REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 10, 2014 at 7:30 p.m. with Councilwoman Williams presiding in the absence of Council President Bonar. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, 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. Acting Council President Williams declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

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

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

TRIBUTE TO COUNCILMAN DAVID ANDERSON - STATE OF DELAWARE - HOUSE OF REPRESENTATIVES

On behalf of the State of Delaware House of Representatives, Representative Trey Paradee presented a tribute to Councilman David Anderson in appreciation for his service in the 198th Signal Battalion of the Delaware Army National Guard. Representative Paradee read the tribute into the record ***(Exhibit #1)***.

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare moved for approval of the consent agenda as presented, seconded by Mr. Dixon and carried by a unanimous roll call vote (Bonar absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF FEBRUARY 24, 2014

The Minutes of the Regular Council Meeting of February 24, 2014 were unanimously approved by motion of Mr. Hare, seconded by Mr. Dixon and bore the written approval of Mayor Carey.

PRESENTATION - PLANNING AND COMMUNITY DEVELOPMENT ANNUAL REPORT

The Department of Planning and Community Development submitted the 2013 Annual Report for the Department to City Council. Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided a presentation ***(Exhibit #2)*** depicting highlights of the report.

In response to Mr. Anderson, Mrs. Townshend confirmed that the incentives provided for economic development will expire December 31, 2015 and that these incentives had provided positive results to date. She concurred that the City should continue extending the incentives, particularly in the current competitive environment.

Mr. Anderson moved for acceptance of the Planning, Inspections, and Recreation 2013 Annual Report as presented, seconded by Mr. Dixon and unanimously carried.

REZONING REQUEST - PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2014-02 - REZONING OF PROPERTY LOCATED AT 405 NORTH STATE STREET, OWNED BY DAVID AND SUSAN EDGELL

A public hearing was duly advertised for this time and place to consider rezoning of property located at 405 North State Street, consisting of 11,250$^{+/-}$ square feet, owned by David and Susan Edgell. The property was currently zoned R-8 (One Family Residence) and the proposed zoning was RG-1 (General Residence). (TAX PARCEL ED-05-068.17-01-72.00-000; PLANNING REFERENCE Z-14-02; COUNCIL DISTRICT 3).

Mr. Slavin moved that the Final Reading of Proposed Ordinance #2014-02 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of January 27, 2014.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district.

The Planning Commission recommended approval of the rezoning request, as submitted.

Public Hearing

Acting Council President Williams declared the hearing open.

Mr. David Edgell and Mrs. Susan Edgell, 405 N. State Street, explained that the request was being made to allow for a two (2) car garage to be built on the property. Reviewing the current zoning regulations, it was determined that the R-8 zoning classification only allows 35% lot coverage and the RG-1 zoning classification allows 40% lot coverage. The garage they wished to build would result in 38% lot coverage; therefore, they requested that the property be rezoned to RG-1. Mr. Edgell stated that, although the property was not under the Historic District Regulations, it was their desire to build a garage that would compliment their house, which was built in 1926.

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

Mr. Lynn moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Hare and, by a unanimous roll call vote (Bonar absent), Council adopted Ordinance #2014-02, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 405 NORTH STATE STREET

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from R-8 (One-Family Residence) to RG-1 (General Residence).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from R-8 (One-Family Residence) to RG-1 (General Residence) on that property located at 405 North State Street (northeast corner of North State Street and Washington Street), consisting of $11,250^{+/-}$ square feet, owned by David and Susan Edgell.
   (Tax Parcel: ED-05-068.17-01-72.00-000; Planning Reference Z-14-02)

ADOPTED: MARCH 10, 2014

REQUEST TO WITHDRAW REZONING AND 2008 COMPREHENSIVE PLAN AMENDMENT (MAP 12-1 - LAND DEVELOPMENT PLAN) REQUESTS - PROPERTY LOCATED AT 1205 MCKEE ROAD, OWNED BY COLLEGE ROAD OFFICES, LLC

A public hearing was duly advertised for this time and place to consider rezoning of property located at 1205 McKee Road, owned by College Road Offices, LLC (proposed Ordinance #2014-04). The property was currently zoned CPO (Commercial Professional Office), subject to COZ-1 (Corridor Overlay Zone), and the proposed zoning was C-2A (Limited Central Commercial), subject to COZ-1.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that, following a public hearing by the Planning Commission where several members of the public spoke in opposition to the proposed rezoning and Comprehensive Plan Amendment, the Planning Commission voted seven (7) to one (1) to recommend that Council deny the requests. Subsequently, the applicant requested that both the rezoning request and the Comprehensive Plan Amendment be withdrawn. It was noted that this request to withdraw included the request to amend Map 12-1: Land Development Plan Map in the vicinity of College Road and McKee Road. Mrs. Townsend explained that the Comprehensive Plan Amendment was scheduled for consideration during the next agenda item and that the request to withdraw the amendment would be reflected in Staff Amendment #1 to Proposed Ordinance #2014-03.

Mr. Perza moved for approval of the request to withdraw the rezoning application and the request for a 2008 Comprehensive Plan Amendment (Map 12-1 - Land Development Plan) for property located at 1205 McKee Road, owned by College Road Offices, LLC. The motion was seconded by Mr. Hare and unanimously carried.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2014-03 WITH STAFF AMENDMENT #1 (SA#1) - AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY INCLUDING TEXT ADDENDA TO THE TRANSPORTATION AND HOUSING AND COMMUNITY DEVELOPMENT CHAPTERS

A public hearing was duly advertised for this time and place to consider Proposed Ordinance #2014-03, which would amend the 2008 Comprehensive Plan, as amended, by including text addenda to the Transportation and Housing and Community Development Chapters.

Mr. Hare moved that the Final Reading of Proposed Ordinance #2014-03 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of January 27, 2014.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a summary of the proposed amendments to the 2008 Comprehensive Plan.

Mrs. Townshend noted that the 2014 Amendments to the 2008 Comprehensive Plan initially included a request to amend the Land Development Plan (Map 12-1) in the vicinity of College and McKee Roads. Following a public hearing before the Planning Commission where several members of the public spoke in opposition to the requested amendment, the Planning Commission voted seven (7) to one (1) to recommend that Council deny this amendment request. The applicant subsequently submitted a request to withdraw their request to amend the Land Development Plan, which was approved by City Council during consideration of the previous agenda item.

Mrs. Townshend explained that Staff Amendment #1 (SA#1) to Proposed Ordinance #2014-03 would remove all references to the Comprehensive Plan amendment request for property located in the vicinity of College and McKee Roads. She advised members that the proposed ordinance with SA#1 would adopt addenda to the 2008 Comprehensive Plan, as amended on November 23, 2009; March 14, 2011; April 11, 2011; and March 12, 2012. Mrs. Townshend explained that the addenda related to a number of ongoing planning projects taking place during 2014, such as the Central Dover Neighborhood Plan, the Transportation Improvement District (TID) for the Route 13 and Bay Road Corridors, and a Citywide Recreation Needs Assessment. The Dover Transit Neighborhood Plan has been completed. Once the projects are complete, the Comprehensive Plan will be updated.

Mrs. Townshend stated that the Planning Commission recommended approval of the proposed addenda.

Public Hearing

Acting Council President Williams declared the public hearing open. There being no one present wishing to speak, Acting Council President Williams declared the hearing closed.

Mr. Hutchison moved for adoption of Staff Amendment #1. The motion was seconded by Mr. Hare and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Perza, Slavin, Hare, Hutchison, and Williams), one (1) abstention (Anderson), and one (1) absent (Bonar).

Explaining his abstention, Mr. Anderson stated that he was in the process of conducting research regarding this matter, which had not been completed; therefore, he did not feel he had sufficient information to vote at this time.

Mr. Slavin moved for adoption of Ordinance #2014-03, as amended by Staff Amendment #1 (SA#1). The motion was seconded by Mr. Dixon and by a roll call vote of seven (7) yes (Dixon, Lynn, Perza, Slavin, Hare, Hutchison, and Williams), one (1) abstention (Anderson), and one (1) absent (Bonar), Council adopted Ordinance #2014-03, as amended by SA#1, as follows:

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY INCLUDING TEXT ADDENDA TO THE TRANSPORTATION AND HOUSING AND COMMUNITY DEVELOPMENT CHAPTERS.

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

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

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

WHEREAS, the City has reviewed the 2008 Comprehensive Plan as required in Title 22, Section 702 of Delaware Code and determined that, following several ongoing studies to be completed over the next year, a more thorough update of the 2008 Comprehensive Plan should be initiated; and

WHEREAS, staff has developed an addendum to the Transportation Chapter to incorporate the development of a Transportation Improvement District; and

WHEREAS, staff has developed an addendum to the Housing and Community Development Chapter to incorporate the Dover Community Plan currently under development; and

WHEREAS, the Planning Commission held a public hearing on February 18, 2014, after which the Commission made a recommendation in regard to the proposed addenda to the Transportation and Community Development Chapters.

NOW, THEREFORE, BE IT ORDAINED THAT the Mayor and Council of the City of Dover hereby amend the 2008 Comprehensive Plan, as amended, by:

1. Including the text provided in the addenda to the Transportation and Housing and Community Development Chapters.

ADOPTED: MARCH 10, 2014

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - FEBRUARY 24, 2014

The Safety Advisory and Transportation Committee met on February 24, 2014 with Chairman Hutchison presiding.

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that construction of the new Dover High School was moving forward and that staff had been working with the owner of the adjacent Leander Lakes Apartments, who is responsible for construction of a portion of the road as it proceeds south on the site toward the Village of Cannon Mills. She indicated that this owner was progressing smoothly through the process and should begin construction activities in the Spring of 2014. The Delaware Department of Transportation (DelDOT) had indicated that all design was complete for the sidewalks near the school on the north side of Route 8. In late January, DelDOT sent offer letters to property owners in order to secure temporary or permanent easements and two (2) owners had signed. Mrs. Townshend indicated that DelDOT may potentially have to go through a more extensive process to acquire some of the easements.

Responding to Mr. Hutchison, Mrs. Townshend stated that nine (9) properties were involved in the easements and one (1) of these properties was necessary for the installation of the High-Intensity Activated Crosswalks (HAWK) signal. She indicated that design of the signal was complete and DelDOT believed that it would be in place before school starts; however, DelDOT was a little more concerned about the sidewalk. Mrs. Townshend did not believe that the signatures required for the necessary easement had been obtained.

Responding to Mr. Keller regarding the status of the east entrance to the school, Mrs. Townshend stated that the entrance was not yet under construction. She explained that the monthly construction coordination meeting was scheduled for February 27, 2014 and that more details should be available at that time; however, as of the last meeting, the Capital School District was planning to move forward with this entrance. She stated that installation of the HAWK signal was not necessarily dependent upon the entrance being built; however, the signal was designed with the knowledge that the entrance would be constructed. Reconstruction needed at the west entrance to the school was still in the plan review phase.

In response to Mr. Davis, Mrs. Townshend confirmed that there were no plans for flashing signals to reduce the speed limit at the school and that the current speed limit at that location was 50 miles per hour. She noted that once the school is operational, a speed study could be requested from DelDOT; however, the speed limit would not be dropped without such a study. Mrs. Townshend indicated that a speed study prior to the school's opening would not justify a change in speed limit. She anticipated that the City would look to DelDOT to conduct a study at this time next year, with the hope of dropping the limit.

Responding to Mr. Keller, Mrs. Townshend stated that staff could talk to DelDOT about obtaining Variable Message Signs (VMS) to alert traffic when the school opens.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that staff was working with the Delaware Department of Transportation (DelDOT) on establishing a Transportation Improvement District (TID). A meeting was held during the previous week regarding refining the boundaries of the District and the details of the preliminary agreement. She explained that the agreement would have two (2) phases, the first to perform the study and the second to address issues such as who will pay for each share of improvements and the establishment of a fee for developers. Responding to Mr. Hutchison, Mrs. Townshend stated that the City has considerable input regarding the selection of the TID boundaries and confirmed that the TID would be located mainly on Route 13 and Bay Road (Route 113).

Mrs. Townshend stated that the pedestrian improvement project for US Route 13 from Court Street to Loockerman Street was currently listed in the draft FY 15 Capital Transportation Plan (CTP) with design to take place in FY 18, right-of-way acquisition in FY 19, and construction in FY 20. This project was currently assigned to DelDOT's Division of Planning.

The Kenton Road, SR 8 to Chestnut Grove Road, project was currently listed in the draft FY 15 CTP for design to take place in FY 17 and FY 18, right-of-way acquisition in FY 19, and construction in FY 20. Mrs. Townshend explained that the project consisted primarily of drainage and sidewalk improvements on Kenton Road.

The Crawford Carroll Avenue Extension project was currently listed in the draft FY15 CTP for design to begin in FY 16 and finish in FY 17, right-of-way acquisition to take place in FY 18 and FY 19, and construction to begin in FY 20.

Mrs. Townshend explained that several City of Dover transportation priorities were not included in the draft FY 15 CTP, including the Garrison Oak Connector Road and the Route 8/Hazlettville Connector Road. She noted that the Kings Highway/Route 13 intersection improvements would likely be identified as improvements under the TID, and the US 13 Service Road Corridor may also be looked at as part of the TID. Mrs. Townshend indicated that the design and right-of-way acquisition processes for the West Dover Connector were near completion and construction was scheduled to begin shortly after the beginning of FY 15.

Mrs. Townshend stated that the FY 15 CTP included funds to begin the design of a third lane, along with a number of safety improvements, on US 13 extending south from the Puncheon Run Connector to Walnut Shade Road. She noted that this project is not within City limits; however, it is a large project that could cause ripple effects in the City. Mrs. Townshend noted that the FY 15 CTP has funds included to begin project design in FY 16 and finish in FY 17, right-of-way acquisition in FY 18, and construction in FY 19 and FY 20.

In response to Mr. Hutchison regarding the location of the Crawford Carroll Road extension, Mrs. Townshend explained that the road would extend south from its current termination point, run behind Lowe's, and connect to the Delaware State University (DSU) campus. She noted that since DSU now includes the former Sheraton Hotel building as a dormitory, this connection would become more important. Mrs. Townshend explained that a tie-in for this road to Route 13 would line up with the north entrance of the Dover Mall.

Responding to Mr. Hutchison regarding whether or not the new Dover High School might move the Kenton Road (from Route 8 to Chestnut Grove Road) project up in priority, Mrs. Townshend stated that this project had been included in the draft CTP for the first time in FY 15 and that the State was "moving in the right direction."

In response to Mr. Keller regarding the status of sidewalks from DSU to the dormitory at the former Sheraton Hotel, Mr. Rich Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), explained that these plans were complete and the project would begin when the weather breaks. Mr. Keller noted that he had observed students walking in the road, especially when there is snow, and felt this needed to be addressed. Responding, Mr. Vetter stated his understanding that this project would begin in the Spring of 2014.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - *Rich Vetter*

Mr. Rich Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), provided a briefing on MPO projects, as follows:

Capital City Bike Trail

Mr. Vetter reviewed the Proposed Bicycle and Pedestrian Projects/Studies relating to the Capital City Trail. He explained that the phase along Martin Luther King, Jr. Boulevard was completed last year and that another phase located just north of Legislative Mall extending through the Delaware Public Archives (DPA) property to Loockerman Street would be completed in the Spring of 2014. Another phase extending from Park Drive to Silver Lake Park was planned for construction in the Fall of 2014. The Capital City Bike Trail project will involve widening existing sidewalks in some areas and construction of new trails in others.

West Street Sidewalk

Mr. Vetter reviewed a rendering of the West Street Trail Connector, explaining that it was planned to fill in sidewalk gaps on North and West Streets. Existing sidewalks will be widened to allow shared bike/pedestrian use along West Street. In addition, the sidewalk in front of the Duncan Center, the railroad crossing, and the median will be improved. Preliminary design on the project has begun and it is funded for final design in FY 16.

Responding to Mr. Keller, Mr. Vetter explained that the bicycle roadway would be constructed of concrete rather than asphalt and he was unsure of the cost differential between the two (2) types of material. He expressed his belief that asphalt was initially cheaper but concrete was better over the long run, as it would last longer. Mr. Vetter felt that concrete was also chosen due to the aesthetics, since concrete would match existing walkways.

Mr. Keller stated that there was a mix within the City of hot mix and concrete sidewalks and it was his observation, over the last 10 years, that the asphalt was doing as well as the concrete.

West Street Traffic Study

Mr. Vetter reviewed a map related to a West Street Traffic Study, explaining that the MPO was currently working on a study regarding the large amount of traffic that queues up on northbound West Street to North Street. He indicated that traffic counts were completed for all intersections in

the area from Saulsbury Road to Queen Street and consideration was being given to the feasibility of making West Street one (1) way, southbound. Northbound vehicles would potentially use Queen Street and then turn left onto North Street. Mr. Vetter explained that a large and unknown factor would be the effect of the opening of the West Dover Connector, which would direct a great deal of southbound traffic onto Saulsbury Road. Based on traffic volumes, approximately 1,400 - 1,500 vehicles use North Street during peak hours and approximately 300 vehicles per hour turn left from West Street onto North Street, which causes difficulties for northbound traffic on West Street. Approximately 600 - 800 vehicles per hour turn right from North Street onto West Street during peak hours. He stated that the feasibility study would be conducted to see if this change would make sense.

Responding to Mr. Hutchison, Mr. Vetter stated that he was unsure when the last detailed, comprehensive traffic analysis was done of all the streets downtown. Mr. Hutchison stated that it had been suggested that when the City's population changed, one (1) way streets could enhance traffic flow.

Mrs. Townshend expressed her opinion that the West Dover Connector would change the traffic patterns downtown and that a comprehensive analysis should not be performed until this project is complete.

Mr. Dixon expressed concerns regarding children crossing Route 8 in the area of Booker T. Washington Elementary School. Mrs. Townshend stated that it was planned to move the traffic signal on Route 8 from Ridgely Street to Weston Drive.

Mr. Vetter advised members that a new draft Capital Transportation Program (CTP) was released during the previous week and was available on DelDOT's website. He noted that it was contingent upon a gas tax or revenue increase and was approved by the Council on Transportation. Mr. Vetter stated that the CTP mentions the Garrison Oak Connector Road in FY 16 for design, but no construction funding had been included to this point. He stated that the State of Delaware Economic Development Office had contacted him and indicated that they were very interested in doing whatever they could to promote this project.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - FEBRUARY 24, 2014

The Legislative, Finance, and Administration Committee met on February 24, 2014 with Chairman Lynn presiding.

Investment Management and Advisory Services - Extension

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that on March 28, 2011, City Council approved the Investment Management and Advisory Services agreement with Public Financial Management Asset Management (PFMAM) for the City's pooled investment account, which will expire March 30, 2014. The current services agreement requires a 30 day written notice of the City's

intent to re-bid the services, which would be due by February 28, 2014. The agreement also provides for an extension for two (2) additional two (2) year periods by mutual consent and approval by City Council. Mrs. Mitchell informed members that the City has had an excellent experience with PFMAM during the past three (3) years, noting that it has been the best company she has worked with during her tenure with the City.

Staff recommended authorizing the Controller/Treasurer to extend the current Investment Management and Advisory Services agreement for a two (2) year period.

The Committee recommended authorizing the Controller/Treasurer to extend the current Investment Management and Advisory Services agreement for a two (2) year period, as recommended by staff.

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

Investment Banking Custody Services - Extension

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that on March 28, 2011, City Council approved a custody agreement with Union Bank for custodial services of the City's pooled investment account. The current services agreement requires a 30 day written notice of the City's intent to re-bid the services, which would be due by February 28, 2014. The agreement also provides for an extension for two (2) additional two (2) year periods by mutual consent and approval by City Council. She informed members that the City has had an excellent experience with Union Bank during the past three (3) years.

Staff recommended authorizing the Controller/Treasurer to extend the current Investment Banking Custody Services agreement for a two (2) year period.

Responding to Mr. Lynn, Mrs. Mitchell stated that the current recommendation was based on the 2011 solicitation and an additional Request for Proposals (RFP) was not performed. If the recommendation to extend the current agreement was not approved, an RFP would be performed.

In response to Mr. Lynn, Mrs. Mitchell stated that Union Bank is located in California.

Mrs. Mitchell explained that the City currently has contracts with Wells Fargo for the pension assets and that she attempts to diversify assets under custody when possible, as recommended by the Government Finance Officers Association (GFOA).

Mr. Hare questioned whether the current contract could be renewed for one (1) year instead of two (2) years. Responding, Mrs. Mitchell stated that a one (1) year extension option was not included in the contract, but that she could ask Union Bank.

Mr. Lynn expressed concern with the City not utilizing local banks within Delaware. In response, Mrs. Mitchell noted that when the previous RFP was performed, one (1) of the deciding factors was that Union Bank's fees were $4,000, compared to more than $10,000 for all of the other banks, including local banks.

The Committee recommended authorizing the Controller/Treasurer to extend the current Investment Banking Custody Services agreement for a one (1) year period, if the Controller/Treasurer is able to negotiate this with Union Bank.

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

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

MONTHLY REPORTS - JANUARY 2014

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

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

SETTING OF PROPERTY ASSESSMENT APPEALS

Staff recommended that the 2014 Property Assessment Appeals be scheduled for May 26, 2014 through May 30, 2014 from 9:00 a.m. until 4:00 p.m.; June 2, 2014 through June 6, 2014 from 9:00 a.m. until 4:00 p.m.; and one evening (if needed). Members were advised that the hearing times are subject to change.

Mr. Hare moved for approval of the dates and times recommended by staff for the 2014 Property Assessment Appeals, seconded by Mr. Hutchison and unanimously carried.

HORSEPOND SUBSTATION PROJECT AMENDMENTS AND EVALUATION OF PROPOSALS

Mr. Scott Koenig, City Manager, advised members that for the past several months, staff had been working on the Horsepond Substation Reliability Upgrade Project (Project # EE1308). He indicated that the FY 2013 project budget was $730,900; however, based on the current bidding environment, cost of raw materials, and staff levels, it would be necessary to amend the project budget and engineering services agreement so this project could be completed in a timely manner. This project was designed to upgrade the high-side of the substation as two (2) transmission line protection breakers. He advised members that this project would need to be completed in the Spring of 2014 before other transmission work gets underway related to the Calpine Project; otherwise, the Horsepond Substation Project would need to be delayed until 2015. Mr. Koenig reviewed details regarding the revised project estimate, which indicated that the prior budget totaled $761,770 and the current estimate totaled $1,301,100, resulting in a variance of $539,330.

In order to amend the project budget from $730,900 to $1,301,100, Mr. Koenig stated that staff was proposing to forgo the 69kV Switch Replacement Project (Project # EE1408) in the amount of $80,000 and Transmission Line Maintenance Program Project (Project # EE1407) in the amount of $75,000, and to delay the General Scott Switchgear Project (Project # EE1312) and move $415,200 from that project. He assured members that these projects would be re-budgeted in future years.

Mr. Koenig explained that the second issue to be addressed was related to the Engineering Services Agreement authorized to Pike Energy Solutions, LLC in February 2013 in the amount of $50,000. Due the course of the project, he stated that staff had needed additional assistance with a number of technical issues related to the project. As a result, staff had negotiated a change order for the additional design assistance, as well as full-time assistance with the commissioning of the substation under a worst case scenario. These changes would increase the Engineering Services Agreement to $165,000, as indicated in the revised project budget estimate.

Mr. Koenig indicated that the third issue to be addressed was related to the Engineering Services Agreement authorized to Pike Energy Solutions, LLC in the amount of $75,000. The agreement identified the services associated with the design of a double circuit 69kV steel pole transmission line from the Horsepond Substation to Horsepond Road. As a result, Mr. Koenig wished to request assistance from the consultant during construction due to staff levels and experience.

Lastly, Mr. Koenig advised members that the City had received proposals for the construction contract related to the Horsepond Transmission Fold-In. The component of the project was advertised according to the City's purchasing policy under Bid #14-0022EL and although four (4) proposal requests were mailed, only two (2) proposals were received, one (1) of which was received through local advertisement. The following proposals were received: 1) C.W. Wright Construction, in the amount of $550,000.00; and 2) Mirarchi Brothers Inc., in the amount of $543,415.47; however, Mirarchi Brothers Inc. did not provide all information required and maintained assumptions. Mr. Koenig reminded members that the original project budget included $150,000 for this work. The results of the proposals had been discussed with Pike Energy Solutions, LLC and the conclusion of these discussions indicated that timing and the amount of transmission line reliability project being awarded within the region had substantially increased the costs associated with this work.

Staff recommended authorizing 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.

Mrs. Williams questioned what the repercussions would be to delaying the 69kV Switch Replacement Project. Responding, Mr. Koenig stated that the projects being proposed for delay were less of an issue than the delay of the Horsepond Road Substation Upgrade. He stated that the City typically purchases 69kV switches in the fiscal year prior to their installation, explaining that the switches currently being installed were purchased last fiscal year. If delayed, it would be necessary to re-budget the switch replacement at the earliest possible time, which would most likely be during FY 2015. He stated that these switches are typically replaced prior to any failure and estimated that if the switches were replaced after a failure, there would be an increase in the cost.

Responding to Mr. Slavin's concerns regarding whether the urgency of this project was a result of the Calpine Project, Mr. Koenig stated that the Horsepond Substation Project was important from a reliability standpoint. The transmission work associated with Calpine requires the City to either move forward with this project now or for it to be delayed until after the interconnections are completed at the 230kV tie. He stated that although there was a connection to the Calpine Project, it was not direct. He explained that by completing the Horsepond Substation Project, the City would improve the reliability of the Substation; therefore, any action taken related to this substation that would delay reliability improvement would have the potential to affect the City's ability to deliver electricity to its customers at all times.

Mr. Slavin referred to the original budgeted amount and the requested budget and questioned the cause of such discrepancy. Responding, Mr. Koenig explained that after reviewing the project estimates, staff and the consultants felt that there were three (3) driving components to the increase: 1) the line construction costs, the pole costs, and the engineering costs. He stated that the line construction costs were originally estimated at $150,000 but were now estimated at $550,000 due to the amount of transmission work in the region. The pole costs were originally estimated at $60,000 but were now estimated at $154,900 due to the raw material costs. Although this increase should have been anticipated when the budget was presented for the current fiscal year, the project budget was not adjusted. The engineering costs were originally estimated at $50,000 but were now estimated at $165,000, which was the result of a new engineer working on this project who needed some assistance moving through the project and checking design calculations, etc. In addition, the original engineering estimate did not include commissioning of the substation, which was estimated at $65,000 (of the $165,000). He explained that it had been determined that the City would need outside assistance from third-party engineers to ensure that all settings of the substation are working correctly and to verify that the substation is working as designed and as it is expected to function under all types of loads (low, high, oscillating, etc.).

In response to Mr. Hutchison, Mr. Koenig confirmed that staff could have provided more accurate estimates and that staff must improve their project management ability, which may result in additional expenses up front on engineering and estimating that had not been done in the past. He assured members that moving forward, staff would be reviewing the Capital Improvement Plan (CIP) to make sure there are adequate funds to complete the projects.

Mr. Slavin relayed concerns regarding the accuracy of the estimates for the delayed projects, explaining that the City may be delaying projects with actual costs much higher than staff's estimates.

Mr. Hutchison moved for approval of staff's recommendation. The motion was seconded by Mr. Anderson and failed by a roll call vote of four (4) yes (Anderson, Dixon, Hutchison and Williams), four (4) no (Lynn, Perza, Slavin, and Hare), and one (1) absent (Bonar).

Mr. Perza suggested that members reconsider this matter in two (2) weeks, which would provide members of Council the opportunity to review the upcoming budget for this project to determine what projects remain budgeted and how far out other costs associated with the project are floating. He noted that during the past couple of meetings, members of Council had considered budget changes that had been substantial and apparently not finalized. He questioned if there were other electrical engineering projects that would involve additional monies and if a more accurate estimate would be provided. He noted that the current City Manager inherited a lot of the problems that are being brought to Council's attention.

Mr. Perza moved 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, seconded by Mr. Anderson.

Mr. Hare expressed his concern that staff had continuously submitted revisions to projects indicating that they were the final revisions. Although the initial estimates were developed prior to the current City Manager, he stated that the revisions that were recently submitted to City Council for consideration had been presented by the current City Manager; therefore, he suggested that the City Manager take charge over these issues. Concurring with Mr. Perza, he requested that staff provide City Council with all expenses associated with the completion of this project in its totality.

Mr. Lynn indicated his opposition to any reconsideration of this matter, explaining that, as previously mentioned by Mr. Perza, the City had continuously been siphoning off money from other necessary City projects to fund this project. He noted that there were other components involved with this project, such as the relocation of telephone poles that will cost the City additional monies. Noting that funds were being taken from other projects, he questioned how many other funds will be "robbed" in order to pay for this project.

Responding to Mr. Lynn, Mr. Koenig assured members that the amendments to the Horsepond Substation Project were not being driven by the Calpine project, explaining that although there is a connection since it is transmission work, the Horsepond Substation Project is the highest substation project priority for the City. Although funds were being taken from other projects, he reiterated that those projects were much lower in priority and funds would be provided to a much higher priority project. However, he confirmed that the pole relocation component of this project was directly related to the Calpine Project.

For clarification, Mr. Slavin expressed his opinion that Council's concern was not in regard to decommissioning discretionary projects but rather the delay of projects that are critical to the City's infrastructure, noting that Council was previously advised that these projects were necessary.

Mr. Lynn explained that he had no concerns with the City ranking the Horsepond Substation Project as number one (1), his concern was that City Council did not have adequate information necessary to make a decision. He felt that City Council needed to know the impact of delaying projects as well as the budgeted amounts.

For the record, Mr. Anderson indicated that the concerns relayed were valid and that there would need to be reforms in the coming years regarding the estimates being provided. He explained that his support of the Horsepond Substation Project was due to the fact it cannot be stopped in the middle since it is a critical project. He noted that City Council had been provided revised estimated costs for the project and felt confident that staff would work within the amount of funds estimated.

Mr. Hare expressed his concern with the difference in the estimate provided by companies, such as Pike Energy Solutions, LLC. Responding, Mr. Slavin felt that the problem was that the original estimate was provided in preparation of the budget, which was submitted well over a year ago. He suggested the possibility of an interim step between the initial estimate and going out to bid.

With reference to the amount provided by Pike Energy Solutions, LLC, Mr. Koenig explained that $65,000 of the revised estimate was for services that were not in the original agreement.

On a call for the question by Mr. Perza, the motion 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 was carried by a roll call vote of seven (7) yes (Anderson, Dixon, Perza, Slavin, Hare, Hutchison and Williams), one (1) no (Lynn), and one (1) absent (Bonar).

ENGINEERING SERVICES AGREEMENT - SCHUTTE PARK AMERICAN LAND TITLE ASSOCIATION (ALTA)/AMERICAN CONGRESS ON SURVEYING AND MAPPING (ACSM) SURVEY - FISCAL YEAR 2014 CAPITAL IMPROVEMENT PROJECT

Mr. Scott Koenig, City Manager, reminded members that within the City of Dover's Fiscal Year 2013-2014 budget, specifically the Capital Investments Plan for Parks and Recreation, a project entitled "Schutte Park Land Improvements" was included. He noted that within the project description, the project was to include a boundary and topographical survey of Schutte Park and a plan to develop multipurpose fields, as well as to complete the multipurpose pathway around the park's perimeter. He explained that the intent of the first year of the project was to obtain all necessary field survey information for the whole park. This information would then be utilized by the City's in-house engineers to develop design plans for the Park which would include recreational uses, in addition to future Department of Public Works needs for the site. He stated that the budget for the survey consisted of $30,000, $15,000 of which was from the General Fund and $15,000 from a State grant.

Mr. Koenig advised members that proposals were requested from two (2) of the three (3) Council-approved consulting engineers with whom the City of Dover had entered into an agreement of professional services contract. The proposals received were for $49,700 and $70,190. The costs for the work were higher than originally projected due to the inclusion of a wetlands determination and the requested level of existing features. As a result of as-built requirements for the newly

constructed production well, as well as site planning necessary due to environmental/National Pollutant Discharge Elimination System (NPDES) permit concerns at the Water Street property, he explained that it would be more cost effective to have this work performed now then to remobilize a survey crew for individual sections.

In addition to the increased costs, Mr. Koenig stated that the likelihood of receiving a grant to help pay for this work had decreased. As a result, staff submitted a proposal which included savings from purchases, as well as reduced costs for the Denneys Road Water Crossing that had been identified by staff, to pay for the work required. He assured members that this proposal was in accordance with existing City Council-approved financial policies and noted that the savings would cover the potential of not receiving the proposed State grant.

Staff recommended awarding a contract to Pennoni Associates Inc. for Schutte Park ALTA/ACSM Land Title Survey and Wetland Services for an amount not-to-exceed $49,700.

Responding to Mr. Perza, Mr. Koenig stated that the purpose of the survey would be to provide the City with all the baseline topography of the entire park, including the new land acquired from Stover Builders to the boundary of the entire park. From there, staff would have the ability to lay out fields, grade fields, etc. based on feedback from the recreational needs assessment that is currently being conducted by City staff. Mr. Koenig stated that the City has a deed to all of the Schutte Park property except the old right-of-way of Wyoming Mill Road. He indicated that the survey would assist the City in obtaining a proper deed for transfer of this right-of-way.

Mr. Perza questioned if the park could function without the survey in the short term. Mr. Koenig responded in the affirmative, explaining that the survey would not change the park. Mr. Perza stated his objection to expending funds on a survey if the City is not sure if any recreational improvements to the park are going to be made. He questioned if the survey was being requested more for recreational purposes or for future Department of Public Works needs/environmental permit concerns for the site. Responding, Mr. Koenig reiterated that the cost of the survey was $49,700 and that the purpose would be to identify all of the property boundaries and all existing features of the land, noting that it would be completely independent of the recreation needs assessment. He stated that the survey would provide the City with a baseline to be used for any future planning for the park. Understanding the concerns of Mr. Perza, Mr. Lynn felt that the survey would be necessary in order to provide a property description for the deed and for the City to know the territorial boundaries of the park.

In response to Mr. Lynn, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that she did not anticipate that the survey would reveal that fields within the park were not being used. She advised members that staff considered delaying this matter; however, opted to move forward due to the importance of the information that the ALTA/ACSM land title survey would provide. She explained the need for the information both for Public Works operational issues as well as for whatever decision the City wishes to make regarding the expansion of the fields. She advised members that the survey would not provide a layout of the fields or begin any site planning, explaining that these issues would be delayed until after the recreation needs assessment has been completed.

Mr. Lynn moved for approval of staff's recommendation to award a contract to Pennoni Associates, Inc. for Schutte Park ALTA/ACSM Land Title Survey and Wetland Services for an amount not-to-exceed $ 49,700. The motion was seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Anderson, Lynn, Slavin, Hare, Hutchison, and Williams), two (2) no (Dixon and Perza), and one (1) absent (Bonar).

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT BONAR

Council President Bonar requested approval of the following appointments:

Ad Hoc Financial and Operational Advisory Committee - One (1) Year Terms to Expire November 10, 2014

Jerry White (*to fill the unexpired term of Russell Larson*)
Councilman Adam M. Perza
Councilman Timothy A. Slavin

Dover Human Relations Commission - Three (3) Year Terms to Expire February 2017

Cecil Wilson - First District Representative *(to fill the expired term of Ellen Wasfi)*
S. Renee Smith - First District Representative *(to fill the expired term of Justina Brewington)*
Theodore Henderson - Second District Representative *(to fill the expired term of Faye Della White)*
Eugene Ruane - Second District Representative *(to fill the expired term of Dawn Allen-Pyne)*
James McGiffin - Third District Representative *(to fill the expired term of Phyllis Edamatsu)*
Courtney Stewart - Third District Representative
Kenneth Roach - Fourth District Representative

By consent agenda, Mr. Hare moved for approval of the appointments, as recommended by Council President Bonar. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Bonar absent).

COUNCIL MEMBERS' ANNOUNCEMENTS

Mayor Carey reminded everyone that the St. Patrick's Day Parade was scheduled for Saturday, March 15, 2014, beginning at 2:00 p.m. He invited all to enjoy the festivities planned for St. Patrick's Day in Dover.

Mr. Lynn moved to adjourn into the Special Council Meeting, seconded by Mr. Dixon and unanimously carried.

Meeting adjourned at 8:38 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of March 10, 2014, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits
Exhibit #1 - Tribute to Councilman David Anderson - State of Delaware - House of Representatives
Exhibit #2 - Presentation - Planning, Inspections & Recreation 2013 Annual Report, dated March 10, 2014

STATE OF DELAWARE

HOUSE OF REPRESENTATIVES

Tribute

Be it hereby known to all that
the House of Representatives acknowledges

COUNCILMAN DAVID ANDERSON

We commend Councilman Anderson on his dedicated service to our nation.
He was deployed overseas in Afghanistan for the past year as part of
the 198th Signal Battalion of the Delaware Army National Guard.
He was called to enlist after witnessing the horrific events of September 11, 2001,
and has since served honorably for over a decade.
Councilman Anderson's commitment to his city, state, and nation is remarkable
and we are proud to honor him for that service.

The House of Representatives extends its sincere
appreciation and directs this tribute be issued
the 10th day of March 2014.

Peter C. Schwartzkopf, Speaker of the House

Richard L. Puffer, Chief Clerk of the House

Representative Darryl M. Scott, Sponsor

Representative Andria L. Bennett, Co-Sponsor

Representative W. Charles Paradee III, Co-Sponsor

H147-1530
Number

Planning, Inspections & Recreation 2013 Annual Report

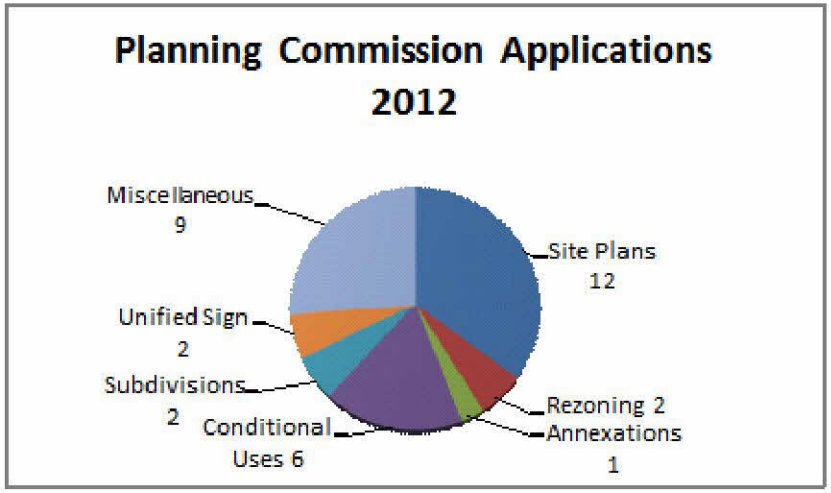
Ann Marie Townshend, AICP
Director of Planning & Community Development
March 10, 2014

EXHIBIT #2
Regular Council Meeting of 3/10/2014

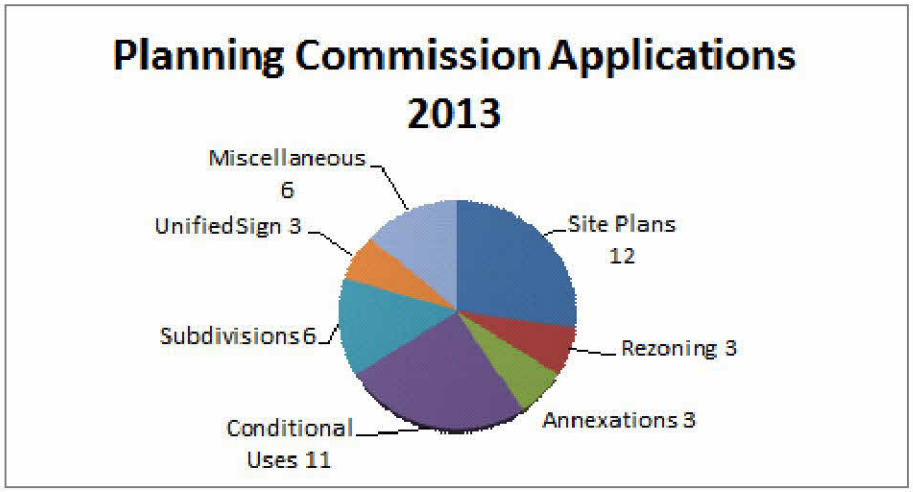
Major Activities & Accomplishments

- Dover High Construction Progress
- Garrison Energy Center Underway
- Filling Commercial Vacancies
  - Redners
  - Grotto's
  - Greene Turtle
- Bicycle Friendly Community – Honorable Mention
- Delaware Healthy Community – Honorable Mention
- Safe Communities Program

Signs of Economic Growth

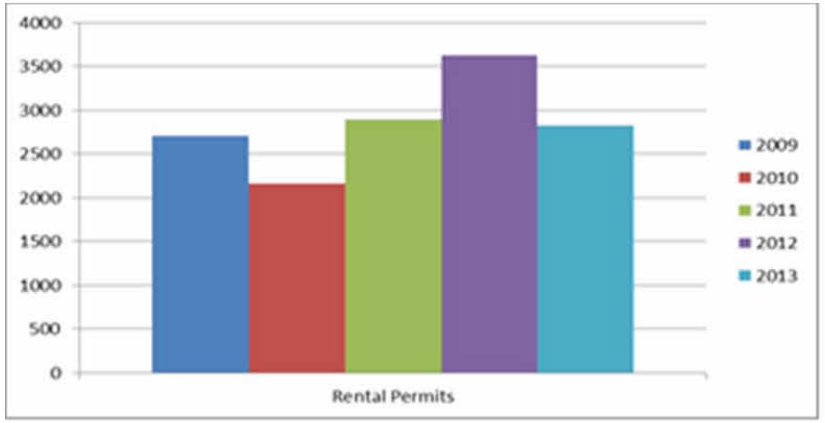


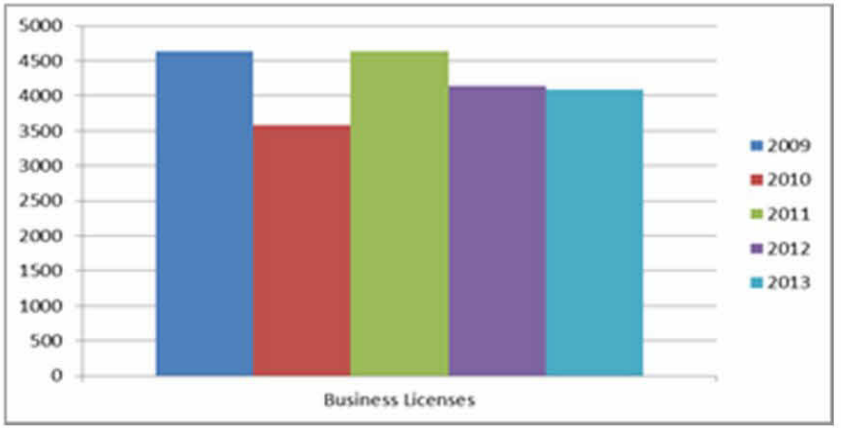
34 Total



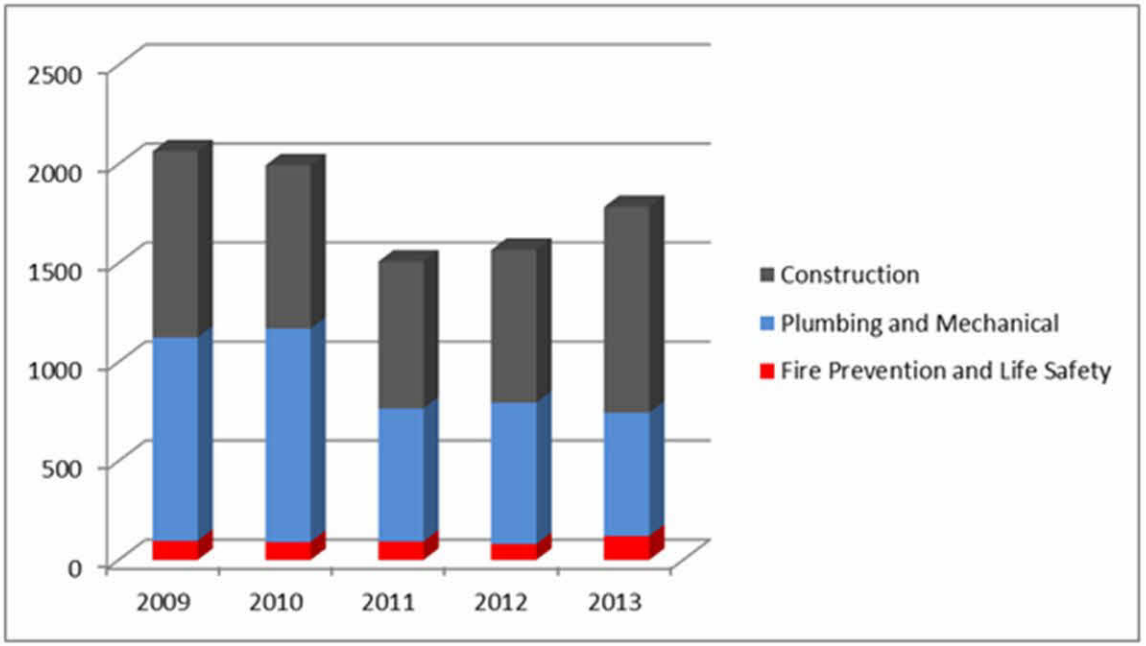
44 Total

Rental Permits & Business Licenses





Permits Issued 2009-2013

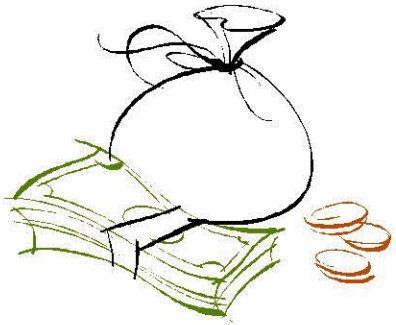


	2009	2010	2011	2012	2013
Construction	839	825	742	772	1,039
Plumbing/ Mechanical	1,027	1,077	672	713	623
Fire Prevention / Life Safety	97	91	93	81	121
Totals	1,963	1,993	1,507	1,566	1,783

New Home Construction:

2011: 48
2012: 37
2013: 50

FY 13 Revenue



- Business Licenses - $ 1,462,503
- Other Permits & Licenses - $1,045, 929
- Recreation Revenue - $143,111

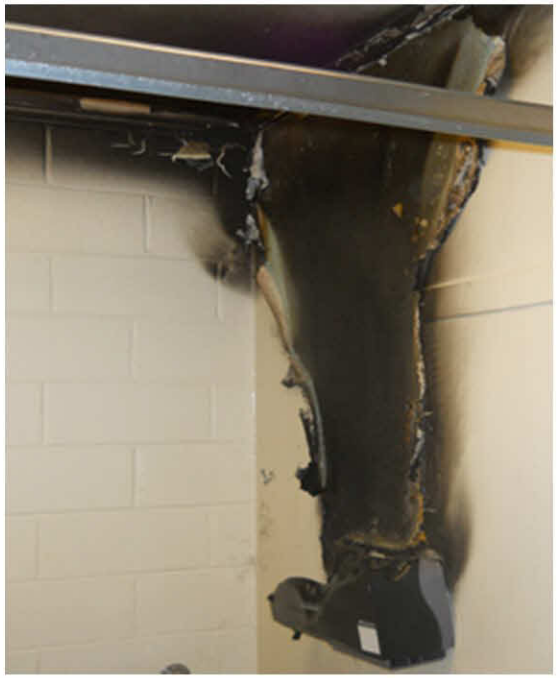
Code Enforcement

Types of Inspections/Cases Entered	
Annual Rental Housing Inspections	467
Property Maintenance Exterior	643
Tall Grass and Weeds	777
No Valid Business License	381
No Valid Building Permit	62
Zoning	144
Dover City Ordinances	678
All Others	924
Total	**4,076**



- 9,450 Inspections Performed
- 73% of Cases Staff Initiated

Fire Marshal's Office



912 Inspections Performed:

- 7 Property Maintenance
- 94 Fire Code Inspections
- 39 New Fire Protection
- 219 Existing Fire Protection
- 58 Certificate of Occupancy
- 26 License & Permit
- 73 Administrative Walk Through Inspections
- 141 Life Safety Inspections

213 Complaints Handled

41 Fire Investigations

Fire Type	Number	Value of Loss
Accidental	22	$302,450
Incendiary	11	$44,001
Undetermined	8	$726,751
TOTAL	**41**	**$1,073,302**

Vacant & Dangerous Buildings

- 303 Buildings Registered Vacant
- $69,750 in Vacant Building Registration Fees
- 20 Dangerous Buildings Resolved
  - 14 Demolished by City of Dover
  - 6 Demolished by Others
  - 5 Repaired by Owners



Dover High School
Opening August 2014!







Garrison Energy Center






ROYAL FARMS


Redner's


DICK'S
SPORTING GOODS
NOW OPEN
DICK'S
GRAND OPENING


Grotto Pizza
SPORTS BAR

Recreation

- 53,309 patrons & visitors were recorded in the John W. Pitts Recreation Center
- 4,200 (approx.) participated in our softball, field hockey, lacrosse and volleyball leagues
- 2,680 attended summer Concerts on the Green series
- Total FY13 revenues
  - $75,000 Leagues
  - $26,500 General Recreation
  - $15,000 Field/Building Rentals
  - $ 6,900 Trips
  - $ 7,800 Sports
  - $ 11,000 Camps

Recreation

- Summer Camps
  - Move to Schutte Park
  - Expansion of Hours and Weeks
  - Expansion of Sports Camp Offerings
  - Camp Small Wonder at DSU
- Expansion of League Offerings
- Early Morning Fitness Classes
- Fitness Passes for Customer Flexibility
- Open Gym Fees for Non-Residents
  - $1,672 collected in 2013

It Starts in Parks!



Bike to Work Day



Concerts on the Green





Cheer Camp



Fitness for Everyone!



Bicycle Friendly Community Celebration



Arts & Crafts



Sports