REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 24, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Lynn was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

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

Mr. EShed Alston, 406 Arnold Court, stated that his family name, Alston, is Swedish in origin and that there is a rural marker designated "Alston Branch" en route to Smyrna. He advised members that he recently attended a Federal District Court hearing for a case involving dog fighting and cruelty to animals charges against Mr. Hazzard. He reminded members that last year, he and Professor Jahi Issa were threatened with a pit bull dog. They attempted to use the same prosecutory authority on their behalf but to no avail. Mr. Alston expressed his belief that there is a status arrangement in the State of Delaware whereby a black dog has better civil rights than a black man. He explained that the State of Delaware will prosecute when a black litigant, in this case, Mr. Hazzard, uses a black dog as an instrument of crime. However, a black dog was used by a Caucasian as an instrument of crime against himself and Dr. Issa, and no action had been taken as of one (1) year later. Mr. Alston stated that the goal should be for everyone to have a cohesive understanding for the betterment of the entire community. He stated that limitations should not be placed on a citizen's right to be heard but rather on the government. It was his opinion that the state that had existed the longest, Delaware, had changed the least in this regard.

Mr. Joseph D'Urso, 305 N. State Street, relayed concerns regarding Proposed Ordinance #2014-05, which would allow professional offices as a conditional use within the General Residence Zones on State Street and Governors Avenue between Water Street and Mary Street, and on Route 8 in its entirety. He stated that he, his family, and neighbors were most concerned about safety issues. Mr. D'Urso also expressed concern regarding the proposed boundaries, explaining that his property is located between Mary Street and Hazel Street and that the proposed ordinance extends to Mary Street. He requested that consideration be given to extending the boundary to Washington Street to bring it into conformity with the present RG-1 zoning classification. *(City Clerk's Office Note: Proposed Ordinance #2014-05 was scheduled for consideration during the latter part of the meeting.)*

Ms. Yvonne Hall, 228 N. State Street, stated that she was not opposed to Proposed Ordinance #2014-05; however, she requested reassurance that there would not be changes to the appearance of the City's Victorian/Historic District. She advised members that she, along with several other neighbors, wanted to be sure that there would not be additional apartments, explaining that there had been several issues involving those apartments currently established in the area. Ms. Hall noted that there were 21 homes along North State Street that currently have an RG-1 zoning

classification and that these homeowners desire assurance that there will not be a lot of changes that would affect their neighborhood. She indicated that the property owners along North State Street are not currently provided safety and the area is not quiet or trash free. Ms. Hall explained that these residents were requesting assurance of ample parking if businesses are permitted, since there was currently a lack of parking. *(City Clerk's Office Note: Proposed Ordinance #2014-05 was scheduled for consideration during the latter part of the meeting.)*

Mrs. Nancy Gardner, 213 N. State Street, stated that she and her husband had been residents for 40 years and had seen all types of changes during that time - some for the better and others for the worse. She felt that if the changes were made as stipulated in Proposed Ordinance #2014-05, then the City must enforce them equitably. She noted that she resided between two (2) buildings, one (1) of which was converted from single-family to multi-rental, and had not observed equitable attention to either historic district requirements or the law/spirit under which the historic district was created. Mrs. Gardner indicated that she had observed substantial violations of building codes, etc., and realized that the City works extremely hard in code enforcement in those neighborhoods that have more difficulty. She stated that it had become apparent that she and her husband should live in a one (1) floor dwelling; however, selling their home, which is located between two (2) buildings that are non-conforming and continuously becoming more non-conforming, would be difficult and frustrating. In addition, Mrs. Gardner suggested that residents be notified of any proposed amendments through the media, such as the local newspapers, rather than being dependent upon neighbors. *(City Clerk's Office Note: Proposed Ordinance #2014-05 was scheduled for consideration during the latter part of the meeting.)*

Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that Proposed Ordinance #2014-05, which amends the Zoning Code, would have a First Reading, public hearings before both the Planning Commission and City Council, and a Final Reading prior to adoption. She noted that the public hearings would be advertised in the newspaper. Mrs. Townshend offered to meet with anyone with questions prior to these public hearings if the matter was referred beyond a First Reading.

At the request of Mr. Slavin, Mrs. Townshend explained that the process for consideration of a zoning text amendment involves two (2) months of meetings prior to any final action being taken.

Ms. Paula Kinsey, 224 N. State Street, reminded members that, two (2) years ago, members of City Council authorized her to open "Tea for Two" at 224 N. State Street. She indicated that it had been very successful and had served thousands of people from all over the State of Delaware. For years, she had heard that Dover needed "something" and suggested that "Tea for Two" should be only a beginning and that other such improvements should continue along State Street. Ms. Kinsey stated that Wesley College had beautiful office buildings and business localities on State Street. However, she felt that the area around The Green was deteriorating rather than improving, noting that the buildings were in disrepair and appearing more commercialized. She advised members that properties along State Street continued to deteriorate, with buildings becoming fire hazards, etc., and felt that the City should review the area for possible improvements.

The invocation was given by Councilman Perza, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Council President Bonar requested the addition of Item #2 a-5 - Recognition of Service - Dover Human Relations Commission - Dawn Allen-Pyne (October 2008 through February 2014).

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

Mr. Slavin moved for approval of the consent agenda as presented, seconded by Mrs. Williams and carried by a unanimous roll call vote (Lynn absent).

ADOPTION OF MINUTES - COUNCIL RETREAT OF JANUARY 31, 2014

The Minutes of the Council Retreat of January 31, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF MARCH 10, 2014

The Minutes of the Special Council Meeting of March 10, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MARCH 10, 2014

The Minutes of the Regular Council Meeting of March 10, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

PRESENTATIONS - RECOGNITION OF SERVICE - DOVER HUMAN RELATIONS COMMISSION

Mayor Carey made presentations to members of the Dover Human Relations Commission in recognition of their years service, as follows:

Justina Brewington (January 2012 through February 2014)

Mayor Carey read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION
Presented to

Justina Brewington

for her service as a member of the
Dover Human Relations Commission

January 2012 - February 2014

Your public service, selflessness, and talents
have increased the quality of life for the residents of the City of Dover

March 24, 2014

Ms. Brewington indicated that it had been an interesting journey for her to serve and, although she loved helping people, she stated that she was "not into politics." She stated that serving on the Commission had been a learning experience and wished the current and future members all the best in their service.

Linda Hackett (January 2012 through February 2014)
Mayor Carey read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION
Presented to

Linda D. Hackett

for her service as a member of the
Dover Human Relations Commission

January 2012 - February 2014

Your public service, selflessness, and talents
have increased the quality of life for the residents of the City of Dover

March 24, 2014

Dr. Hackett relayed appreciation for the recognition and gratitude for the jobs performed by all the City's elected officials. She expressed her enjoyment in serving as a member of the Commission and she wished she had the opportunity to work more closely with Council in order to become better acquainted.

Faye White (November 2011 through February 2014)
Mayor Carey read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION
Presented to

Faye D. White

for her service as a member of the
Dover Human Relations Commission

November 2011 - February 2014

Your public service, selflessness, and talents
have increased the quality of life for the residents of the City of Dover

March 24, 2014

Ms. White thanked the Mayor and members of City Council for giving her the opportunity to serve as a member of the Dover Human Relations Commission, relayed appreciation for allowing her to continue her political career (as she had served in Philadelphia for 33 years), and stated that she looked forward to working with them again in the future.

Roy Sudler, Jr. (July 2004 through February 2014)

Mayor Carey presented Mr. Sudler with a Dover Cup in appreciation for the years of service provided as a member of the Dover Human Relations Commission.

Mr. Sudler relayed appreciation to the Mayor and members of City Council, particularly the Mayor, for having the confidence in him to lead the Commission and participate in a very humbling way. He stated that his service had provided him professional growth and development and he looked forward to utilizing his knowledge in his new position with the State Human Relations Commission.

Dawn Allen-Pyne (October 2008 through February 2014)

Mayor Carey presented Ms. Dawn Allen-Pyne with a Dover Cup in appreciation for the years of service provided as a member of the Dover Human Relations Commission.

Ms. Allen-Pyne thanked the Mayor and members of City Council for allowing her the opportunity to serve the community.

PRESENTATION - AWARDS BY DOWNTOWN DOVER PARTNERSHIP - ST. PATRICK'S DAY PARADE

Mr. Bill Neaton, Economic Development Manager, along with Mayor Carey, presented awards for the 20th Annual St. Patrick's Day Parade, as follows:

Category	Recipient
Pot O' Gold Award - Anything with Wheels	Little Creek Fire Company
Rainbow Award - Car Clubs Only	Lone Wolf Outlaw Cruisers
Blarney Award - Best Mascot	Delaware State Newshounds
The Green Machine Award - Best Float	Dover Interfaith Mission for Housing
Aran Award - Best Animal (Large)	United We Ride
- Best Animal (Small)	Diamond Chihuahuas
Harp Award - Best Musical Group	Stacks Entertainment Featuring Local Recording Artists JQ
Emerald Isle Award - Most Authentic Irish Theme	Emmalee Young, Alisa Claycomb & Ashlynn Phillips (Irish Dancers)
Leprechaun Award - Best Brigade/Marching Unit	436th Air Wing & 373rd Training Group - DAFB
McNamara Award - Best HS Marching Band	Dover High School Senators Marching Band "The Pride of the Capital"
Best Adult Marching Band	DTCC Hammerin' Hawks
Mary Fitzpatrick Award (Best Overall)	Dover High School Senators Marching Bank "The Pride of the Capital"

Mayor Carey thanked parade participants and noted that the event was well attended by the public.

Concurring, Mr. Neaton advised members that the parade could not have been held without the great volunteers for the Downtown Dover Partnership and recognized the parade coordinator, Mr. Gary Chaffee, who also serves as the coordinator for the Home for the Holidays parade.

Mr. Chaffee relayed his appreciation for the recognition and enjoyment in serving as a coordinator for these events.

PROCLAMATION - EARTH HOUR (MARCH 29, 2014 - 8:30 P.M. TO 9:30 P.M.)

The City Clerk read the following Proclamation into the record:

WHEREAS, Earth Hour was initiated eight years ago when participants were encouraged to turn out their lights for one hour to show their support for climate change, and more than 2.2 million individuals and 2,000 businesses chose to do so; and

WHEREAS, since that time, the Earth Hour movement has expanded to symbolize the global pursuit of a better, healthier world. Last year, Earth Hour reached over 2.8 billion people in more than 7,000 cities and towns across 154 countries; and

WHEREAS, Earth Hour encourages individuals, businesses, and governments to become accountable for their ecological footprint by communicating ideas and exchanging resources that provide real solutions to environmental challenges; and

WHEREAS, the City of Dover encourages residents to make a commitment beyond the hour by continuing to recycle, switching to energy efficient light bulbs, and making conscious decisions to change the way we live to better our community; and

WHEREAS, your participation in Earth Hour shows a commitment to protect the one thing that unites us all – the planet.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., Mayor of the City of Dover, Delaware, do hereby support the observation of Earth Hour in the City of Dover, Delaware, on March 29, 2014, and encourage residents and businesses to participate by turning out non-essential lights from 8:30 to 9:30 p.m.

PRESENTATION - POLICE DEPARTMENT 2013 ANNUAL REPORT

Police Chief James Hosfelt reviewed a Power Point presentation (***Exhibit #1***) depicting highlights of the 2013 Annual Report for the Dover Police Department. Referring to crime clearance rates for the detective section of the Police Department, Chief Hosfelt noted a difference between the information provided in the presentation and the Annual Report pertaining to the Dover Police Department percentages and the national percentages. He explained that there is a limited number of ways to report a cleared crime to the national database. For example, the City of Dover Police Department may clear a crime through means where the victim does not cooperate or the police just know it not to be true; however, the national database does not allow for crimes to be considered cleared in these instances.

Chief Hosfelt stated that the downtown camera system had been very beneficial for the police in solving crimes. He advised members that the Police Department was currently working with Advantech, Inc. to plan the next phase of this program and that it was hoped that State legislators could help with funding this program. He indicated that the next phase would consist of 12 cameras, which would actually provide access to 36 additional cameras, since the Delaware State Housing Authority and other local businesses were aware of the program's success and had contacted the Police Department regarding the possibility of tying their systems into the City's system to provide additional security for their properties.

Chief Hosfelt reviewed a sample video from the downtown camera system, noting footage of an individual with an assault rifle walking to the corner of Queen and Reed Streets. He explained that this individual had just driven past a drug dealer on Queen Street who shot at him. The individual then parked on Kirkwood Street, walked back to where the drug dealer was, and was getting ready to shoot back when he saw a police patrol unit traveling northbound on Queen Street, which caused him to run away. Chief Hosfelt expressed gratitude that the police officer did not see the individual, noting that he feared what choice the individual would have made, with an assault rifle in hand, if the officer had approached him. Chief Hosfelt advised members that both subjects were apprehended, the assault rifle was seized, and that once the case is adjudicated in court the rifle would be destroyed.

Responding to Mrs. Williams, Chief Hosfelt confirmed that the Police Department maintains juvenile crime statistics. Although they had never been included in any reports, he assured members he would forward these details to them.

Mr. Hutchison relayed his appreciation to the Dover Police Department and noted that there is no other police department in the State of Delaware that has a clearance percentage like Dover's, which he felt was a reflection of their personnel, training, equipment, and teamwork. He noted that the Dover Police Department handled 35,678 complaints last year, which equated to 686 complaints per week, and that this was an indication of how hard the Police Department works. Mr. Hutchison felt it was important to note that the Dover Police Department seized 77 handguns, 21 rifles, 8 shotguns, and 10,000 rounds of ammunition. He thanked Chief Hosfelt for a job well done.

Mayor Carey expressed his sincere appreciation for the men and women of the Dover Police Department for the work they do every day.

Mr. Anderson stated his gratitude for the Police Chief and all other men and women of the Dover Police Department. He noted that their efforts had put a "hold" on crime and had increased security, which was beneficial to the lives of all the citizens as well as to the economic development of the City. Mr. Anderson also felt that the Dover Police Department had led the way in the City in terms of diversity during the past few years, particularly in regard to promotions within the Department.

Mr. Hare stated that most Council members appreciate the job performed by the City's police officers; however, unless members participate in a "ride-a-long" with an officer, they cannot truly appreciate their work and what they encounter on a daily basis. He stated that it is an experience that all should participate in. Mr. Hare noted that the Department has a Victims Services division, led by Ms. Diane Glenn, who does an excellent job and has received several awards for her work.

Mrs. Williams indicated that she had served on the Criminal Justice Council - Juvenile Justice Advisory Group since 1977 and has had exposure to every police force within the State of Delaware. It was her opinion that Dover's police force was the best.

Mr. Dixon requested that Chief Hosfelt relay appreciation to all officers of the Dover Police Department.

Council President Bonar noted that this would be the last appearance for Chief Hosfelt before City Council and expressed his sincere appreciation for his leadership.

Mr. Hare moved for acceptance of the Police Department 2013 Annual Report, seconded by Mrs. Williams and unanimously carried.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 10, 2014

The Parks, Recreation, and Community Enhancement Committee met on March 10, 2014 with Chairman Dixon presiding.

Community Development Block Grant (CDBG) Allocation Recommendations for FY2014

During the Special Parks, Recreation, and Community Enhancement Committee meeting of March 18, 2013, Mr. Bonar requested that the Committee be provided assistance in the way of recommendations regarding priorities for the various applications when the Community Development Block Grant (CDBG) allocation process takes place in FY 2014, so that it could be determined if any cuts could be made or if additional funding could be sought.

Mrs. Tracey Harvey, Planner I, reviewed proposed estimated Community Development Block Grant (CDBG) allocation recommendations for Fiscal Year 2014. She indicated that the estimated grant allotment for Fiscal Year 2014 was $243,554, including program income, and that 20% of the grant would be used for Program Administration to manage the CDBG Program. Members reviewed the CDBG Federal Resources Available for Use 7/01/14 - 6/30/15, as follows:

CDBG Funds Allocation	$235,000
Anticipated Program Income	$ 8,554
Total Grant Allocation	$243,554
20% of the grant must be allocated for	$243,554
Program Administration	x.20
	$ 48,711
Public Service activities cannot exceed 15%	$243,554
of the Grant	x.15
	$ 36,534 *

Mrs. Harvey advised members that the City had not received its grant allocation from the U.S. Department of Housing and Urban Development (HUD) for FY 14, and HUD requested that grantees propose a contingency provision that will either increase or decrease the estimated funding levels to match the actual allocation amount once received from HUD. She noted that Milford Housing Development Corporation had not been included in the funding request for FY 14 due to their failure to draw down FY 12 and FY 13 funds awarded in a timely manner.

Mrs. Harvey presented the CDBG Grant Recommendations for FY14, as follows:

Homeownership Assistance Program - Recommended funding for this project is $108,409*. Funding for this project will either increase or decrease based on the actual allocation from HUD. The City will provide up to $20,000 in settlement assistance to assist low to moderate income persons that are first time homebuyers who purchase homes in the City of Dover.

Program Administration - Funding for program administration will either increase or decrease based on the actual allocation from HUD and will not exceed 20% of the total grant. Staff funded program administration at $48,711 based on the estimated allocation for the total grant. These CDBG Funds will be used to oversee management, monitoring, and coordination of the CDBG program in the City of Dover.

Dover Interfaith Mission for Housing - The request and recommendation for this project is $27,500. The funding for this project will not increase because it is a public service activity and cannot exceed 15% of the total grant allocation and funding cannot exceed the original request by the sub-grantee. Funding for this project may be decreased if the grant allocation is substantially lower than the estimated grant allocation. These CDBG funds will be used for operations costs for the building that will include utility, maintenance, and lease costs.

NCALL Research, Inc. - Recommended funding for this project is $8,934*. This project is a public service activity and subject to the 15% cap requirement. Funding for this project may also be decreased if the actual grant allocation is substantially lower than the estimated grant allocation. Funding cannot exceed the original grant request by the sub-grantee. These CDBG Funds will be used for pre-purchase homeownership counseling services relevant to Dover residents.

Elizabeth W. Murphey School - The request and recommendation for this project is $50,000. Staff requested no changes in funding for this project since it is not subject to any HUD cap requirements.

These CDBG funds will be used for roof replacements for the nine (9) buildings on the campus that service children that are at risk for homelessness.

The Committee recommended approval of staff's recommendations for the CDBG Allocations for FY 2014.

(City Clerk's Office Note: Subsequent to the meeting, a rounding error was discovered in the calculation of public service activities. As a result of this $1 error, the limit for public service activities will be reduced to $36,533; the allocation to NCALL Research, Inc. will be reduced to $8,933; and the allocation to the Homeownership Assistance Program will be increased to $108,410.)

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

Proposed Ordinances Amending Appendix B - Zoning, Article 3 - District Regulations

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinances amending Appendix B - Zoning, Article 3 - District Regulations, were being presented at the request of Mr. John Paradee, on behalf of his clients, and that the required sponsorship from members of City Council had been obtained.

#2014-05 Amending Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses (Sponsors: Bonar, Hutchison, and Lynn)

Mrs. Townshend explained that Proposed Ordinance #2014-05 would amend Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses by allowing professional offices as a conditional use within the General Residence Zone on State Street and Governors Avenue between Water Street and Mary Street, and on Route 8 in its entirety. The proposed ordinance includes provisions that would protect the character of the residential area and would allow professional offices as a conditional use, subject to a public hearing and review by the Planning Commission.

Staff recommended adoption of Proposed Ordinance #2014-05.

Responding to Mr. Hutchison, Mrs. Townshend stated that most of the properties along State Street and Governors Avenue would be subject to the proposed amendment. She noted that the Wesley College properties are not zoned General Residence. She indicated that the proposed amendment would primarily affect the older Victorian homes along State and Division Streets; however, it was her estimation that there was not a large number of such properties.

In response to Mr. Perza regarding feedback from members of the residential communities along State Street, Governors Avenue, or Route 8 regarding this proposal, Mrs. Townshend stated that Mr. Rhett Ruggerio, the property owner who requested the proposed amendment, in conjunction with his attorney, Mr. John Paradee, met and worked very closely with the neighbors of his property (north of Division Street - Delaware Avenue, Pennsylvania Avenue, Maple Avenue, etc.) to address any concerns they may have had. Mrs Townsend reminded members that Mr. Ruggerio originally requested a rezoning; however, due to the large variety of uses allowed in the General Residence and Office (RGO) zone and not allowed in the General Residence Zone, the residents seemed more comfortable with the conditional use approach within the residential zone. She noted that owners were having difficulty selling older Victorian homes along State and Division Streets and that the proposed amendment would assure that the properties are maintained.

Mrs. Townshend explained that the process would require an application for each property to the Planning Commission and would provide required public notices and public hearings, etc. She confirmed that there were parking requirements which would be regulated through the permit process.

The Committee recommended adoption of Proposed Ordinance #2014-05, as recommended by staff.

During the Council Meeting of March 24, 2014, members considered the Proposed Ordinance.

Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Hutchison.

Mr. Slavin noted that the proposed amendment was initiated after a single rezoning request for property located on Division Street did not receive support. He questioned why this matter was now being presented for all properties along Division Street and some property along State Street. Responding, Mrs. Townshend explained that the individual rezoning request, for property located on Division Street, was for a zoning classification of General Residence and Office (RG-O). She indicated that the neighboring residents were very concerned with the array of uses permitted in the RG-O zoning classification, which could include apartments. During the public hearing before the Planning Commission, these concerned residents indicated that they were not in opposition to an office but were in opposition to the other permitted uses within the RG-O zoning classification. At that point, she indicated that there was discussion regarding the possibility of creating a very narrowly defined conditional use that would allow professional offices with proper distancing requirements within the RG-1 and RG-2 zones along those major roads, rather than changing the zoning of the property, which would allow uses that would be considered objectionable.

Referring to the off-street parking requirements for offices, Mr. Slavin stated that this would require traffic to flow through the alleyways of North State Street (both east and west alleys) near many of the properties along Division and State Streets. Confirming, Mrs. Townshend stated that a minimum of two (2) parking spaces would be required for off-street parking, which is the same requirement

for a residence, and a maximum of four (4) parking spaces; therefore, these requirements would limit the size of any type of office establishment. As a resident who lives along one (1) of those alleys, Mr. Slavin relayed his concern that these alleys are not engineered for additional traffic.

In response to Mrs. Williams, Mrs. Townshend explained that, if the ordinance were adopted, a conditional use application would be required for any professional office to be established in the area. As a result, information relevant to a specific property would be submitted and public notice would be provided that would include a mailing to property owners within 200 feet, a legal ad in the newspaper, and posting at the property. At that point, residents would be given the opportunity to express their concerns. She concurred that there may be properties that cannot feasibly provide the specific requirements, but there are others than can. She reminded members that with a conditional use application, these types of issues and requirements are reviewed by the Planning Commission on an individual basis. Mrs. Townshend indicated that there had been instances where a request for a conditional use had been granted and the property owners/tenants had violated the conditions of the conditional use. When the City becomes aware of violations, staff documents them and then presents them to the Planning Commission for consideration of revoking the conditional use.

Referring to concerns relayed during the Open Forum regarding the potential effect of the proposed amendment on the Historic District and being aware that the City's Victorian District, which encompasses portions of North State Street, is on the National Register of Historic Places, Mr. Slavin requested clarification regarding the City's Historic District. Responding, Mrs. Townshend stated that the City's Historic District includes properties on State Street to Delaware Avenue; therefore, the proposed amendments would not affect properties within the City's Historic District. As a result, any conditional use application would go only before the Planning Commission for their review and would not require a review by the Historic District Commission, unless the City were to change the Historic District boundaries.

The motion to approve the Committee's recommendation for adoption of Proposed Ordinance #2014-05 was unanimously carried. *(The First Reading of Proposed Ordinance #2014-05 will take place during the latter part of the meeting.)*

#2014-06 Amending Section 17 - Shopping Center Development (Permitted Uses) (Sponsors: Bonar, Hare, and Lynn)

Mrs. Townshend explained that Proposed Ordinance #2014-06 amending Section 17 - Shopping Center Development (Permitted Uses) would allow apartments and multi-family residential uses within mixed use developments as permitted uses within the SC-3 (Regional Shopping Center) Zone. She explained that there are two (2) properties in the City with the SC-3 Regional Shopping Zone classification, the Dover Mall and the Blue Hen Mall, and that the request for the ordinance amendment was submitted on behalf of the Dover Mall.

Mrs. Townshend advised members that the proposed ordinance also included an amendment to the SC-2 (Community Shopping Center) Zone to allow light automobile maintenance, provided that vehicles not be stored on the site and that all work take place within an enclosed building. She indicated that this request was submitted by the owner of the Greentree Shopping Center and that other properties

in the City with an SC-2 zoning classification that would be affected by the amendment include the North Dover Shopping Center, Value City Shopping Center, Dover Mart Shopping Center, and Metro Shopping Center.

Staff recommended adoption of Proposed Ordinance #2014-06.

Responding to Mr. Perza regarding possible environmental concerns, Mrs. Townshend stated that staff realizes that some properties are not well managed and to assure such instances are not allowed, the permitted use would be for light maintenance, entirely within a building (no maintenance done on outside of building), etc. She explained that the City would have to keep a close watch to assure that no fluids are being discharged inappropriately. Mrs. Townshend stated that if a business was not being operated properly, the City would be authorized to close the business and intermediately, the business would be notified of the violation, then fined, and if compliance was not obtained, the City would issue a provisional order. If compliance was not met at that time, she stated that the business would then be closed. She advised members that fines for commercial properties start at $50 and technically, the City can fine up to $1,000 per day.

In response to Mr. Hutchison, Mrs. Townshend assured members that compatibility issues with the adjacent properties are considered in reviewing application requests for a permitted use.

Mr. Denis McGlynn, Chief Executive Officer (CEO) of Dover Downs and Dover Motor Sports, advised members that the Dover Downs property is adjacent to the Dover Mall, where the proposed project would be located. He met with representatives of the Dover Mall to explain the concerns of Dover Downs, not with the subdivision or additional expansion of commercial use on the site, but with the addition of residential properties to the site. He explained that their concern was that the residential properties would only add enemies to the Speedway and this proposed residential development would be closer to Dover Downs than other existing residential areas. Allowing such a project would make a lot of residents unhappy due to the NASCAR races, NASCAR testing done throughout the summer, the Monster Racing experience that operates 60 days per year, the Firefly Music Festival, etc. He admitted that Dover Downs and Dover Motor Sports operations create noise and traffic on a regular basis and stated that it was not their desire to make life more difficult for all. Mr. McGlynn noted that the Comprehensive Plan assigned the SC-3 zoning classification for the Dover Mall property for a reason and he believed that one (1) of those reasons was due to the existence of Dover Downs.

The Committee recommended denial of Proposed Ordinance #2014-06 due to encroachment issues with Dover Downs.

During the Council Meeting, at the request of Chairman Dixon, Mrs. Townshend briefed members on the proposed ordinance and Committee's recommendation. She explained that there were two (2) issues to be considered, as follows: 1) amendments to the Shopping Center Zoning Classification (SC-3) which would allow apartments and multi-family dwellings if made a part of

a mixed use development and assigned some of the bulk standards relative to the height of the buildings, which did not receive favorable recommendation by the Committee due to the testimony shared during the Committee meeting; and 2) amendments to the Shopping Center Zoning Classifications (SC-1, SC-2, and SC-3) which would allow for light motor vehicle service accessory to a permitted use.

Mrs. Townshend referred to a letter, dated March 24, 2014, submitted by Mr. Barry Anstine, Managing Member of the JBP Greentree Properties, LLC, developers and owners of the Greentree Village Center ***(Exhibit #2)***, noting that Proposed Ordinance #2014-06 included amendments to the SC-3 Zone regarding apartments and multi-family dwellings that may not have the support for further consideration. Rather than not taking further action on the entire ordinance, she stated that Mr. Anstine requested that the City move forward with considering Proposed Ordinance #2014-06 and striking any uses in the SC-3 Zone that members did not wish to pursue at this time. As indicated in Mr. Anstine's letter, she explained that the Greentree Village Center had been in discussions with Mid-Atlantic AAA regarding the possibility of developing a Car Care Center in the vacant building previously occupied by Blockbuster. The AAA Car Care Center would offer automotive services, such as tire, battery, and wiper blade replacements, with the anticipation that car owners would wait while services are completed.

In response to Mr. Slavin, Mrs. Townshend indicated that without an amendment, the owners of the Greentree Village Center would not be permitted to request a conditional use for the property.

Mr. Hutchison stated that since he is a Board Member of AAA, he would abstain from voting on the issue.

Responding to Mrs. Williams, Mrs. Townshend explained that building renovations to the former Blockbuster building would be required to accommodate the desires of the owners of the Greentree Village Center to establish a AAA Car Care Center. She assured members that the owners would be required to submit building plans that would require fire code, building code, and zoning review by the City. Although the proposed amendment would not automatically allow such a business, it would provide the opportunity to establish such a business as a conditional use.

Mr. Hare felt that an amendment to the SC-2 Zoning Classification could possibly cultivate the establishment of businesses in the City of Dover. He concurred with the concerns relative to the proposed amendments to the SC-3 Zoning Classification that would allow apartments and multi-family dwellings and questioned why there would be an interest in residing in such close proximity to either the Dover Mall or Dover Downs.

In response to Mr. Hare, Mrs. Townshend clarified that the elimination of the proposed amendments to the SC-3 Zoning Classification that would allow apartments and multi-family dwellings would require striking Lines #7-18 of the proposed ordinance. If the amendment were approved, the First Reading and referral of the proposed ordinance, scheduled for the latter part of the meeting (Agenda Item #10B), would include the proposed ordinance as amended (striking Lines #7-18).

Mr. Slavin moved for approval of the Committee's recommendation for denial of Proposed Ordinance #2014-06 due to encroachment issues with Dover Downs, seconded by Mrs. Williams.

Mr. Anderson felt that the proposed ordinance could add value to the City and that making certain amendments could alleviate some legitimate concerns. He suggested that members approve the proposed ordinance, with amendments, to be referred and allow for its consideration and public input. It was his feeling that the City too often shackles businesses and that denying the consideration of the proposed amendment would deny more jobs and people's rights to use their property. He suggested stipulating that such use would not adversely affect adjacent property owners.

Responding to Mr. Perza, Mrs. Townshend explained that if the Committee's recommendation were approved, the proposed ordinance would not move forward for a First Reading and referral (in essence, Agenda Item #10-B would automatically be eliminated for consideration). In order for a First Reading and further consideration and public testimony of Proposed Ordinance #2014-06, members of City Council would need to vote in opposition to the motion to approve the Committee's recommendation.

The motion for approval of the Committee's recommendation unanimously failed. *(The First Reading of Proposed Ordinance #2014-06 will take place during the latter part of the meeting.)*

Benchmarks Established for the Economic Development Office

Mr. Bill Neaton, Economic Development Director, reviewed the benchmarks and results that were established for the Economic Development Office, which included the Downtown Dover Partnership (DDP), Downtown Dover Business Growth, and City-Wide Economic Development.

Mr. Neaton noted that the City has provided the DDP with administrative support over the last five and one-half years. He advised members that the DDP Executive Director recently resigned and that the Economic Development Office, under the direction of the Mayor, was currently providing management assistance as well. He introduced Mr. Ed Perez, Main Street Coordinator, and requested that he review the DDP benchmarks since he is more familiar with them.

Referring to the fundraising goal, Mr. Perez reported that an Acting Chairperson, Mr. Paul Lakeman, had been recruited to serve on the Organization Committee and that Mr. Greg Moore, President of the Executive Board, had been diligently recruiting Board Members who understand the DDP's situation and fundraising goals. The Board was currently awaiting the reinstatement of their 501(c)(3) status in order to move forward with fundraising.

Elaborating, Mr. Neaton explained that the DDP currently has 501(c)(6) status, which is also a not-for-profit designation; however, the contributions made to the DDP would not be tax deductible and would be if the DDP had the 501(c)(3) status.

Mr. Perez reminded members that a survey of downtown merchants and business owners was conducted annually during the month of May. It was his hope that more merchants would be involved in providing feedback this year. He assured members that once the details of the survey were completed, the data would be forwarded to

them for their review and information. Mr. Neaton advised members that the merchants would be participating in the creation of the survey, including the development of the questions that would be asked.

Referring to the objective of having six (6) new businesses open in the target area, Mr. Perez stated that four (4) new businesses opened to date, which had created eight (8) new jobs. Mr. Neaton advised members that the dedication ceremony was held earlier in the day for EZ Pass, which would add an additional 85 jobs in the downtown core area. He reminded members that the DDP purchased the building at 22-24 West Loockerman Street at a Sheriff's Sale approximately two and one-half years ago. After spending a significant amount of money on remodeling the building, the DDP is pleased to have the EZ Pass as tenants. In addition to adding 85 new employees to the downtown area, he stated that EZ Pass would bring in excess of 1,000 retail visits every month. He stated that the EZ Pass location was also the Call Center for the Division of Motor Vehicles.

In regard to the City-Wide economic development initiatives, Mr. Neaton stated that his office tracks job growth and decreases, which are reported on a semi-annual basis. He indicated that the Mayor recently began having a breakfast periodically with representatives of the City's larger employers (such as Kraft Foods, Proctor and Gamble, Energizer, etc.), where he provides these firms with an update on the City's actions regarding economic development and keeps the City engaged with the business community. This has allowed for a good "round table" discussion and it was the Mayor's plan to continue to hold these meetings every six (6) months.

Mr. Neaton reminded members that City Council recently approved infrastructure improvements at the Garrison Tract and awarded two (2) bids: 1) for roads, sewer, water, and stormwater; and 2) for improving wastewater pump stations at the Garrison Tract. These projects must be completed by the end of the year in order to accommodate the two (2) new tenants: 1) Garrison Energy Center, whose project is underway; and 2) Uzin Utz, whose project is scheduled to begin in April. Mr. Neaton relayed his confidence that, once the infrastructure at the Garrison Tract was completed, additional manufacturing facilities would be attracted to the Garrison Tract, with the assistance of the Delaware Economic Development Office (DEDO) and others.

At the request of Mr. Hutchison, Mr. Neaton agreed that the Dover Air Force Base, State of Delaware, and Kent County Levy Court would be included in future breakfast meetings.

Updates - Recreation Needs Assessment

During their Regular Meeting of January 27, 2014, City Council authorized the City's Planning Department, beginning February 1, 2014, to perform a recreational needs assessment for the City of Dover, utilizing City staff to conduct workshops and other similar outreach efforts across the City to inventory park infrastructure and develop

the needs of all of the City parks for future use. The objective will be to gather the necessary information from the public, study it, and make a needs assessment report back to the Committee by December 1, 2014.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that City staff had met with representatives of the Delaware Department of Natural Resources and Environmental Control (DNREC) to review the data that needs to be developed. The State provided the City with a map and list from their database of all recreational amenities and open space within the City, which was reviewed by City staff, who will be contacting the State to provide additional information. She stated that public workshops will be scheduled during the latter part of April 2014 to allow ample time to obtain data and maps to display for the public's review. She stated that staff plans to have four (4) workshops, one (1) to be held in each Council District. The idea is for these workshops to be informal, open house events to allow individuals to review the material, ask questions, and then be permitted to provide either verbal and/or written commentary or complete a survey.

Mr. Perza moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Hare and unanimously carried.

UTILITY COMMITTEE REPORT - MARCH 10, 2014

The Utility Committee met on March 10, 2014 with Chairwoman Williams presiding.

Garrison Oak Technical Park (GOTP) Transmission Line Relocation Capital Improvement Project (CIP)

Mr. Scott Koenig, City Manager, advised members that the final subdivision design of the Garrison Oak Technical Park (GOTP) was approved by a number of agencies. During the final design of the road entrances to the park, the Delaware Department of Transportation (DelDOT) required that the east entrance be aligned with a future development project located on the south side of White Oak Road. The required alignment, as well as the turning lanes and lane width of the new cross-section of White Oak Road, necessitates the relocation of four (4) 69 kV power transmission poles. This is a substantial relocation that requires engineering design services from one of the City's contract engineers. This project must begin as soon as possible, as there are lead times in ordering new poles of this magnitude.

Mr. Koenig indicated that the GOTP Transmission Line Relocation is not currently in the City's Capital Improvement Program (CIP). He explained that the proposed project budget is $550,000 and that the current estimate for the project is $516,200. Staff would be moving funds from other projects to create the necessary project budget. The proposed projects to be delayed and re-budgeted in future years are the Distribution Feeder Replacement Program (Project # EE1405) in the amount of $170,200 and the General Scott Switchgear Project (Project # EE1312) in the amount of $379,800. The General Scott Switchgear project will still have a remaining FY 2014 balance; however, staff will be proposing to move these funds to another capital project that is running over budget but must be completed in FY 2014.

Mr. Koenig reviewed a map of the poles to be relocated and explained that moving forward with this project is critical due to the proximity of the current pole line to the entrance. He stated that the proposed relocation would move poles #45, #46, #47, #48 behind the sidewalk, approximately five (5) to eight (8) feet into the drainage easement. Mr. Koenig informed members that all of the GOTP infrastructure must be completed by the end of the 2014 calendar year to maintain the schedules being dictated by the new tenants in the technical park. He noted that both Calpine and Uzin Utz intend to have testing/loading of their facilities in early 2015.

Staff recommended that the City Manager be authorized to create a new CIP titled Garrison Oak Technical Park (GOTP) Transmission Line Relocation to facilitate the construction of the road and entrance infrastructure at the GOTP. The proposed project budget is $550,000 and the project will begin in FY 2014 and be completed in FY 2015.

Responding to Mr. Slavin, Mr. Koenig estimated that half of the funds would be expended between the current date and June 2014, which would include engineering and ordering the poles. He estimated that the transmission line work would begin in late June or early July. Mr. Koenig advised members that the Feeder Replacement Program is a FY 2014 project. The General Scott Switchgear project began in FY 2013 and $10,304 had been expended to date. This project included funding in FY 2013, FY 2014, and FY 2015 and had not begun due to projects being behind schedule. Mr. Koenig stated that staff plans to reassess these projects as a part of the overall CIP and re-list them moving forward.

Although he understood the importance of the GOTP Transmission Line Relocation Project, Mr. Slavin relayed his discomfort with a $550,000 unbudgeted project being presented this late in the year.

Concurring, Mr. Perza indicated his frustration with some of these projects that have large costs and expressed his wish that there were a means to anticipate these projects and expenses when approved, noting that later in the evening City Council would be considering another expenditure of $550,000 (Horsepond Substation Project). He understood the importance of the project and the capacity to generate revenue for the future; however, he expressed nervousness that these types of expenses were not foreseen.

The Committee recommended authorizing the City Manager to create a new Capital Improvement Project (CIP) titled Garrison Oak Technical Park (GOTP) Transmission Line Relocation to facilitate the construction of the road and entrance infrastructure at the GOTP. The proposed project budget is $550,000 and the project will begin in FY 2014 and be completed in FY 2015.

During the Council Meeting of March 24, 2014, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Dixon.

Responding to Mr. Anderson, Mr. Koenig stated that the $550,000 is the proposed project budget and that the current estimate is approximately $516,000 for construction.

The motion to approve the Committee's recommendation to authorize the City Manager to create a new Capital Improvement Project (CIP) titled Garrison Oak Technical Park (GOTP) Transmission Line Relocation to facilitate the construction of the road and entrance infrastructure at the GOTP, with a proposed project budget of $550,000 and the project to begin in FY 2014 and be completed in FY 2015, was carried with Mr. Slavin voting no.

TEA/NAES Report *(January)*

The TEA/NAES Monthly Report for January 2014 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Referring to the Power Supply Summary on Page 1 of the report, Mr. Scott Koenig, City Manager, noted that for January 2014, the City's actual expenses were more than twice the budgeted expenses for power supply costs. Overall power supply costs were $7,589,907 over budget due to higher load and sustained high market prices due to the extreme cold weather.

Referring to Page 12 of the report, Mr. Koenig noted that the total utilities cost was $5,597,816 over budget, year-to-date.

Mr. Koenig explained that the extremely high demand, along with the extremely high market values, created a position where the City paid more for supply than anticipated during January (with generation running during times it was able to be run). In speaking with The Energy Authority (TEA), he stated that January 2014 was a month that happens only once in a 20-year period (in terms of weather); however, changes had been made to the City's Fuel Oil Reserve Policy in order to anticipate this type of issue in the future. Since the City runs on fuel oil, the City is constrained on the amount of time its operation can run before obtaining additional delivery.

Responding to Mrs. Williams, Mrs. Donna Mitchell, Controller/Treasurer, stated that the City's Fuel Oil Reserve Procedure was changed to allow enough reserve to run for three (3) to four (4) days and to obtain credit with more than just one (1) supplier. She explained that, due to the roadway conditions (snow/ice), the trucks could not deliver oil ordered by the City. She noted that there was also a communication issue that had been resolved, explaining that the North American Energy Services (NAES) group did not realize they needed to notify TEA when the oil reached a certain level.

Mr. Koenig noted that there was a large impact on the City's Rate Stabilization Fund, which was unanticipated. He reiterated that the City now has a larger fuel reserve and additional suppliers.

Mrs. Mitchell indicated that this also caused a cash flow issue, since the City purchases inventory to replenish the tank, which requires cash. She noted that this inventory does not go through the income statement.

Responding to Mrs. Williams, Mrs. Mitchell stated that the City had prepared for the snowstorm that was anticipated during the previous week and the tanks were full.

The Committee recommended acceptance of the TEA/NAES Monthly Report for January 2014.

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

Garrison Oak Technical Park Project Updates

Mr. Scott Koenig, City Manager, provided an update regarding the Garrison Oak Technical Park Project, as follows:

City Infrastructure

Mr. Koenig indicated that pre-construction meetings had been held by staff for those projects that were authorized by City Council and that staff had begun scheduling the contractors. A nationwide permit associated with the tax ditch had been issued and the comment period for a Department of Natural Resources and Environmental Control (DNREC) permit will end March 18, 2014. This permit will allow the City to get into the flood plain to begin construction. An additional project was proposed for the Transmission Line Relocation. Although construction is progressing, due to the recent weather, it is not doing so at the pace desired. Mr. Koenig felt confident that both the City and Calpine projects would be ramping up significantly during the months of March and April 2014.

Mr. Koenig stated that it was anticipated that the Uzin Utz facility would be finalized by the end of the year and the loading of equipment and other interior work will begin after the first of 2015, with an anticipated start date of late spring/early summer of 2015 (same as Calpine).

Calpine Energy Center

Mr. Koenig stated that work continued to progress on the Calpine facility. To his knowledge, Eastern Shore Natural Gas had begun their work and the City had received signed easements and checks. He stated that heavy deliveries would continue for the next few months. The number of construction workers at the site was anticipated to ramp up by several hundred workers since the carpentry and other building trades would begin their work.

Dover Sun Park

Mr. Koenig reviewed a spreadsheet entitled "Electric Revenue Fund FY14 - White Oak Solar Park Incremental Cost" and noted that the incremental energy costs totaled $252,589 as of January 31, 2014. He stated that the field was functioning as anticipated and within budget.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - MARCH 10, 2014

The Legislative, Finance, and Administration Committee met on March 10, 2014 with Chairman Lynn presiding.

FY 2014 - Discussion of Pension Appropriation Changes

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a Presentation entitled "Fiscal Year 2014 Budget, Discussion of Pension Appropriation Changes." Referring to the Police Pension Fund, she noted that the actual percentage of contributions during the last several years had not been at 100%, with the exception of FY 2009. In addition, she explained that the net pension (asset) at beginning of year and end of year was listed on the balance sheet as an asset because it was overfunded in prior years; therefore, during the years that the City was underfunding the pension, the balance was being reduced. Due to this action and the budget constraints during those years, she stated that extra money was not budgeted for the Police Pension Fund. She advised members that during a recent conversation with Fitch Ratings, they relayed concern and took issue with the contributions not being at 100%.

Being aware that the Fund was getting low last year, Mrs. Mitchell stated that the excess contribution was taken from the fund balance, moved to the Pension Funds, and divided in such a way to approximate 100% funding; however, this resulted in only 93% funding of the Police Pension Fund. She recommended a change for FY 2013/2014 to allow for the City's appropriation (excess money) to be divided between the Police Pension Fund and the General Pension Fund. However, due to an oversight, the total appropriation was applied to the General Pension Fund. As a result, she explained that the next budget revision ordinance would include the extra fund balance, in the amount of $764,600, being split between the Police Pension Fund, in the amount of $382,000 and the General Pension Fund, in the amount of $382,600.

Mrs. Mitchell stated that she had informally advised both Pension Boards that too much money was put into the General Pension Fund and not enough in the Police Pension Fund; therefore, she would be reducing the General Pension Fund by $382,000.

Mrs. Mitchell noted that, due to the Electric Carry Forward in FY 2013, the General Pension Fund was funded at 304%. Although Fitch indicated their approval of this percentage, they relayed disapproval for the percentages in the Police Pension Fund. She explained that this presentation was for informational purposes only to make members aware that staff was taking appropriate action to resolve these issues.

Mrs. Mitchell also reviewed a spreadsheet entitled "Civilian Plan Contribution - Budget Revision" depicting the amounts budgeted for the General Pension Fund for FY 2014 and bar graphs reflecting the budgeted amounts during the past several years. She explained that, in the past, the pension contribution had been calculated based on a percentage of payroll. However, since this plan was closed, she decided to calculate the normal cost for the pension plan as a percentage of payroll and use lump sum fund contributions for the unfunded liability rather than a percentage of payroll. Referring to the City Pension Expense Budget Trend bar graph, she noted that the escalation in fund appropriations (green bar) reflected this change in method. In hindsight, after speaking with Fitch, Mrs. Mitchell felt that the percentage of payroll should have continued to be used in the normal cost. Therefore, she indicated that there may be a change in the manner in which this is calculated and budgeted. She assured members that they would be kept abreast of this decision and any change would be reflected in the City's Proposed Budget.

Referring to the "Civilian Plan Contribution - Budget Revision," Mrs. Mitchell noted that the Annual Required Contribution (ARC) for FY 2013 was $3,217,964 and the original FY 2014 budgeted employer contribution was $3,116,000. She stated that when staff prepared the budget, the allocation for internal service funds was not included. Since the pension monies were pulled and put into a lump sum for the unfunded amounts, she allocated a portion to the Water/Wastewater and Electric Funds, since this was a part of the costs for the service employees in these service departments. In reviewing the manner in which this was done, she discovered that, rather than reducing the lump sum contribution in the General Fund, the internal service allocation should have been reduced. Otherwise, she explained that it would appear that the City did not fund enough of the City's ARC. What should have been done was a billing to the utilities for the monies (increasing the billing revenue) rather than a reduction of the fund expense. To correct this, she stated that a budget revision would be submitted so that the City's ARC would not be affected.

In response to Mr. Lynn, Mrs. Mitchell confirmed that this information was being presented for informational purposes only at this time.

Update on Financing Plan for Garrison Oak Technical Park Project

Mrs. Donna Mitchell, Controller/Treasurer, provided an update to the work being done on the financing plan for the Garrison Oak Technical Park street, storm water, and landscaping project. She had hoped to have a plan to present to members; however, since it had not been completed, she wanted to provide an update on this matter. She advised members that there were two (2) options for financing this project: 1) to bond the project with a municipal debt issue; and 2) to borrow the funds inter-fund by leveraging the reserve accounts. She indicated that staff was researching the second approach as a potential option.

Mrs. Mitchell indicated that discussions had been held with the City's auditor, bond counsel, and electric engineer, as well as the financial advisor. Based on these discussions, she felt confident that there were no legal issues with the City financing

the project; however, there were concerns as to how this would be perceived by ratepayers and bondholders. If the City chose to finance the project through an inter-fund loan, she explained that the City would forgo all the issuance costs and receive a greater return on its own money. The City would also need to ensure compliance with all policies, municipal code, and debt covenants, which would include a review of investment, debt, and financial policies. If the City were to establish a formal program for inter-fund borrowing, she stated that some of those policies may need to be changed.

It was Mrs. Mitchell's expectation that the remaining research would be done by March 31, 2014, and that staff would provide a final recommendation to City Council soon after, including any policy change recommendations. Depending on the interest rate and payback period, she noted that the debt service could range from $250,000 to $500,000.

Responding to Mr. Lynn, Mrs. Mitchell stated that, based on discussions thus far, the City's financial advisor appeared to be more against the City financing the project than the other advisors that she had spoken to regarding this issue. Although the bond counsel had no objections, she advised Mrs. Mitchell that the engineer opines on those reserves in their annual report and suggested, therefore, that Mrs. Mitchell hold discussions with the engineer as well. Bond counsel also advised Mrs. Mitchell that some communities were executing such loans at a zero percent (0%) interest rate.

At the suggestion of Mr. Lynn, Mrs. Mitchell stated that she would ask if there had been any negative effects on the bond ratings for other communities that lent themselves money at a zero percent (0%) interest rate.

Mrs. Mitchell advised members that space needs, as well as additional projects, may be considered in the near future. Considering that the City's current debt issue will end in 2017, she stated that if the City chose to finance the Garrison Oak project at this time, this would not prevent the City from combining it with another bond issue in the future and paying the City funds back.

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

HORSEPOND SUBSTATION PROJECT AMENDMENTS AND EVALUATION OF PROPOSALS

During their Regular Meeting of March 10, 2014, members considered amendments and proposals regarding the Horsepond Substation Reliability Upgrade Project and staff's recommendation to authorize the City Manager to: 1) increase the project budget for Project # EE1308 from $730,900 to $1,301,100; 2) execute the necessary amendments to the Engineering Services Agreement for the Horsepond Substation with Pike Energy Solutions, LLC from $50,000 to a not-to-exceed amount of $165,000 based on time and materials for design assistance and commissioning related services; 3) execute the necessary amendments to the Engineering Services Agreement for the Horsepond

Substation Transmission Line with Pike Energy Solutions, LLC from $75,000 to a not-to-exceed amount of $90,000 based on time materials for construction-related assistance; and 4) execute a contract to C.W. Wright Construction in the amount of $550,000 in response to Bid #14-0022EL. After much discussion, City Council voted to reconsider this matter in two (2) weeks by adding the Horsepond Substation Project Amendments and Evaluation of Proposals to the March 24, 2014 Regular Council Meeting Agenda, which would provide staff the opportunity to provide members with more detailed project information.

During the Council Meeting of March 24, 2014, Mr. Scott Koenig, City Manager, reviewed a memorandum dated March 19, 2014 which provided the status of the Horsepond Substation Project and included a breakdown of the project estimates. Since preparing that memorandum, he advised members that he had received additional information which changed staff's final recommendations on the project and submitted an additional memorandum, dated March 24, 2014 ***(Exhibit #3)***. He assured members of the completion of the substation upgrade and commissioning by the end of the fiscal year and indicated that staff's target completion date, weather permitting, was June 1, 2014. He relayed confidence that the transmission line tie-in could not be completed by the end of the fiscal year due to commitments on other projects by the low bidder; therefore, staff recommended rejecting the $550,000 bid for the transmission line work. In lieu of the current bid, he explained that staff would issue a separate contract for the pole foundations and further evaluate whether internal staff could set the new poles (there is a total of eight (8) poles). Another contract would be re-bid in the fall for all work that staff cannot complete in-house.

Mr. Koenig noted that, based on all of the available information, staff had amended their final recommendation, as follows: 1) authorize the City Manager to increase the project budget for Project #EE1308 from $730,900 to as much as $1,301,100; 2) authorize the City Manager to execute the necessary amendments to the Engineering Services Agreement for Horsepond Road Substation with Pike Energy Solutions, LLC from $50,000 to a not-to-exceed amount of $145,000 based on time and materials for design related assistance as well as commissioning related services (which were not part of the original design contract); 3) authorize the City Manager to reject all bids in response to Bid #14-0022EL and issue bid packages to complete the transmission line work by the end of calendar year 2014; and 4) once the project is complete, transfer any unused funds from Project #EE1308 to other Electric CIPs with the primary focus on the General Scott Switchgear Project #EE1312.

Responding to Mrs. Williams, Mr. Koenig indicated that staff was attempting to avoid the costs for the transmission line work. He stated that the pole costs are fixed and, in his opinion, the only other costs that could have possibly been avoided would have been the increase in engineering costs; however, this was due to the City's Engineer not having any experience with this type of design and the need for outside assistance. He felt that there were no unwarranted costs included, although he felt that the costs of the project should have been better projected.

Mr. Hare stated a desire to have details regarding the City's costs associated with Calpine locating to Dover, as well as the return that the City will realize, and questioned the length of expected payback period. Responding, Mr. Koenig stated that the Horsepond Substation Project involves the replacement of a substation; therefore, there are no associated customers, nor is there any guarantee of additional sales. This project is related to improving reliability to ensure that the power stays on under strain and, as such, there has been no analysis conducted to determine costs and returns. He

stated that the only relevance to the Calpine Project is that there is a need to take down a 69kV line related to the Calpine Project as it ties into the Cartanza Substation. He assured members that the Horsepond Substation Project is independent of Calpine and is really related to improving reliability for the industrial areas in the Horsepond Road, Lafferty Lane, and surrounding areas utilizing that portion of the system. The Calpine Project is several miles away (line miles) from this project; therefore, there is no direct correlation with the exception that any improvement to reliability of the system on this side of the City benefits any customer on this side of the City in the long run. Even if Calpine never came to the City, he stated that staff would still be presenting this project to members of City Council for consideration at this time.

In response to Mr. Hare, Mr. Koenig stated that staff was working on revenue projections related to the Calpine Project.

Mrs. Williams moved for approval of staff's recommendation, as follows: 1) authorize the City Manager to increase the project budget for Project #EE1308 from $730,900 to as much as $1,301,100; 2) authorize the City Manager to execute the necessary amendments to the Engineering Services Agreement for Horsepond Road Substation with Pike Energy Solutions, LLC from $50,000 to a not-to-exceed amount of $145,000 based on time and materials for design related assistance as well as commissioning related services (which were not part of the original design contract); 3) authorize the City Manager to reject all bids in response to Bid #14-0022EL and issue bid packages to complete the transmission line work by the end of calendar year 2014; and 4) once the project is complete, transfer any unused funds from Project #EE1308 to other Electric CIPs with the primary focus on the General Scott Switchgear Project #EE1312. The motion was seconded by Mr. Hutchison and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Perza, Williams, Hare, Hutchison, and Bonar), one (1) no (Slavin), and one (1) absent (Lynn).

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT BONAR - DOVER HUMAN RELATIONS COMMISSION - THREE (3) YEAR TERMS TO EXPIRE FEBRUARY 2017

Council President Bonar recommended the appointment of Mrs. Lynne Sadusky (At-Large Representative) and Ms. Jane Hicks (Fourth District Representative) to serve on the Dover Human Relations Commission for a three (3) year term to expire February 2017.

By consent agenda, Mr. Slavin moved for approval of the appointments of Mrs. Sadusky and Ms. Hicks as recommended by Council President Bonar. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Lynn absent).

FIRST READING - PROPOSED ORDINANCES AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS

Council President Bonar reminded the public that copies of Proposed Ordinance #2014-05 amending Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses and Proposed Ordinance #2014-06 amending Section 17 - Shopping Center Development (Permitted Uses) were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Since the ordinances are amendments to the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on April 21, 2014 and that a public hearing take place during the Council Meeting of May 12, 2014, at 7:30 p.m., at which time, final action by Council would take place.

Mr. Hare moved to refer Proposed Ordinances #2014-05 and #2014-06 to the Planning Commission on April 21, 2014 and set a public hearing before City Council for May 12, 2014 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Anderson and unanimously carried.

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

> #2014-05 AMENDING SECTION 2 - GENERAL RESIDENCE ZONES (RG-1 AND RG-2), SUBSECTION 2.4 - CONDITIONAL USES *(SPONSORS: BONAR, HUTCHISON, AND LYNN)*
>
> #2014-06 AMENDING SECTION 17 - SHOPPING CENTER DEVELOPMENT (PERMITTED USES) *(SPONSORS: BONAR, HARE, AND LYNN)*

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Bonar thanked Mr. Slavin for providing water for members of City Council for this evening's meeting.

Mr. Slavin moved for adjournment, seconded by Mrs. Williams and unanimously carried.

Meeting adjourned at 8:59 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of March 24, 2014, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits
Exhibit #1 - Presentation - Police Department 2013 Annual Report
Exhibit #2 - Letter dated March 24, 2014 - Mr. Barry Anstine, Managing Member of JBP Greentree Properties, LLC
Exhibit #3 - Memorandum dated March 24, 2014 - Horsepond Substation Reliability Upgrade Project



The City of Dover Police Department

2013 Annual Report

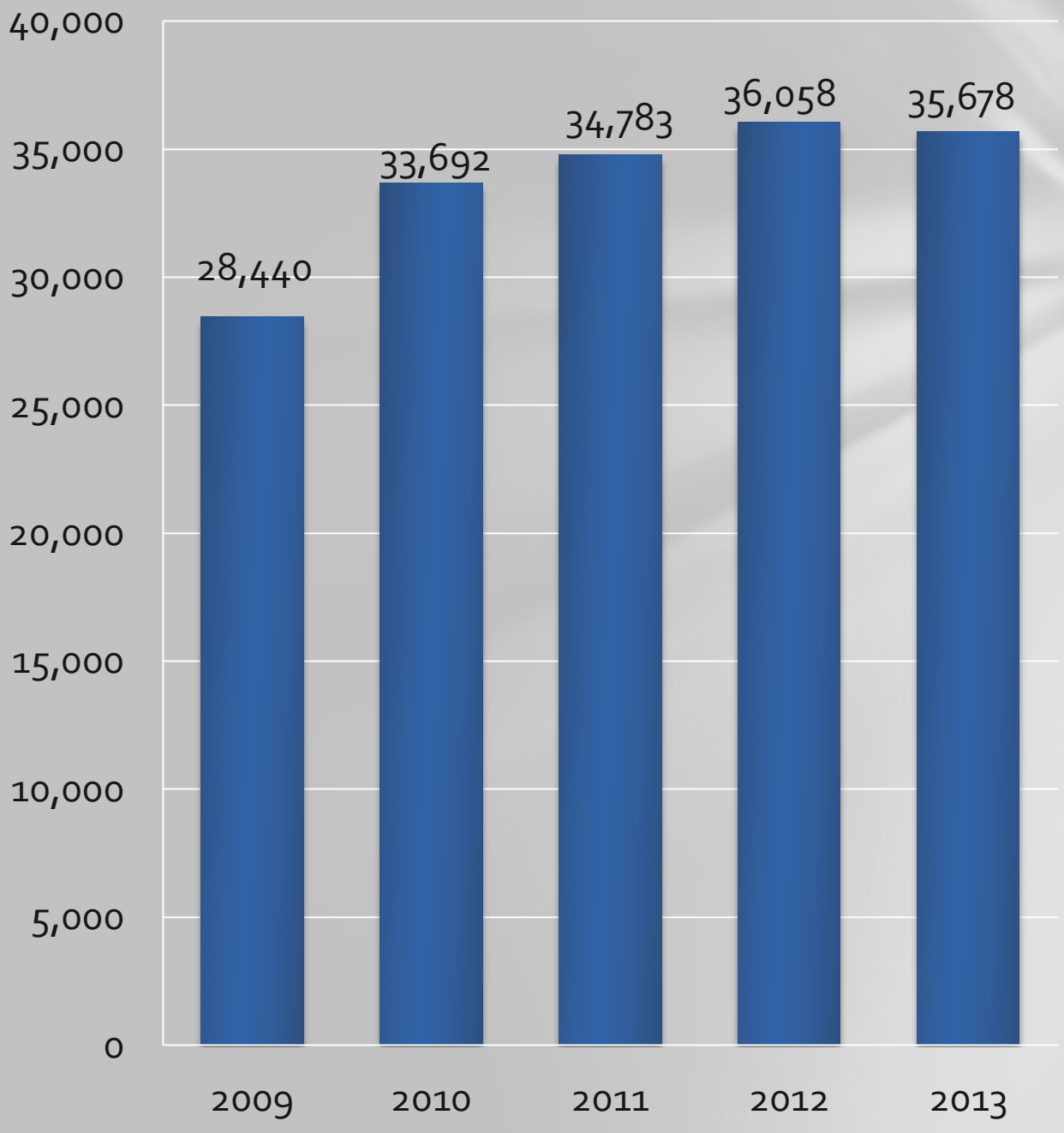
DOVER POLICE
"To Protect and Serve"

LAW ENFORCEMENT ACCREDITATION

2012 Excellence Award

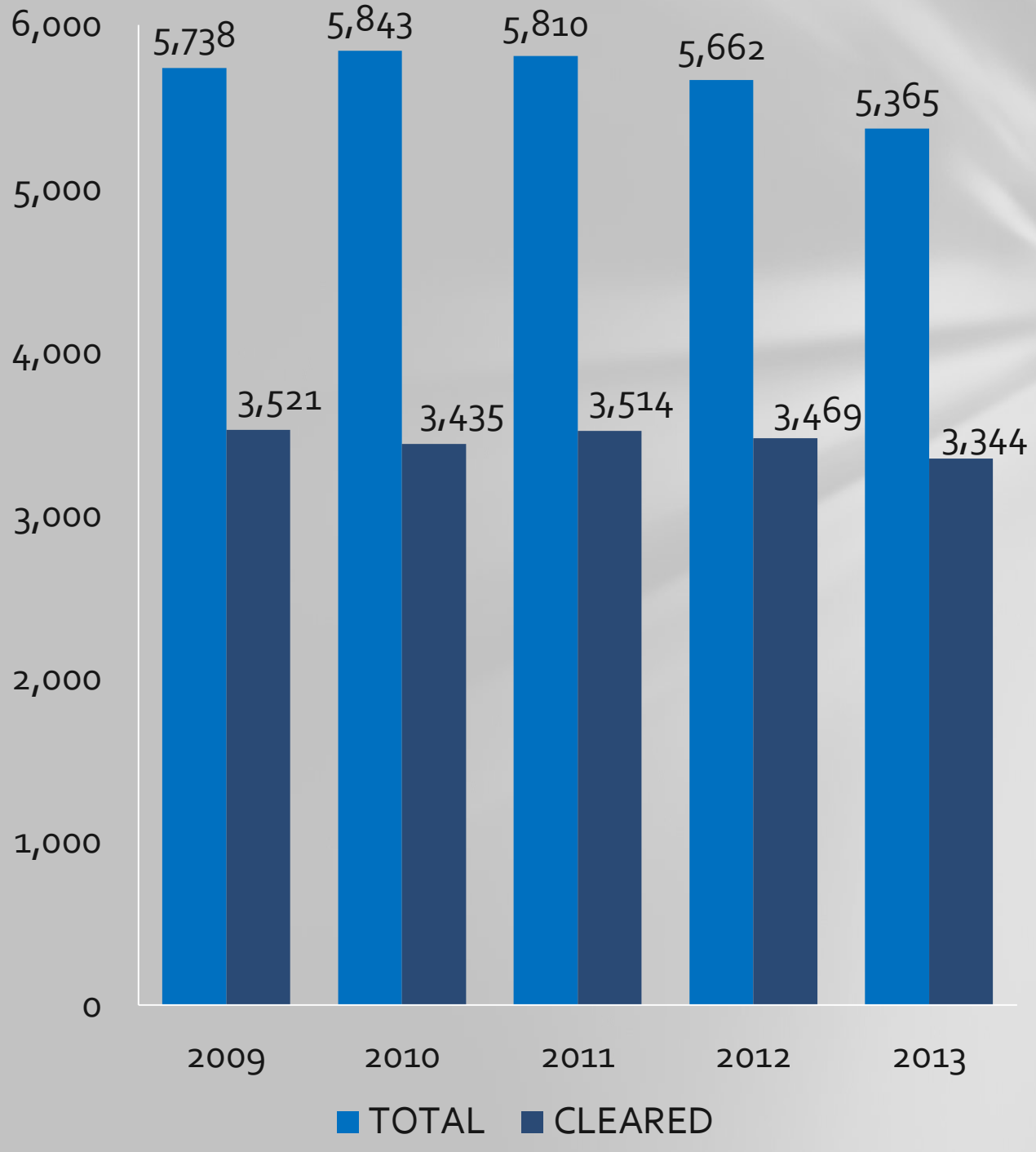
City of Dover Police Department
Annual Report

Complaints
Five Year Comparison



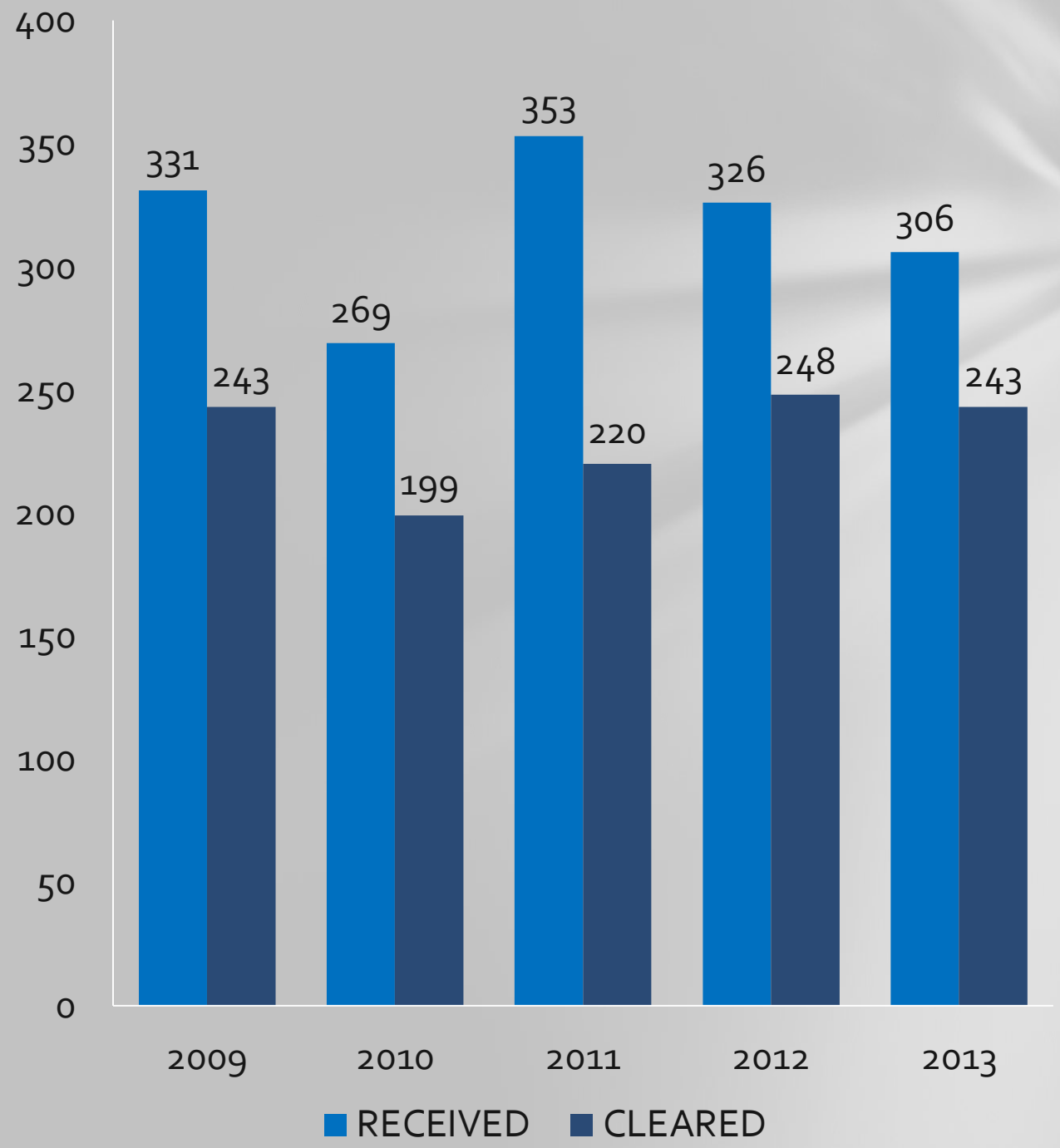
City of Dover Police Department
Annual Report

Total Group A Crime
Five Year Comparison



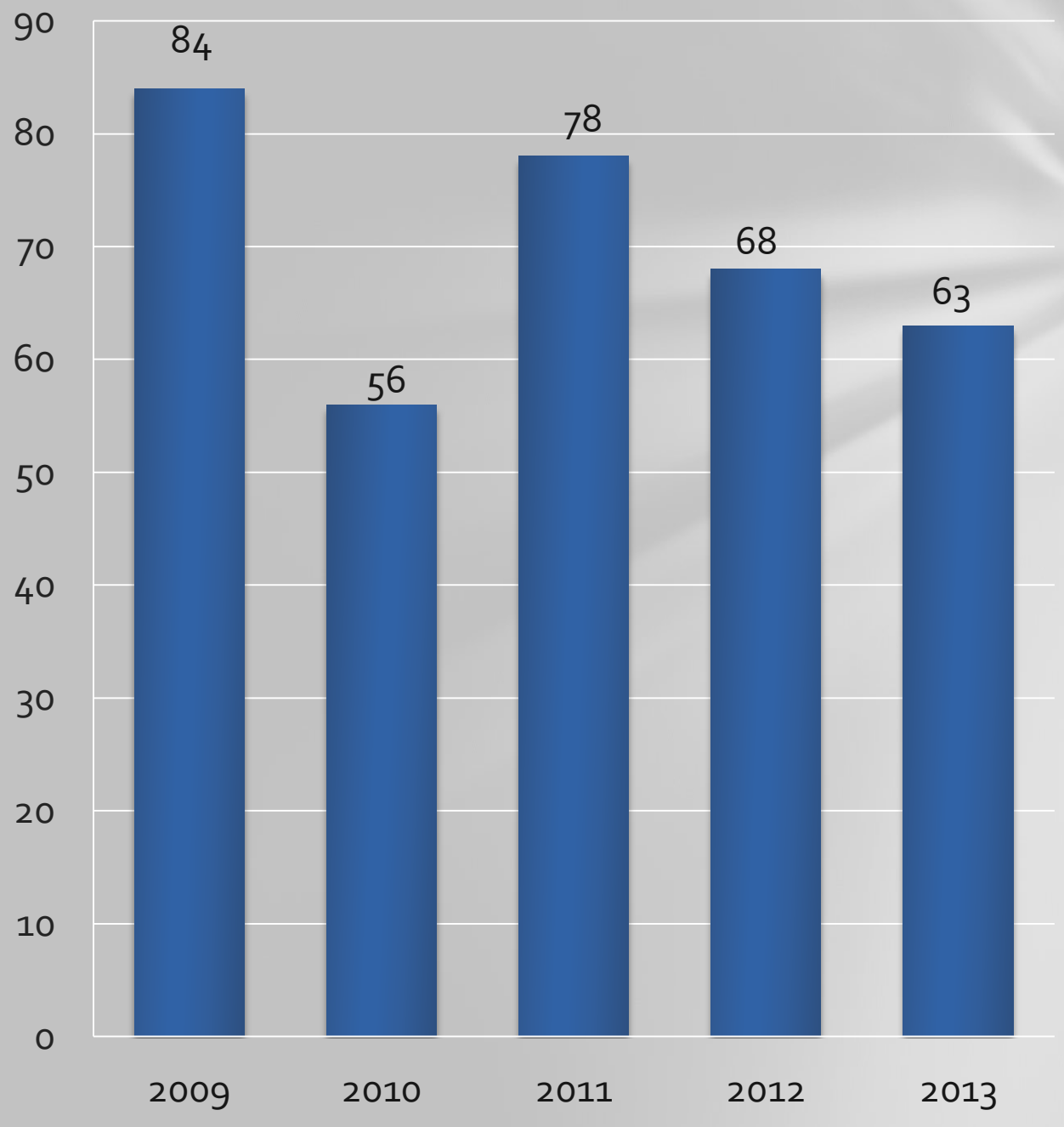
City of Dover Police Department
Annual Report

Violent Crime
(Murder, Forcible Rape, Robbery, Aggravated Assault)
Five Year Comparison



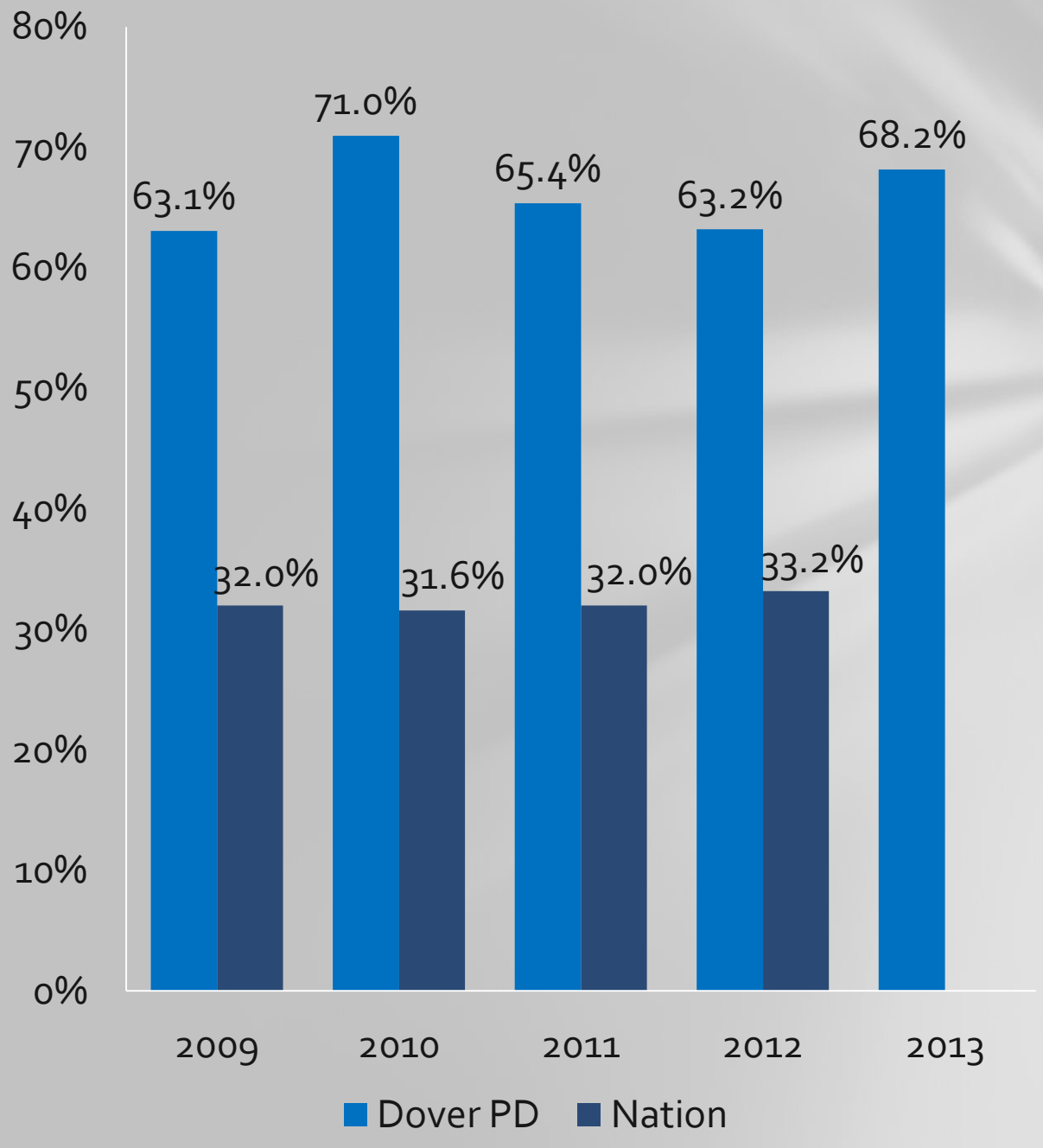
City of Dover Police Department
Annual Report

Robberies
Five Year Comparison



City of Dover Police Department
Annual Report

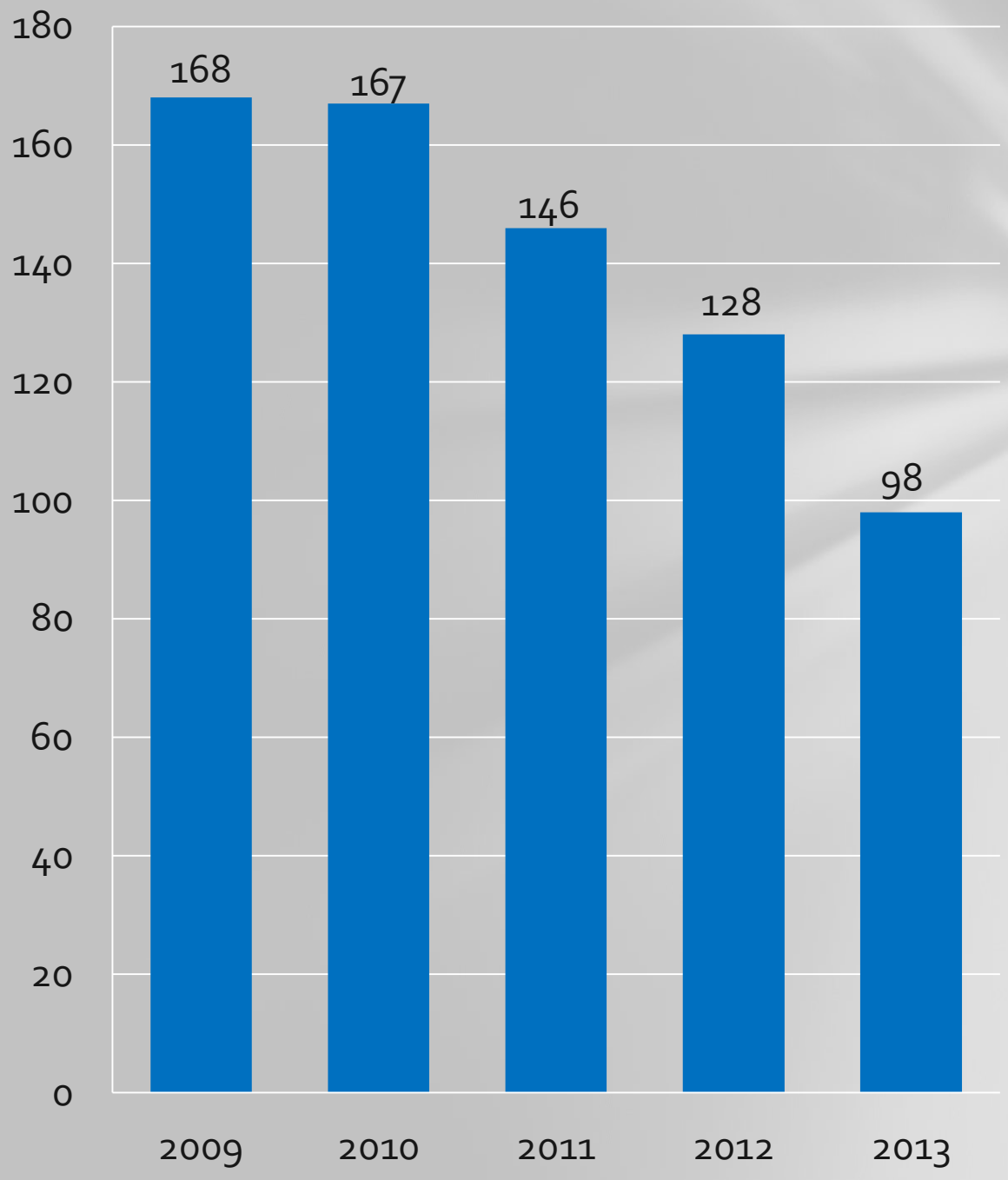
Robbery Clearance Rate
Dover Police Department vs. Nation



NATIONAL FIGURES NOT AVAILABLE FOR 2013

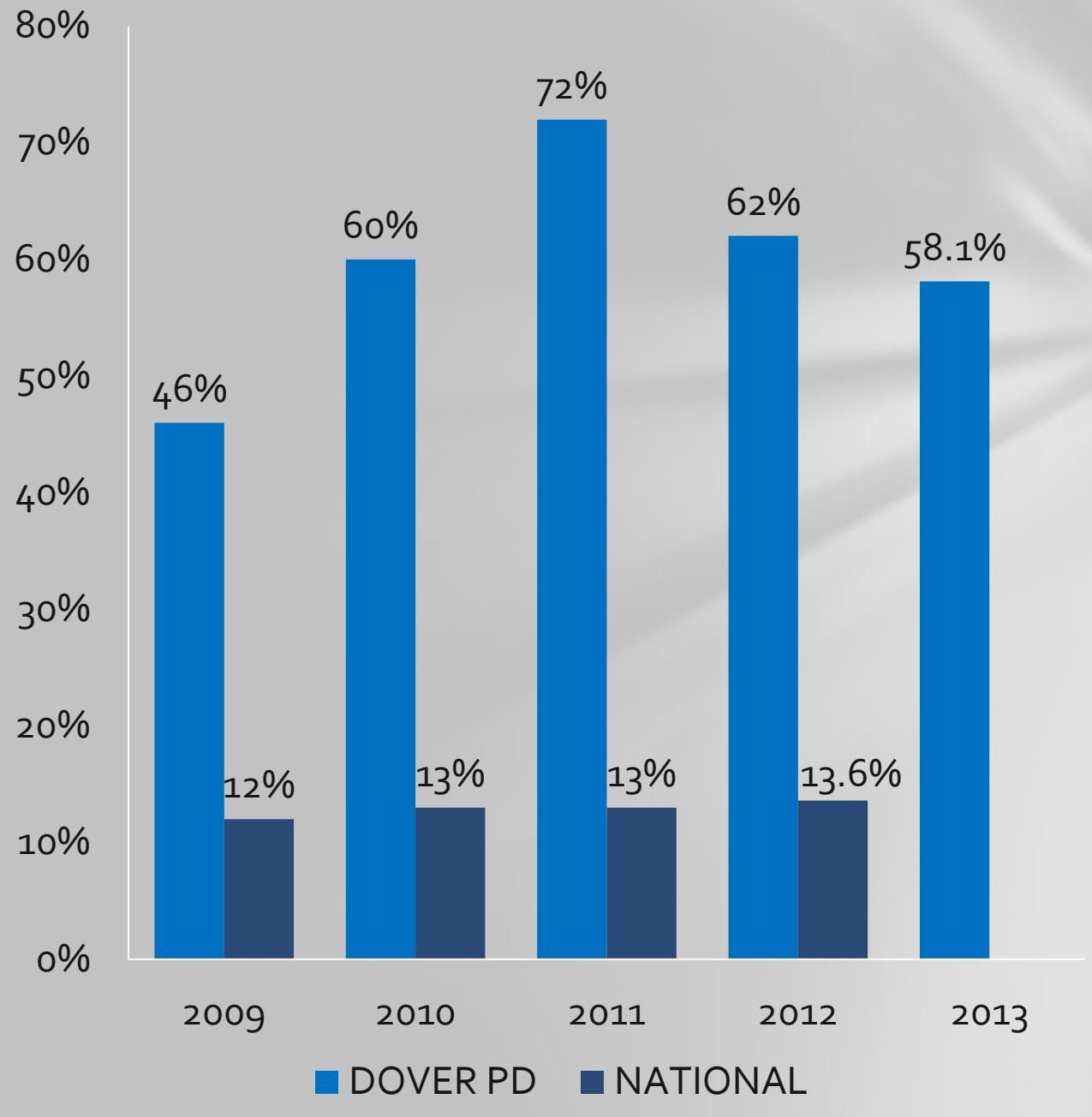
City of Dover Police Department
Annual Report

Burglaries
Five Year Comparison



City of Dover Police Department
Annual Report

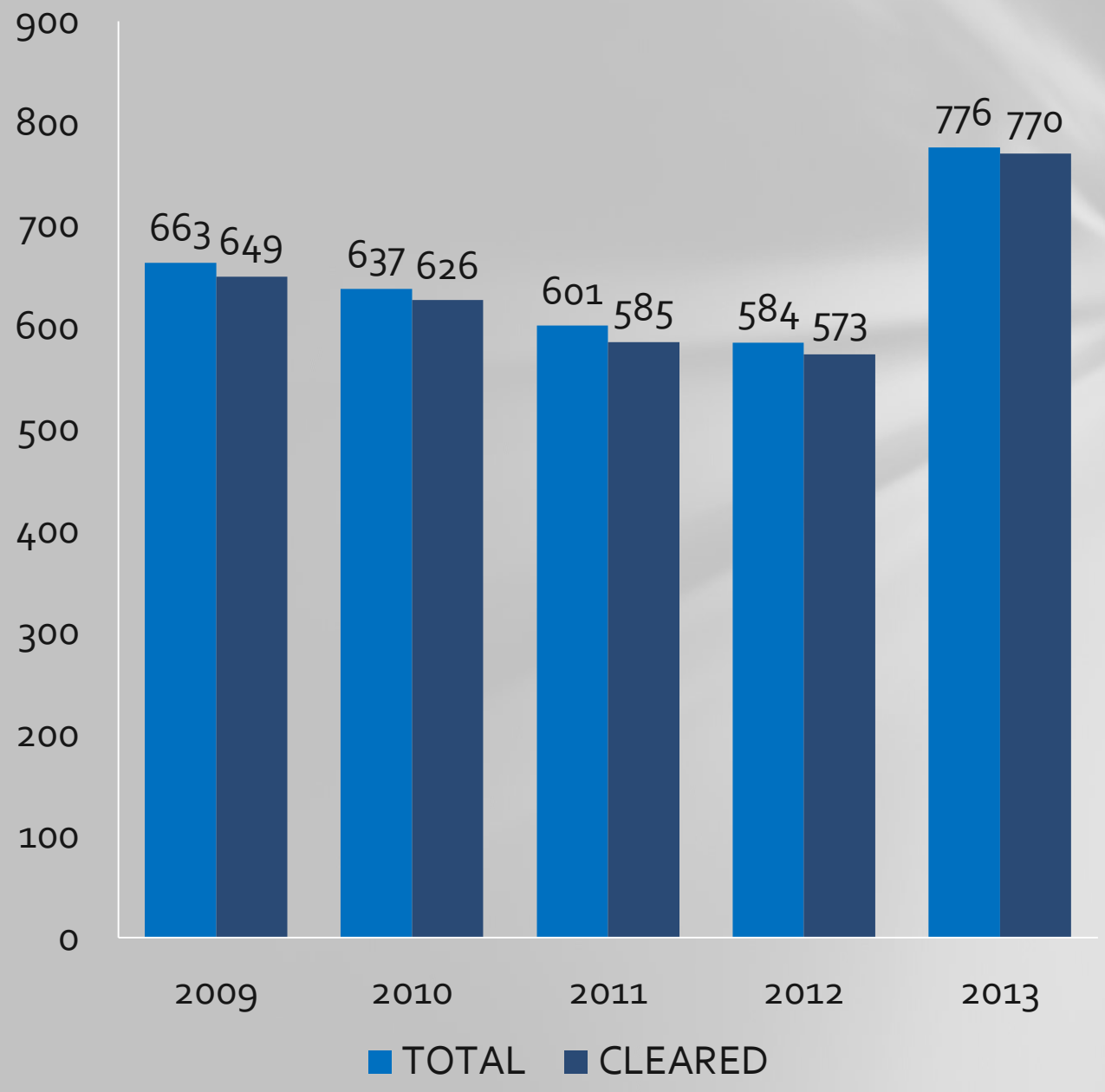
Burglary Clearance Rate
Dover Police Department vs. Nation



NATIONAL FIGURES NOT AVAILABLE FOR 2013

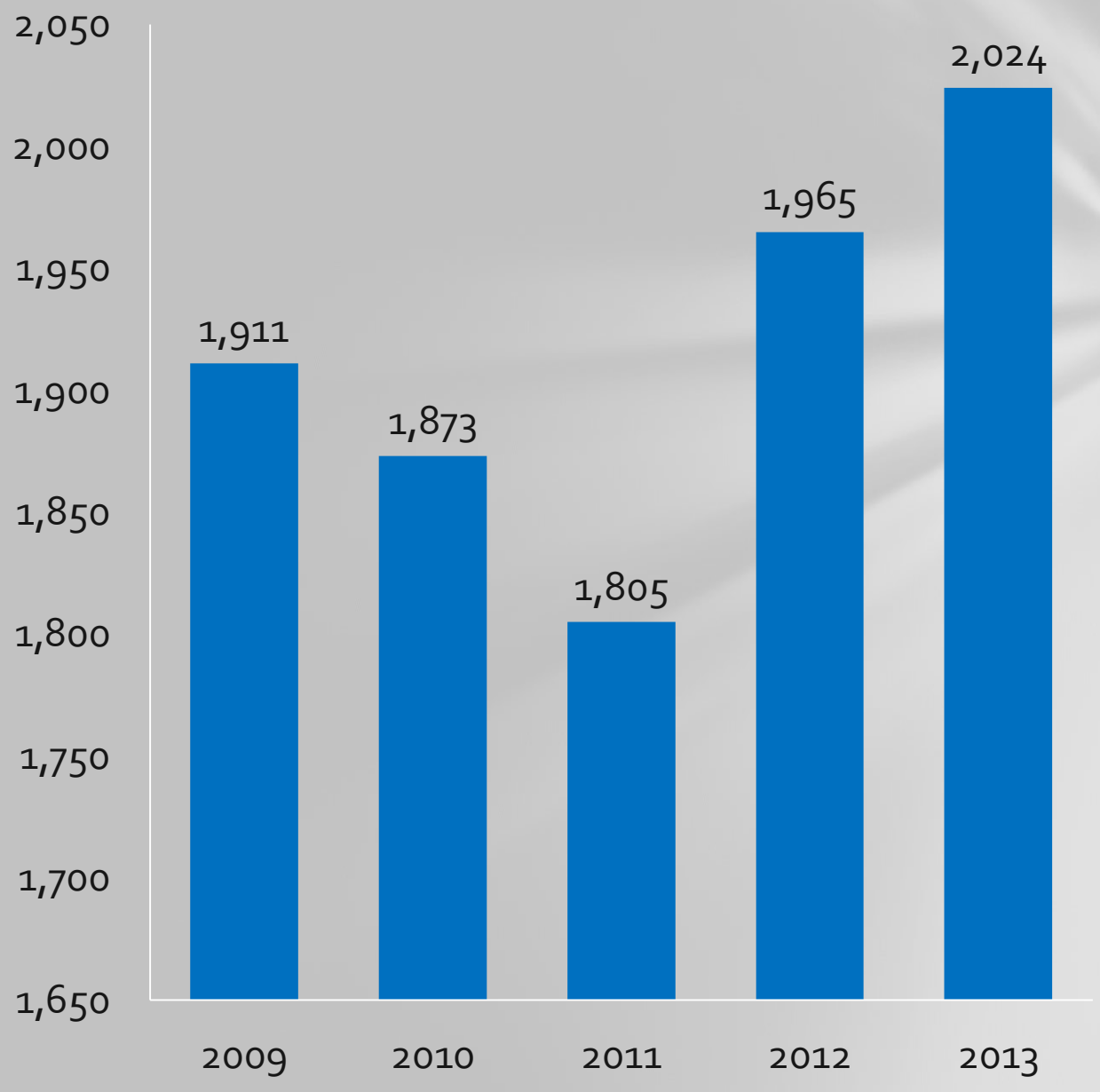
City of Dover Police Department
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Drug Offenses
Five Year Comparison



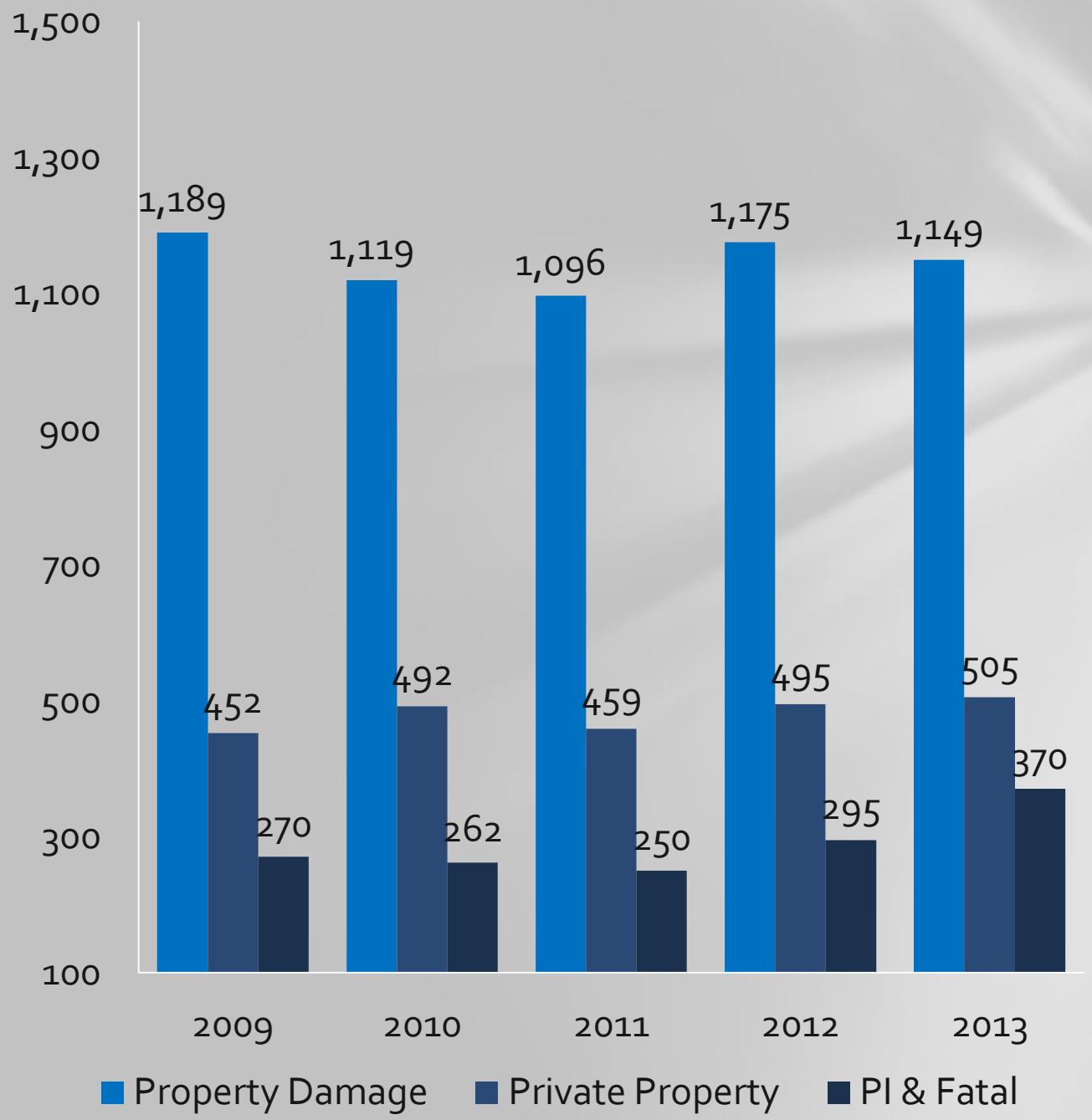
City of Dover Police Department
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Crashes
Five Year Comparison



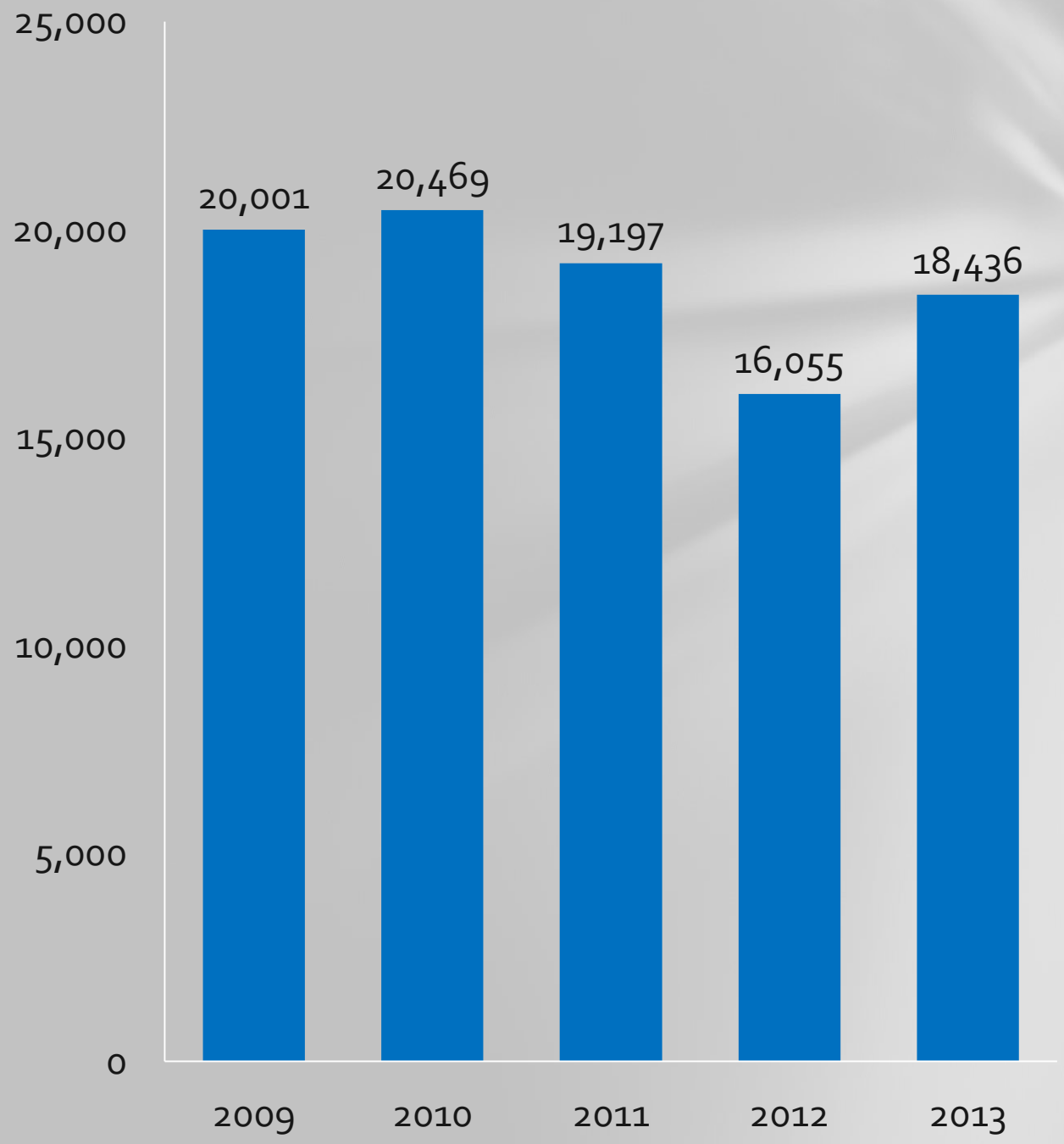
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Crash Breakdown
Five Year Comparison



City of Dover Police Department
Annual Report

Traffic Arrests
Five Year Comparison



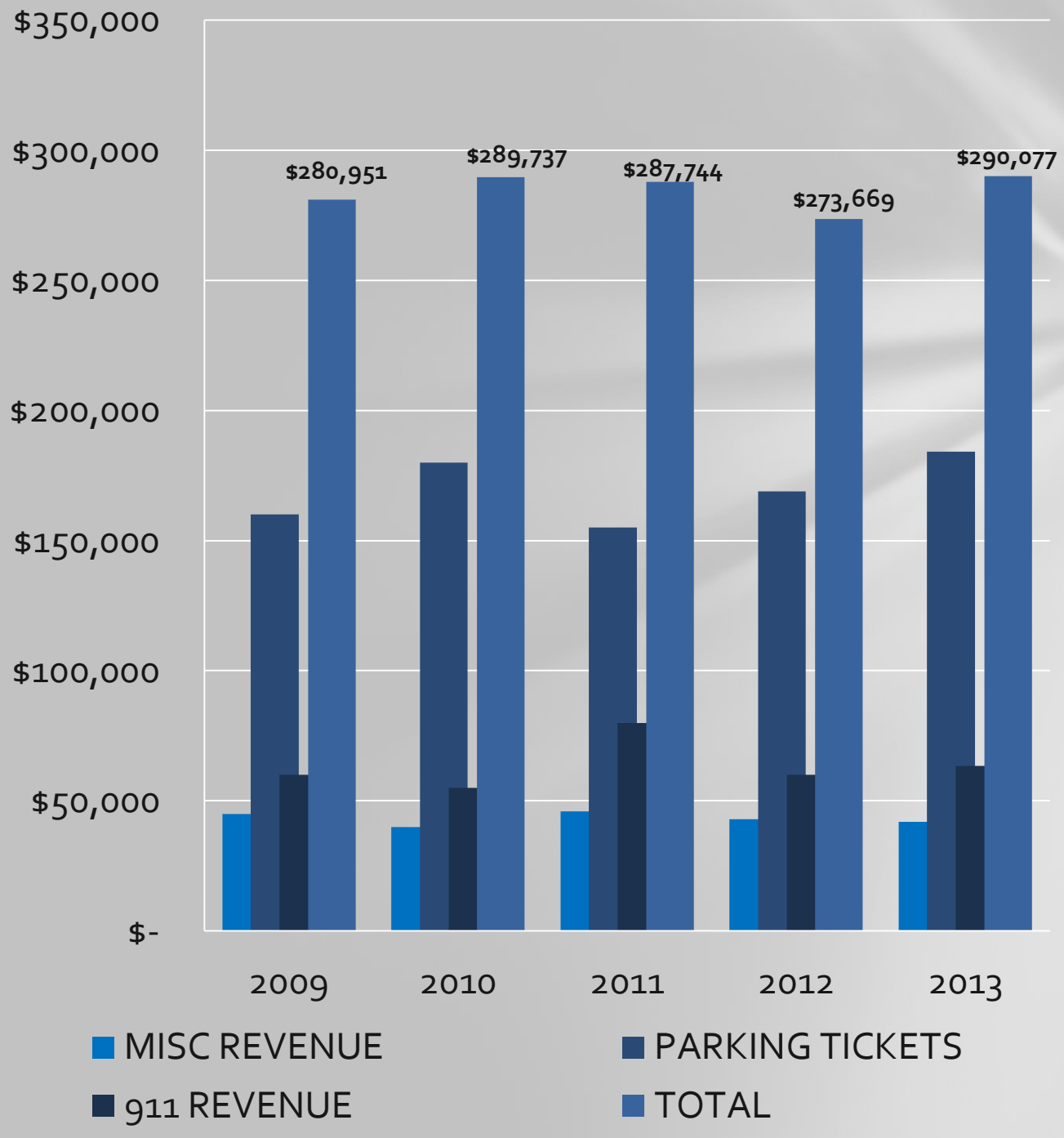
City of Dover Police Department
Annual Report

Traffic Arrests Summary

CLASSIFICATION OF VIOLATIONS	NUMBER OF ARRESTS	
DANGEROUS MOVING VIOLATIONS	2012	2013
DRIVING UNDER THE INFLUENCE	125	128
SPEEDING	2166	3657
RIGHT OF WAY	115	168
FOLLOWING TOO CLOSELY	223	260
STOP SIGN	518	492
TRAFFIC SIGNAL	268	453
CARELESS OR INATTENTIVE DRIVING	724	824
SUBTOTAL	**4139**	**5982**
LICENSE & REGISTRATION VIOLATIONS	2012	2013
LICENSE VIOLATIONS	767	1237
SUSPENSION & REVOCATION	1400	1611
REGISTRATION & TITLE	5133	6872
SUBTOTAL	**4066**	**9720**
OTHER VIOLATIONS	2012	2013
SEATBELT VIOLATIONS	2243	548
CHILD RESTRAINT VIOLATIONS	135	156
USE OF CELL PHONE WHILE DRIVING	584	613
LEAVING THE SCENE OF AN ACCIDENT	58	62
FAILURE TO REPORT AN ACCIDENT	44	7
EQUIPMENT VIOLATIONS	227	360
ALL OTHER VIOLATIONS	1345	988
SUBTOTAL	**7870**	**2734**
GRAND TOTAL	**16,075**	**18,436**

City of Dover Police Department
Annual Report

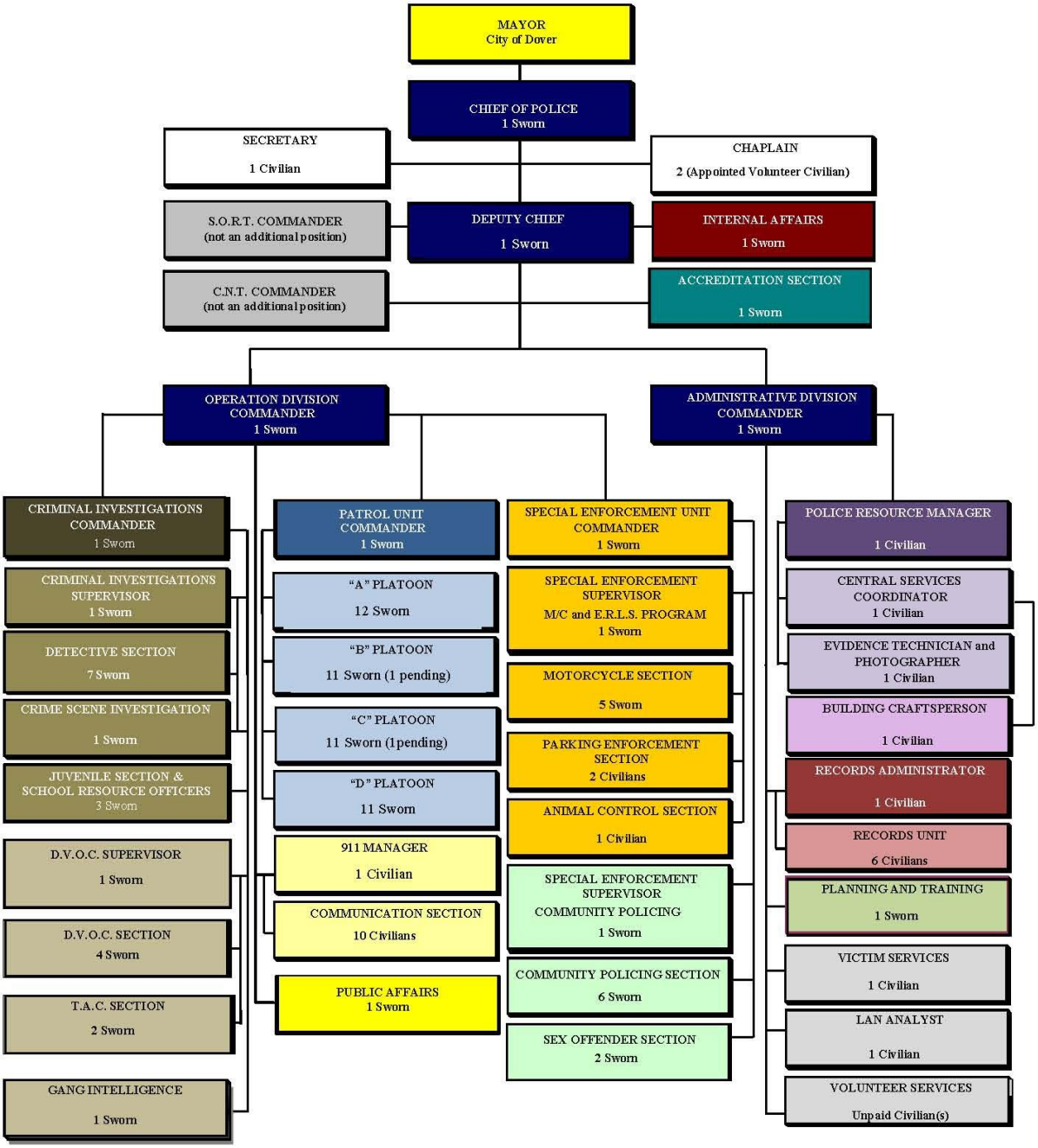
Police Revenue
Parking Fines and Reports



Dover Police Department CY2013 Grant Funding Summary

State Attorney General's Office	Totals
Criminal Justice Council (CJC) Grants – pass-through funding from the USDOJ for special programs and priorities funded by their Byrne Memorial Justice Assistance Program allocation.	
• Funds were provided to fund additional extra duty overtime using the Data Driven Approaches to Crime and Traffic (DDACTS) model for crime prevention.	$9,891.63
State Law Enforcement Assistance Fund (SLEAF) – funding from state drug cases reallocated for supplemental law enforcement equipment & programs	
• State funds received for Delaware Police Chiefs' Council (DPCC) payroll and the annual training seminar held in Rehoboth, DE.	$25,000.00
State Department of Safety and Homeland Security	
Delaware Emergency Management Agency (DEMA) Grant – the grant was administered by the Police Department, but funds were received for the last of the buffer zone physical security requirements at the Dover Downs International Speedway.	$62,422.00
Division of Alcohol and Tobacco Enforcement (DATE) Grant – funds received for extra duty overtime for safety focus areas of under aged drinking and patrols in areas of the city affected by the presence of college-age students.	8,134.95
Emergency Illegal Drug Enforcement (EIDE) Grant – funds received for annual allocation of state funding for supplemental law drug enforcement programs	16,048.00
Office of Highway Safety Events – Federal pass through funds received from the Office of Highway Safety for extra duty overtime events that target specific program areas in the community.	45,969.99
State Aid to Local Law Enforcement (SALLE) Grants – funds received for annual allocation of state funding for supplemental law enforcement equipment & programs.	20,240.85
• State funds received for DPCC annual training seminar held in Rehoboth, DE.	6,000.00
Violent Crimes Fund Grant – supports initiatives to decrease violent crimes in the community. The funds received were used for extra duty overtime enforcement in targeted areas of the city and police equipment.	75,523.53
US Department of Justice	
Edward G. Byrne Memorial, Justice Assistance Grant (JAG) – funds received during the year from this recurring federal grant for supplemental law enforcement initiatives.	$58,170.47
Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) – payroll costs for a portion of the last year of the three year hiring grant for one officer position.	39,065.64
US Treasury	
Forfeiture funds received for cases processed through the Federal system - allocated for supplemental law enforcement equipment & programs	$12,388.35
Grand Total	**$378,855.41**

DOVER POLICE DEPARTMENT
ORGANIZATIONAL CHART
2013



Officer and Civilian of the Year 2013
Dover's Finest



Detective Scott Hurd

OFFICER OF THE YEAR

Detective Scott Hurd joined the Dover Police Department in November of 2008. Hurd began his career in the Patrol unit and was then assigned to the Drugs, Vice, and Organized Crime (DVOC) Unit in June of 2010. In addition to his duties with the DVOC, Detective Hurd is a member of the Special Operations Response Team. Despite his relatively short career with the Dover Police Department, Hurd possesses all of the characteristics and leadership abilities you would expect from an Officer with twice his years of experience. His devotion to his job is evident in his daily activities and he is truly one of "Dover's Finest".



Dispatcher Mark Hall

CIVILIAN OF THE YEAR

Dispatcher Mark Hall joined the Dover Police Department in March of 2006 and is currently assigned to the Communications Section. Mark maintains his composure efficiently and effectively to obtain essential information and immediately dispatched officers to the call for service. Mark performs his duties according to the high standards set and expected of him. The handling of everyday operational duties can be very stressful, demanding, and unpredictable. Often we take for granted the level of competence and professionalism that our dispatchers exhibit. His dedication and professionalism reflect credit upon himself as well as the City of Dover Police Department.

PUBLIC INFORMATION OFFICER



Cpl. Mark Hoffman, Public Information Officer

The Public Information Officer (PIO) is a responsibility of the newly created Public Affairs Office. Cpl. Mark Hoffman, a 10-year veteran, is assigned to the position under the Community Policing/Special Enforcement Unit and falls under the Dover Police Department's Operations Division Commander. In the absence of the PIO, the responsibilities of the office fall upon the four Unit Commanders. All are responsible for disseminating information to the media and public. This is primarily accomplished by publishing information and photos on the department's web site, as well through the department's social media platforms. The PIO maintains regular contact with journalists from newspaper, radio, and television and gives both telephone and in-person interviews and is responsible for website updates. Additionally, the Public Information Officer is often called upon to serve as emcee during functions such as the promotion and award ceremonies.

In 2013, the department added social media platforms to the responsibilities of the PIO. Through programs such a Facebook, Twitter, YouTube, and the RAIDS Online Crime Mapping program, the department has been able to connect with the citizens of Dover quickly and more efficiently than ever before. The PIO sends safety messages, public service announcements, crime alerts, educational videos, and more through the social media outlets. The PIO also assists in criminal investigations where evidence can be retrieved via social media. Since the inception of the program in October of 2013, the department has seen tremendous success in solving crimes, crime prevention, public communication and reputation management

Criminal Investigation Unit
Detective Section

The Dover Police Criminal Investigation Section is tasked with the responsibility to investigate the most serious crimes that occur within the City of Dover. This section also conducts financial and identity theft investigations. In addition to these duties, they are called upon to perform background investigations on all civilian and police applicants who are being considered for employment.

In 2013, the seven detectives assigned to this section investigated a total of 1,674 complaints and cleared 1,564 of them. The detectives solved 73% of the robberies and 64% of the burglaries and cleared 93% of all cases that they investigated.. These clearance rates are significantly higher than the national average. This speaks volumes for this unit's investigative abilities.



In 2013, Detective Kevin Streadwick was named the Crime Stoppers Investigator of the Year for his continued excellence as a Major Crimes Detective and his remarkable case load and clearance rates.

Downtown Dover Cameras

In 2009, six (6) cameras were installed in the Downtown Dover area in an effort to detect and solve crimes and have become a vital tool in the war against crime. As of 2013, the amount of cameras have increased to 35 and the Dover Police Department is in the process of acquiring funding for more.

Manufactured by Honeywell, each camera provides the department with a wireless, high-definition color image that also can deliver coverage in low-light conditions. Mounted on a six-inch-wide base and contained inside a protective dome, each camera is essentially vandal-proof and can provide a 360-degree view from its vantage point.



The Dover Police Department thanks all American Veterans for their service to our great country. We are especially proud of those who now serve the City of Dover.



Chief James Hosfelt, Jr.
Capt. Robert Scott
Capt./Chaplain Wallace Dixon
Lt. Jason Pires
Lt. J. Eric Richardson
Lt. Marvin Mailey
Sgt. Chad Bernat
Sgt. David Boney
Sgt. Jack Fortney
Sgt. Carl Humphrey
MCpl. Christopher Hermance
MCpl. Kelli Burns
MCpl. Aaron Dickinson
MCpl. Greg Hopkins
MCpl. Harvey Jaksch
MCpl. Paul Kuntzi
MCpl. Andrew Morris
MCpl. Scott Sealund
MCpl. Lawrence Simpkiss
MCpl. Jeffrey Davis
MCpl. Lance Chandler
Cpl. Brian Allen
Cpl. Mark Guiteras
Cpl. Jennifer Lynch
Cpl. Jeffrey Matthews
Cpl. Jordan Miller
Cpl. Leonard Nester
Cpl. Mickie Price
Cpl. Kevin Streadwick
Cpl. Jeffery Welch
Cpl. Peter Martinek
Cpl. Chris Bumgarner
Pfc. Justin Richey
Pfc. Joseph Bauer
Pfc. Anthony Toto
Pfc. Cliff Figueroa
Pfc. Terrence Knight
Ptlm. Matthew Krogh
Ptlm. Ryan Schmid
Ptlm. James Wood

Civilian Personnel

Robin Adkins
Robert Neylan
Lee Jackson
Donald Stiller



2013 DOVER POLICE ANNUAL REPORT

EXHIBIT #2
Regular Council Meeting of 3/24/2014

JBA Greentree Properties LLC
1460 Russell Road #203
Paoli, PA 19301-1271

484.595.9200

March 24, 2014

Ms. Ann Marie Townshend, AICP
Department of Planning & Inspections
City Hall
15 Loockerman Plaza
Dover, DE 19901

Email to: atownshend@dover.de.us

RE: Ordinance 2014-06

Dear Ms. Townshend:

As you know, we are the developers and owners of Greentree Village Center, which is located in the SC-2 Shopping Center zoning district. We have followed with great interest the above-mentioned proposed ordinance that would amend the zoning ordinance itself to allow light automotive service as a conditional use ancillary to a permitted use in the SC-2 zone.

Our interest stems from discussions now underway with one of our existing tenants (Mid-Atlantic AAA) for developing a car care center in the vacant space formerly occupied by Blockbuster Entertainment. That 6,000 square foot space fronts on Route 8 (Forrest Avenue) and—despite our best efforts—has sat vacant for several years since Blockbuster filed for bankruptcy. The AAA Car Care Center would offer services such as oil and coolant changes as well as battery, tire and wiper blade replacements, etc. There would be no heavy repair service or body work, and all work would be done inside the building with no cars being stored or worked on outside the building. A typical service would take about an hour or two, and we anticipate car owners would stay in the waiting room or visit other stores during that time.

This is a new concept for AAA. They have several Car Care Centers in the Philadelphia market and are in the process of "rolling out" this service nationally. Mid-Atlantic AAA would continue its existing insurance and travel services as a permitted use at Greentree.

We note that the proposed amendment for the SC-2 zone was coupled with a proposed amendment to the SC-3 zone that may not now have the necessary support of the Planning Commission or City Council. If that is the case, we would ask that you move forward with Ordinance 2014-06 by striking any uses in the SC-3 zone that Council does not wish to pursue at this time and then act upon the revised ordinance to amend the SC-2 zone by adding light automotive service as a conditional use ancillary to a permitted use.

Thank you for considering our views and presenting them to the Planning Commission and City Council.

Sincerely,

Barry Anstine

Barry Anstine
Managing Member

EXHIBIT #3
Regular Council Meeting of 3/24/2014

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **Members of City Council**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **March 24, 2014**

Subject: **Horsepond Substation Reliability Upgrade Project (Project # EE1308)**

Since writing the memorandum dated March 19, 2014 for tonight's Council meeting packet, I have received additional information which changes my final recommendations on the project. As of today, we are confident we can complete the substation upgrade and commissioning by the end of the fiscal year. Our target completion date, weather permitting is June 1, 2014. As of now, we are confident that the transmission line tie-in cannot be completed by the end of the fiscal year due to commitments on other projects by the low bidder; therefore, I am recommending that we reject the $550,000 bid for the transmission line work.

In lieu of the current bid, staff will issue a separate contract for the pole foundations and will further evaluate whether internal staff can set the new poles (there is a total of 8 poles). Another contract will be re-bid in the fall for all work that city staff cannot complete in-house.

Based on all of the available information, my final recommendation is as follows:

The City Manager recommends the following actions: 1) Authorize the City Manager to increase the project budget for Project # EE1408 from $730,900 to as much as $1,301,100. 2) Authorize the City Manager to execute the necessary amendments to the Engineering Services Agreement for Horsepond Road Substation with Pike Energy Solutions, LLC from $50,000 to a not to exceed amount of $145,000 based on time and materials for design related assistance as well as commissioning related services (which were not part of the original design contract). 3) Authorize the City Manager to reject all bids in response to Bid #14-0022EL and issue bid packages to complete the transmission line work by the end of calendar year 2014. 4) Once the project is complete, transfer any unused funds from Project # EE1308 to other Electric CIPs with the primary focus on the General Scott Switchgear Project # EE1312.