on the URS Stormwater Report regarding the Puncheon Run Watershed. Mr. Adkins stated that he would present the first half of the study and provide a detailed look at the water flowing into the Puncheon Run and how much water is in the stream at certain points.

Mr. Adkins stated that the Kent Conservation District has information regarding the flooding issues with the Puncheon Run dating back to the 1970's. He noted that most of the properties along the Puncheon Run have property lines that run to the center of the stream. Most residents have an expectation that the flood plain area can be utilized, which causes a conflict when there is a major event, such as a hurricane, which will cause the stream to rise beyond its bank into the flood plain area and into residents backyards.

Mr. Adkins noted that an initial watershed model was built approximately six (6) years ago for the Puncheon Run watershed, from the railroad tracks to Route 8, which indicated under-management of the area downstream and over-management of the area upstream. He stated that numerous developments such as Hidden Creek, Nottingham Meadows, Kesselring, and Eden Hill have agreed to over-manage their stormwater management ponds to help alleviate the downstream flooding. The water flowing upstream will be held back to allow for the initial peak downstream to clear out. Mr. Adkins provided a summary sheet that compared the Puncheon Run water flows between existing conditions vs post-development (over-detention) and a summary sheet that compared water flows between post-development (current detention practices) vs post-development (with over-detention) (*Attachment #1*).

Mr. Adkins indicated that the State requirement to manage stormwater for Sussex and Kent Counties is 3.5 inches of rain for a two-year storm and 5.3 inches of rain for a ten-year storm. He noted that the developers were asked to over-manage their stormwater management ponds, according to the 100-year storm requirement.

Mr. Akins stated that, in order to try to alleviate the flooding problems, a survey crew would need to take cross sections of the 90 degree bends located in the Puncheon Run, just upriver from the South Governors Avenue bridge, to see how this affects the water flow. He noted that channel straightening may be involved, which would require the approval of all property owners affected, as well as obtaining a permit from the Army Corps of Engineers. Mr. Adkins felt that it would be best to complete the study prior to requesting permits from the Army Corps of Engineers. He

indicated that a funding request in the amount of $30,000 - $45,000 will be made to the Clean Water Council to begin the second half of the study, which will consider options for alleviating the flooding issue.

Mr. DePrima stated that he would like to receive the estimated cost of funding so that a share of that cost can be brought before City Council for consideration.

Mr. Robert Sadusky, 88 Lynnhaven Drive, stated that he has lived along the Puncheon Run since 1977 and that the last two (2) rains, which were 1.9 inches and 1.8 inches, caused the stream to raise above its banks and flood his backyard. He noted that normally that much rainfall did not change the water level of the Puncheon Run. Mr. Sadusky felt that an improvement in water flow would be seen if the riprap, located in the center of the stream, and the two 90 degree bends were removed, as well as the debris from the lower part of the Puncheon Run.

Mr. Rex Bell, 72 Lynnhaven Drive, stated that if buying out the properties would take care of the flooding problem, and be the cheapest solution, then maybe it should be considered. He suggested that a call to the local Legislators should be made asking for assistance with the permitting process from the Army Corps of Engineers.

Responding to Mr. Jack Havck, Caldera Properties, Mr. Adkins stated that commercial and industrial areas will be reviewed to see how water runoff can be addressed.

Mr. Ruane stated that he understood that this was a preliminary view of the URS Stormwater Report and suggested that Mr. Adkins present a more refined update, which would include specific recommendations on how to reduce flooding and an update on the required funding needed to complete the second part of the study.

Mr. McGlumphy moved to recommend that Staff be directed to contact DNREC regarding the removal of debris from Puncheon Run downstream from State Street. The motion was seconded by Mrs. Russell and unanimously carried.

Mr. DePrima noted that a subaqueous permit for the removal of the sandbar at the Governors Avenue bridge has been submitted to DNREC.

Survey Results - Spring and Summer Performing Arts Presentation

Mr. Zachery Carter, Director of Parks and Recreation, reviewed the Spring and Summer Performing Arts Survey Results. He advised members that for the past four (4) years, the Delaware State News has donated funds to help support the program. Mr. Carter noted that a drop in attendance is expected once an event is moved inside due to inclement weather.

Responding to Mr. Ruane, Mr. Carter stated that shuttle buses are utilized as an outreach to citizens in residential facilities.

Mr. Ruane suggested that Mr. Carter present Council with an abbreviated version of the Spring and Summer Performing Arts Survey Results presentation.

Survey Results - Softball Leagues

Mr. Carter reviewed the Softball League Survey Results and distributed the final page of the Softball League presentation that indicated constituent responses (*Attachment #2*). Mr. Carter stated the ballfields currently being utilized are located at Schutte Park, Dover Park, and New Street. There is only one organization that supplies umpires and the league fees help pay for that cost.

Responding to Mrs. Horsey, Ms. Carolyn Courtney, Administrative Assistant with the Parks and Recreation Department, stated the Summer Men's Softball League fee was $835 and that the Co-Ed League fee was $485.

Mr. Ruane suggested that Mr. Carter present Council with an abbreviated version of the Softball Leagues Survey Results presentation.

Silver Lake Swimming Statistics

Mr. Carter reviewed the Silver Lake Swimming Statistics presentation with members. He noted that out of the sixty-eight (68) days that the Silver Lake Beach was closed, twenty-nine (29) of those days were due to water advisories and thirty-nine (39) days were due to lifeguards not being available. Mr. Carter indicated that one of the goals for the Parks and Recreation Sports Coordinator is to develop a program to train and recruit lifeguards to help address this issue.

Mr. DePrima stated that an outdoor Splash Park, which is included in the Capital Investments Plan, would be a cheaper alternative when compared to the beach at Silver Lake due to less operating costs, liability, and the number of lifeguards that would need to be on duty.

EVALUATION OF BIDS - JOHN W. PITTS RECREATION CENTER

During the meeting of October 10, 2006, Mr. Carter informed members that due, to the receipt of only one (1) bid, in the amount of $2.9 million, the construction of the project was re-bid with a new due date of November 6, 2006.

Mr. Carter reviewed the two (2) lowest bids, which were received from Kent Construction and Bob Smith Contracting.

Responding to Mr. Ruane, Mr. DePrima stated that the offices, multi-purpose room, and classroom will be air conditioned. If air conditioning is not installed in the gym at this time, the immediate cost saved will increase the contingency cost to $100,605.

Mr. Peter Vyverberg, Architect with Becker Morgan Group, Inc., stated that the cost of a geothermal system would be approximately 35-40% (percent) more than a traditional air conditioning system. A geo-technical study will have to be done to test the soil for conductivity in order to even consider a geothermal system.

Mr. Lewis and Mrs. Russell suggested that the low bid, including the cost for air conditioning the gym, be accepted.

Mr. McGlumphy stated that he could not make a firm decision due to the uncertainties with a geothermal system. Mrs. Horsey stated that her preference is for a geothermal system; however, the study regarding soil conductivity must be completed first to see if the site can actually support a geothermal system.

Mr. Ruane stated that he favored a geothermal system and suggested that members accept the bid without air conditioning to allow time for staff to present a more detailed cost for a geothermal system.

Mr. McGlumphy moved to recommend awarding the bid to the low bidder, Bob Smith Contracting, in the amount of $2,706,000, excluding Alternate #5, as recommended by staff (*Attachment #3*). The motion was seconded by Mr. Lewis and unanimously carried.

Responding to Mrs. Horsey, Mr. Vyverberg stated that the subcontractor used by Bob Smith Contracting for the concrete unit price designed the foundation system and that a minimal change to the unit price is anticipated.

Mr. McGlumphy moved to recommend that staff present a report examining the cost differential between a geothermal system and a traditional air conditioning system, seconded by Mrs. Horsey and unanimously carried.

PROPOSED AMENDMENT TO 2005 CONSOLIDATED PLAN - CDBG CITIZEN PARTICIPATION PLAN

Mrs. Tracey Harvey, Director of Community Development, reviewed the proposed amendment to the 2005 Consolidated Plan - CDBG Citizen Participation Plan, that would assign the functions of the Consolidated Plan Advisory Group (CPAG) to the Parks, Recreation, and Community Enhancement Committee.

Mrs. Horsey moved to recommend approval of the proposed amendment to the 2005 Consolidated Plan assigning the functions of the CPAG to the Parks, Recreation, and Community Enhancement Committee, as recommended by staff (*Attachment #4*). The motion was seconded by Mr. McGlumphy and unanimously carried (Mr. Lewis absent).

PROPOSED AMENDMENT TO PLUS MEMORANDUM OF UNDERSTANDING (MOU)

Mr. Ruane reviewed the proposed amendment to the Preliminary Land Use Services (PLUS) Memorandum of Understanding (MOU).

Mr. McGlumphy moved to recommend approval of the proposed amendment to the PLUS Memorandum of Understanding (MOU), as recommended by staff (*Attachment* #5). The motion was seconded by Mrs. Horsey and unanimously carried (Mr. Lewis absent).

DISCUSSION - REVISIONS TO ANIMAL CONTROL ORDINANCE

Due to insufficient time, the above-mentioned item was deferred until the next committee meeting.

UPDATES

Planning and Funding for New Library

Due to insufficient time, the above-mentioned item was deferred until the next committee meeting.

CDBG Program

Due to insufficient time, the above-mentioned item was deferred until the next committee meeting.

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

Meeting Adjourned at 6:03 P.M.

Respectfully submitted,

Eugene B. Ruane
Chairman

EBR/jcr
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Attachments
Attachment #1 - Puncheon Water Flow Comparison Summaries (original and file copy only)
Attachment #2 - Softball League Presentation - Constituent Response (original and file copy only)
Attachment #3 - Evaluation of Bids - John W. Pitts Recreation Center
Attachment #4 - Proposed Amendment to 2005 Consolidated Plan - CDBG Citizen Participation Plan
Attachment #5 - Proposed Amendment to PLUS Memorandum of Understanding

ACTION FORM

PROCEEDING: Parks, Recreation, & Community Enhancement	**AGENDA ITEM NO.:** 11/28/06 - 2
DEPARTMENT OF ORIGIN: Parks, Recreation, & Library	**DATE SUBMITTED**: 11/15/06
PREPARED BY: Zachery Carter & Anthony DePrima	
SUBJECT: Evaluation of Bids – John W. Pitts Recreation Center	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: N/A	
EXHIBITS: Exhibit A - Bid Talley Form and Exhibit B - Low Bid Comparison With and Without Gym A/C	
EXPENDITURE REQUIRED: $2,745,000 with Gym A/C or $2,706,000 w/o Gym A/C **AMOUNT BUDGETED**: $3,000,000 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Parks, Recreation and Library Budget CIP page 141	
TIMETABLE: Begin construction this winter with a target completion date of Fall 2007.	
RECOMMENDED ACTION: Staff recommends that the Committee recommend the low bid proposal of **either** Kent Construction (gym with air conditioning) or Bob Smith Contracting (gym without air conditioning) after discussion of the pros and cons of air conditioning the gym.	

BACKGROUND AND ANALYSIS

The City of Dover received six bids for the construction of the John W. Pitts Recreation Center. The bid documents required a single general price and four alternatives that would deduct material from the Center, and one alternative that would add a mezzanine. We also asked for the unit price for concrete because each manufacturer's design of the building is slightly different. The precise location of the columns--especially the corner columns--almost always varies among manufacturers. The concrete price helps guage possible costs of design changes. After analyzing the bids, staff determined that it was not to the City's advantage to remove the interior or exterior masonry (Alternates #1 & #2 on Exhibit A) or the Kalwal (Alternate #3, Exhibit A) which lets natural light into the gym. It was also decided not to add a mezzanine to save on expenses. Staff was willing to evaluate dropping the air conditioning for the gym with the idea that it could be added later--perhaps using a geothermal cooling, a green technology which may qualify for grant funding. Exhibit A is the Bid Tally sheet.

An analysis was done for the gym using scenarios of "with" and "without" air conditioning as shown in Exhibit B. As can be seen, the project with air conditioning leaves $61,605 for contingency costs, while the project without air conditioning leaves $100,605 for contingency. Obviously, it is better to have a larger contingency. The project architect has determined that the differences in concrete unit prices will not impact the low bidder status of each option.

Constructing the project without air conditioning will result in the gym not being able to be used on some days. While there has been no analysis, it would be more costly to retrofit the gym unless some grant or funding for green energy can be found. However, operating expenses without air conditioning would be less. Retrofitting with geothermal will have a long term cost savings on related energy costs and show leadership in this area by the City.

Staff is comfortable with either alternate and believes a solid discussion of the pros and cons at the Committee level will render the appropriate decision.

It is very important to note that fundraising continues. We expect to have other legislators contribute Community Transportation Funds, and private sector fundraising will be easier once construction has been approved. These will increase our project contingency.

Exhibit A

JOHN W. PITTS RECREATION CENTER

BID TALLY / November 6, 2006 / 4:00 PM / Dover City Hall / City Clerk's Office

	Contractor	Contractor	Contractor	Contractor	Contractor	Contractor
	Kent Construction Company	**Bob Smith Contractors, Inc.**	**Conventional Builders, Inc.**	**Integrated Construction Services, Inc.**	**Bancroft Construction Company**	**Emory Hill & Company, Inc.**
Base Bid	2,745,000	2,749,000	2,772,000	2,894,000	2,999,000	3,006,805
Alternate 1 NO Outside Brick	34,600	47,800	49,251	44,395	84,000	70,000
Alternate 2 NO KalWall (natural lighting)	79,000	97,500	110,226	134,248	206,000	150,000
Alternate 3 NO Interior Masonry	7,000	21,187	12,179	33,451	10,975	30,000
Alternate 4 / ADD ADD Mezzanine	+ 114,000	+ 7,000	+ 43,800	+ 102,022	+ 32,900	+ 62,000
Alternate 5 NO HVAC in gym	34,500	42,000	37,900	31,220	49,500	45,000
Concrete Unit Price	20.30	1,000.00	17.00	300.00	450.00	N/A

EXHIBIT B

JWP Center Evaluation of Low Bids With and Without Gym Air Conditioning

	With Air Conditioning	W/O Air Conditioning
FUNDS		
Parkland Reserve	$ 2,967,032.00	$ 2,967,032.00
CURRENT PLEDGES		
John Still- CTF*	$ 30,000.00	$ 30,000.00
Donna Stone-CTF*	$ 25,000.00	$ 25,000.00
Greater Dover	$ 10,000.00	$ 10,000.00
Anonymous -TBA	$ 8,000.00	$ 8,000.00
TOTAL	$ 3,040,032.00	$ 3,040,032.00
EXPENSES		
Construction Bid Price	$ 2,745,000.00	$ 2,706,000.00
Becker Morgan Balance	$ 163,427.00	$ 163,427.00
Budeted FFI*	$ 70,000.00	$ 70,000.00
TOTAL	$ 2,978,427.00	$ 2,939,427.00
LEFT FOR CONTINGENCIES	$ 61,605.00	$ 100,605.00
%	2%	3%
LOW BIDDERS	Kent Construction	Bob Smith Contracting

*CTF= Community Transportation Funds for Parking Lot Constructon
*FFI = Furniture, Fixtures, Incidentals.
z:City Manger\JWP Center Evaluation.xls

ACTION FORM

PROCEEDING: PR & Community Enhancement	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Community Development	**DATE SUBMITTED**: 11/13/06
PREPARED BY: Tracey Harvey	
SUBJECT: Amendment to the 2005 Consolidated Plan Citizen Participation Plan	
REFERENCE: The functions of the Consolidated Plan Advisory Group be assigned to PR & CE Committee	
RELATED PROJECT: n/a	
APPROVALS: Council	
EXHIBITS: n/a	
EXPENDITURE REQUIRED: n/a **AMOUNT BUDGETED**: n/a **FUNDING SOURCE (Dept./Page in CIP & Budget)**: n/a	
TIMETABLE: Approval requested for the November 27th Council Meeting	
RECOMMENDED ACTION:	

BACKGROUND AND ANALYSIS

An amendment to the City of Dover Community Development Block Grant Citizen Participation Plan is being proposed to assign the functions of the Consolidated Plan Advisory Group to the Parks, Recreation, and Community Enhancement Committee. This action would be an amendment to the 2005 Consolidated Plan.

ACTION FORM

AGENDA ITEM: **11-27-2006 - 4**

PROCEEDING: Parks, Recreation, and Community Enhancement Committee
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk on behalf of Councilman Ruane

SUBJECT: Proposed Amendment to Preliminary Land Use Services Memorandum of Understanding Between the City of Dover and the State of Delaware (Adopted 02/09/04) **DATE SUBMITTED**: **11-22-2006**
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: #1 - Draft Amendment to PLUS Memorandum of Understanding #2 - Garrison Tract Memorandum of Understanding
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Upon Committee approval, the amendment will be forwarded to the Planning Commission for a recommendation to Council. Once approved, the revised agreement will be forwarded to the Office of State Planning Coordination for concurrence and signatures.

RECOMMENDED ACTION: Recommend amending paragraph 4 of section C of the PLUS MOU by adding "or rezoning" after the word "size".

BACKGROUND AND ANALYSIS

On February 9, 2004, City Council approved a Preliminary Land Use Services (PLUS) Memorandum of Understanding (MOU) *(Exhibit #1)* between the State of Delaware Office of State Planning Coordination and the City of Dover. The PLUS MOU established a coordinated review of certain development activities in order to achieve a more efficient, effective and timely use of resources and consistency and coordination between the various levels of government and other interested parties.

Paragraph 4 of Section C of the PLUS agreement acknowledges that "Any project of any size proposed to the east of Delaware Route 1 and north of South Little Creek Road" would be subject to the State PLUS review in recognition of the Garrison Tract MOU *(Exhibit #2)*, which acknowledges in Section 2 that the City shall "Strongly adhere to existing Comprehensive Plan and zoning designations for the remaining areas east of SR1, which support agricultural uses and low-density development."

A recent application to the City for rezoning of a property east of SR1 provided evidence that Paragraph 4 of Section C of the PLUS MOU should be amended to include such rezoning applications east of SR1 in the PLUS review process, as well as "any project of any size".

Memorandum of Understanding
between
The City of Dover, Delaware
and the
Delaware Office of State Planning Coordination

WHEREAS, the State of Delaware has determined that certain local land use decisions have far reaching and complex effects on the region, resulting in development which often requires the commitment of finite resources by the various levels of government as well as private investors; and

WHEREAS, coordinated review of certain development activities would result in a more efficient, effective and timely use of resources and would also achieve consistency and coordination between the various levels of government and other interested parties; and

WHEREAS, under Title 29, Chapter 92 of the Delaware Code, local land use planning actions by local governments are subject to pre-application review processes by the Office of State Planning Coordination (OSPC); and

WHEREAS, under Title 29, Section 9205 (c) of the Delaware Code, the OSPC shall, through a Memorandum of Understanding, exempt a local jurisdiction from the provisions of the Land Use Planning Act or modify the pre-application process when the local jurisdiction has a Certified Comprehensive Plan and imposes a more stringent review of projects;

NOW, THEREFORE, IT IS HEREBY AGREED AND UNDERSTOOD by and between The City of Dover, Delaware and the Office of State Planning Coordination as follows:

A. Nothing in this agreement shall be construed to deny The City of Dover its final decision-making authority over proposed land use planning actions in the corporate limits of The City of Dover. Additionally, any comments received from state agencies, pursuant to Title 29, Chapter 92 of the Delaware Code, shall not exempt applicants from the responsibility of meeting all requirements set forth in The City of Dover's adopted land use regulations.

B. The Development Advisory Committee (DAC) of The City of Dover will continue to review development proposals on a monthly basis, and will continue to include representation from various state agencies as is currently the practice.

C. The following land use planning actions are and shall remain subject to State review under Title 29, Chapter 92, Delaware Code:

1. All residential projects containing 125 or more dwelling units**.**

2. Any non-residential subdivision or site plan involving new construction of structures or buildings with a total floor area equal to or exceeding 75,000 square feet.

3. Any application for rezoning or annexation that is inconsistent with The City of Dover's Comprehensive Plan Update certified September 22, 2003, or as amended, except where the non-conformity is of a minor, relatively insignificant nature. A rezoning shall be considered minor variation from the Comprehensive Plan when the following conditions are met:

   (a) The rezoning is of a unique circumstance and can not set precedence for other lands in the vicinity of the rezoning.
   (b) The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan.
   (c) The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

   Upon notification of a rezoning in the City of Dover that meets these criteria, the State will concur in writing to the City thereby waiving the PLUS review process in that instance.

4. Any project of any size ***or rezoning*** proposed to the east of Delaware Route 1 and north of South Little Creek Road.

5. Any local land use regulation, ordinance or requirement referred to the Office of State Planning Coordination by The City of Dover for the purpose of providing the City with advisory comments. These include the modifications to the City's zoning and subdivision ordinances that implement the Comprehensive Plan.

6. Any development projects voluntarily submitted by the developer to the Office of State Planning Coordination for review.

7. Any other project which is required to be referred to the State for pre-application review by City of Dover regulations.

8. Any amendment, modification or update to The City of Dover's Comprehensive Plan, as required by Title 22 of the Delaware Code.

9. All projects in the Downtown Dover Redevelopment Target Area, defined by The City of Dover Code shall be exempt from State review unless voluntarily submitted by the developer or The City of Dover.

D. The City of Dover shall, at the time of the required pre-application meeting, identify those projects meeting the criteria defined in this agreement for State review, direct applicants whose projects meet State review criteria to submit necessary documents to the Office of State Planning Coordination (OSPC) in order to initiate the PLUS review process, and not accept applications for those projects requiring PLUS review until such time as the OSPC has issued comments, as defined in Title 29, Section 9204 (c) of the Delaware code, to the applicant and The City of Dover.

E. In special circumstances, the Office of State Planning Coordination may waive the pre-application requirements of Title 29, Chapter 92 of the Delaware Code. Where such waiver is granted, the Office of State Planning Coordination shall provide a written explanation of the causes for the waiver to the relevant local jurisdiction and the applicant. These circumstances may include, but are not limited to, a local government's imposition of a more stringent review of projects enumerated in §9203(a) than required by Title 29, Chapter 92 of the Delaware Code, and/or projects expected to provide an extraordinary benefit to the State and the local jurisdiction through economic development, job creation, educational opportunities, public services or facilities, agricultural preservation, or protection and enhancement of the natural environment.

F. This Memorandum of Understanding may be revised from time to time as circumstances warrant, only with the concurrence of both The City of Dover and the Office of State Planning Coordination.

_____ _____

The Honorable James Hutchison Date
Mayor, City of Dover
Dover, Delaware

_____ _____

The Honorable William McGlumphy Date
President, Dover City Council
Dover, Delaware

_____ _____

John Friedman Date
Chair, Dover Planning Commission
Dover, Delaware

_____ _____

Constance C. Holland, Director Date
Office of State Planning Coordination

Memorandum of Understanding
Garrison Tract – City of Dover

April 8, 1999

The State of Delaware, in an effort to create jobs and provide economic stability, is pursuing site locations throughout the State to locate potential major employers. In pursuit of that goal, the Garrison Tract located within the City of Dover and in central Kent County has been identified as a potential location to promote economic activity.

The City of Dover has proposed to Kent County and the State of Delaware the Garrison site consisting of 415 acres located on the north side of White Oak Road, east of SR1 as a suitable location for future economic development efforts. From a planning prospective, this site is suitable because it is within the existing urban area of the City of Dover. It has public sewer and water available. Access is available from the recently improved White Oak Road and can be served by a dedicated interchange from SR1.

The State of Delaware has designated the area east of SR1 in Kent County as Limited Growth Area with the intent of discouraging costly sprawling development along SR1. The City of Dover and Kent County comprehensive plans have respected this policy and have designated this area as agricultural. An appropriate combination of City, State and County growth controls can protect the areas east of SR1 from premature sprawling development even with development of the Garrison Tract.

Therefore, the City of Dover, State of Delaware and County of Kent agree that further environmental and location studies of the Garrison Tract should go forward. If these studies find the Garrison Tract feasible for economic activity, then the site would be promoted by the State of Delaware as a desirable location and included in its publications and presentations. Understanding that premature sprawling development is not desirable, the following is agreed:

The City of Dover shall:

1. Pursue a zoning change of the Garrison Tract to an appropriate zone specific to a major employer.

2. Strongly adhere to existing Comprehensive Plan and zoning designations for the remaining areas east of SR1, which support agricultural uses and low-density development.

3. Strongly adhere to the existing Comprehensive Plan and zoning designations, which maintain White Oak Road west of SR1 as a residential area. Rezoning to commercial use will be discouraged.

4. Support an interchange at SR 1 dedicated for Dover Downs and the Garrison site only. No public access to White Oak Road will be permitted.

5. Limit the extension of electric, water and sewer utilities to the remaining areas east of SR1 until such time that State, City and County plans indicate that growth in this area is desirable.

6. Limit development in environmentally sensitive areas as prescribed in the zoning ordinance including flood hazard areas, water bodies and wetlands, significant wildlife habitat, scenic resources, prime agricultural land remaining east of SR1.

Kent County shall:

1. Strongly adhere to the Comprehensive Plan and zoning designations for remaining areas east of SR 1 which support agricultural uses and low density residential development.

2. Pursue an overlay zone that would increase minimum lot sizes to 20 acres in the limited growth area remaining east of SR1, and discourage use of the Village development.

3. Limit the extension of sewer to the areas remaining east of SR 1 until such time that State, City and County plans indicate that growth in this area is desirable or a need arises for purpose of environmental protection.

4. Support the creation of agricultural preservation districts in the areas remaining east of SR1.

5. Support the preservation of historic districts and structures in the area.

The State of Delaware shall:

1. Invest Open Space Funds, Agricultural Land Preservation Funds, Enhancement Funds and Growth Management Funds for purchase of land and/or development rights where appropriate in the areas remaining east of SR1.

2. Pursue regulations to limit septic system permits in the areas remaining east of SR1.

3. Develop an access management plan for State roads in the vicinity.

4. Provide limited funding of improvements to local roads remaining east of SR1 as the need arises.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on November 28, 2006, at 6:10 p.m. with Chairman Hogan presiding. Members present were Mr. Carey, Mr. McGiffin, Mr. Lakeman, and Mr. Link.

AGENDA ADDITIONS/DELETIONS

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

Briefing on DelDOT Projects (Juanita Wieczoreck)

Ms. Juanita Wieczoreck, Director of the Dover/Kent County Metropolitan Planning Organization (MPO), provided the committee with the following updates:

DelDOT Mega Traffic Study (SR1/Route 8 and East Dover Housing Development Projects)

No update available at this time.

West Dover Connector

A decision on the preferred alternative for the West Dover Connector will be made during the 2007 calendar year. The alternatives are currently being reviewed by the State Historic Preservation Office.

Traffic Signal at Greenway Lane and Kenton Road

Consideration of a traffic signal at Greenway Lane and Kenton Road will be included in the Kenton Road Study, which will also address the lack of shoulders, sidewalks, and bike paths. The study group held its first meeting on November 15, 2006.

South Governors Avenue Improvements

The South Governors Avenue Improvements project includes South Governors Avenue from Water Street to Webbs Lane. Funding has been authorized for right-of-way acquisition and construction. The final design stage has begun, with construction scheduled to begin in the Spring of 2008.

Signalization Project

The Signalization project has been fully funded and is moving forward. A more detailed update will be provided at the next meeting.

Wyoming Mill Road Project

The Wyoming Mill project has been earmarked to receive funding that requires a 20% (twenty percent) match. Staff is currently investigating the possibility of using the land donated for the right-of-way as the required 20% (twenty percent) match.

Ms. Wieczoreck indicated that a Public Advisory Committee was formed and is currently conducting a study of Route 8, from the railroad tracks to Artis Drive, which will review operational and aesthetic aspects. The next committee meeting for this study is scheduled for January 2007. Mr Hogan suggested that Mr. Carey serve on the committee, since he lives in that area of Route 8. Mr. Carey concurred with the suggestion.

This past Summer and Fall the MPO conducted an elderly mobility survey of approximately 687 senior citizens, 55 years and older with most being between the ages of 63 and 85 years old. According to the survey, 42% (forty-two percent) were located within the City of Dover limits and 73% (seventy-three percent) still drive. The top three (3) main issues that seniors felt needed to be corrected were that there is too much traffic, too many aggressive drivers/speeders, and a lack of bicycle paths and sidewalks.

Seniors can request trips on DART's ParaTransit service; however, they need to call a day in advance and need to be ready two hours prior to each scheduled pickup, therefore, it's not very convenient. She noted that seniors can call SCAT (Senior Citizen Affordable Taxi) for discount DART tickets, which reduces the fare price by half. She also stated that the MPO is currently working with DART to put together a coordinated human services transportation plan for the whole State of Delaware.

Responding to Mr. Hogan, Ms. Wieczoreck stated that the Walker Road Improvement Project is currently awaiting funding.

Proposed Ordinance Amendment - Maintaining a Known Hazzard

Mr. David Truax, City Fire Marshal, reviewed a proposed ordinance amendment that would provide the Fire Marshal a means to take corrective action when property owners and/or tenants have been made aware of fire code violations and continue to maintain the hazard or violation. It will also help to insure that violations do not go uncorrected for long periods of time, and make it more costly to pay the fine than to fix the violations.

Responding to Mr. Carey, Mr. Truax indicated that if a fine goes unpaid, a summons for arrest could be issued and, depending on the violations the establishment could be closed down.

Mr. Hogan suggested that the proposed ordinance amendment be revised to include a statement indicating that fines will be levied according to Chapter 1 - General Provisions, Section 1-17, of the City of Dover Code, and that the establishment could be closed down due to a violation that goes uncorrected. He requested that the amendment then be brought back to members for their review.

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

Meeting Adjourned at 6:42 P.M.

Respectfully submitted,

Kenneth L. Hogan
Chairman

KLH/jcr
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ACTION FORM

AGENDA ITEM: **12-11-2006 - 9**

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: City Clerk's Office
PREPARED BY: Traci A. McDowell

SUBJECT: Robbins Hose Company No. 1 - Setting of Special Election **DATE SUBMITTED**: **12-07-2006**
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: #1 - Legal Opinion - Validity of Absentee Ballot
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Robbins Hose Company Special Election to be held on Wednesday, December 27, 2006. Council action on results of the election will take place on January 8, 2007.

RECOMMENDED ACTION: Recommend setting the Special Election for December 27, 2006, between the hours of 7:00 p.m. and 9:00 p.m.

BACKGROUND AND ANALYSIS

The Robbins Hose Company election was held on November 20, 2006 and the contested seat for Deputy Fire Chief resulted in a tie vote. In accordance with Section 46-79, a special election shall be held at the time fixed by the City Council and in the same manner as the regular nominee elections are held.

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NOEL E. PRIMOS
DAVID A. BOSWELL
WALT F. SCHMITTINGER
R. SCOTT KAFFUS
JEFFREY J. CLARK
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KYLE KEMMER
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November 29, 2006

Traci McDowell, City Clerk
City of Dover
P.O. Box 475
Dover, DE 19903

SENT BY FAX: 736-5068

RE: Robbins Hose Elections

Dear Traci:

You called me this morning advising me that the e-mails from Jason L. Zeigler have been traced and that e-mails of the ballot and the affidavit were received directed to the appropriate person on November 13, 2006. For election and voting regulations for nominees of Robbins Hose, Sec. 46-77(6) permits absentee voting using the same procedure for regular municipal elections. We have already given you a decision that e-mail return of the ballot and the affidavit under the circumstances for Jason L. Zeigler would be appropriate. Since both were received on November 13, 2006, it is our opinion that the proper procedure was followed for absentee voting and that his ballot should be counted.

Very truly yours,

NICHOLAS H. RODRIGUEZ

NHR:pmw

DOVER FIRE DEPARTMENT

Established 1882

MEMORANDUM

RECEIVED
DEC 5 2006
OFFICE OF THE CITY CLERK

To: Traci McDowell
City Clerk

Fr: President Glenn Gillespie GG.

Re: Robbins Hose Company Election

Date: December 4, 2006

The following members will be Judges for the election to be held on Wednesday, December 27, 2006 at Fire Station 1.

1) **Harry Hayes**
2) **Carlton Dill**

The following member will be an alternate judge.

1) **William Jacobs**

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302) 736-7168 • Fire Chief's Office: (302) 736-7167 • FAX: (302) 736-7166

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Services	**DATE SUBMITTED**: 12/5/06
PREPARED BY: Tracey Harvey	
SUBJECT: Amendment to the 2005 Action Plan	
REFERENCE: ADA improvements to Silver Lake Park	
RELATED PROJECT: ADA improvements to city owned buildings	
APPROVALS: Parks and Recreation Community Enhancement Committee	
EXHIBITS: n/a	
EXPENDITURE REQUIRED: $3,016.00	**AMOUNT BUDGETED**: $3,016.00
FUNDING SOURCE (Dept./Page in CIP & Budget): Community Development CDBG funds	
TIMETABLE: Approve at the December 11th Council Meeting	
RECOMMENDED ACTION: Work has been completed at Silver Lake and Public Services is waiting on authorization for payment to the Concrete Supplier. This project has been approved by HUD as an eligible activity. Information regarding the eligibility of this project has been forwarded to the Finance Department.	

BACKGROUND AND ANALYSIS

The Community Development Office is requesting to reprogram CDBG funds that were allocated to make ADA improvements to city owned buildings reallocated for concrete to be poured to connect the existing sidewalks to the grill areas at the Silver Lake Park so they are handicap accessible.

FIRST READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT **1044 SOUTH STATE STREET** AND **1050 SOUTH STATE STREET**.

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from BG - General Business (Kent County zoning classification) to C-1A - Limited Commercial (City of Dover zoning classification).

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 BG - General Business (Kent County zoning classification) to C-1A - Limited Commercial (City of Dover zoning classification) on that property located at **1044 South Stated Street** and **1050 South State Street**, owned by 1050 South State Street, LLC.

ADOPTED: *

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