REGULAR COUNCIL MEETING

The Regular Council Meeting was held on February 11, 2013 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

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

Mr. Paul Davis, 5233 South duPont Highway, Dover, stated that he represents the Delaware State Council of Vietnam Veterans of America, which represents all veterans in the State. He also noted that he and Mr. David Skocik co-founded the new Delaware Veteran's Coalition that works to help Delaware veterans on legislative issues. Mr. Davis stated that he has watched the Dover Interfaith Mission for Housing program for quite some time and wanted to publicly thank the City of Dover, City Council, and staff for all that they have done for the Interfaith Mission and the homeless and veterans that they serve.

Mr. Dave Skocik, 141 Springfield Way, Dover, echoed Mr. Davis' comments, noting that many veterans appreciate the City's positive outreach toward its veterans. He noted that he is the President of the Delaware Veterans Coalition, a non-profit, non-paid, non-partisan organization that focuses on the issues that concern veterans of all generations. Mr. Skocik advised members that the Dover Interfaith Mission for Housing houses approximately 30 men, a dozen of whom are veterans, who would otherwise have nowhere else to go. He noted that they are a no-nonsense organization with a no-alcohol, no-drug policy and the men are out every morning looking for work. Mr. Skocik stated that the Delaware Veteran's Coalition supports Herb Konowitz and Jeanine Klimo of the Interfaith Mission in all that they do.

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

AGENDA ADDITIONS/DELETIONS

Mr. Bonar moved for approval of the agenda, seconded by Mr. Hare and unanimously carried.

Mr. Leary requested that Item #4E - City Planner Report, be removed from the Consent Agenda.

Mrs. Williams moved for approval of the Consent Agenda, as amended, seconded by Mr. Bonar and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING - FINANCIAL WORKSHOP OF JANUARY 7, 2013

The Minutes of the Special Council Meeting - Financial Workshop of January 7, 2013 were unanimously approved by motion of Mrs. Williams, seconded by Mr. Bonar and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JANUARY 28, 2013

The Minutes of the Regular Council Meeting of January 28, 2013 were unanimously approved by motion of Mrs. Williams, seconded by Mr. Bonar and bore the written approval of Mayor Carey.

PUBLIC HEARING - PROPOSED RESOLUTION NO. 2013-03 APPROVING (PAPER) ALLEY ABANDONMENT - 971 AND 975 FOREST STREET

A public hearing was duly advertised for this time and place to consider abandonment of an unimproved (paper) alley located adjacent to 971 and 975 Forest Street, owned by Faithwork, LLC.

Mr. Scott Koenig, City Manager, reminded members that the alley was unimproved and that there were no concerns regarding the abandonment of the alley. Since this was an unimproved alley, review and approval by the Development Advisory Committee (DAC) and Planning Commission were not required. The Utility Committee recommended approval of the requested abandonment.

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

Mr. Hare moved for approval of the request to abandon the unimproved (paper) alley located adjacent to 971 and 975 Forest Street. The motion was seconded by Mrs. Williams and by a unanimous roll call vote, Council adopted Resolution No. 2013-03, as follows:

A RESOLUTION VACATING AND ABANDONING A CERTAIN ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons the following alley:

Adjacent to 971 Forest Street (ED-05-076.07-01-62.00)

Being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running east to west, lying on the northerly side of and running parallel to Forest Street, said portion of alley beginning at a point identified as the northeast corner of parcel No. ED-05-076.07-01-62.00; thence running North 85 degrees 00 minutes 00 seconds West 100 feet along the southerly line of a 15' wide alley to the northwest corner of parcel No. ED-05-076.07-01-62.00; thence running perpendicular across said 15' wide alley to a point in the northwest line of a 15' wide alley; thence running South 85 degrees 00 minutes 00 seconds East 100 feet along the northerly line of a 15' wide alley to a point at the corner of parcel No. ED-05-076.07-01-61.00; thence running 15 feet along the easterly boundary of the 15' wide alley to the point and place of beginning and containing 0.0344 acres (1,500 square feet) of land be the same more or less.

Adjacent to 975 Forest Street (ED-05-076.07-01-37.00)
Being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running east to west, lying on the northerly side of and running parallel to Forest Street, said portion of alley beginning at a point identified as the northwest corner of parcel No. ED-05-076.07-01-37.00; thence running South 85 degrees 00 minutes 00 seconds East 50 feet along the south line of a 15' wide alley to the northwest corner of parcel No. ED-05-076.07-01-62.00; thence running perpendicular across said 15' wide alley to a point in the northeast line of a 15' wide alley; thence running North 85 degrees 00 minutes 00 seconds West 50 feet along the northerly line of a 15' wide alley to a point at the corner of parcel No. ED-05-076.07-01-36.00; thence running 15 feet along the western boundary of the 15' wide alley to the point and place of beginning and containing 0.0172 acres (750 square feet) of land be the same more or less.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid alley, no compensation is awarded.

Section 3. All costs of conveyance shall be borne by the property owner.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid alley.

ADOPTED: FEBRUARY 11, 2013

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - JANUARY 30, 2013

The Safety Advisory and Transportation Committee met on January 30, 2013 with Chairman Hutchison presiding.

Safety Concerns - New Dover High School Pedestrian/Vehicular Traffic

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that staff had provided the Committee with regular updates regarding the progress of the construction of the new Dover High School, and during the last update staff stated that they believed strongly that a traffic signal was necessary at the east entrance of the school site. Mrs. Townshend explained that the east entrance was directly across the street from a number of residential developments where bus service will not be provided. She stated that without a traffic signal there is no safe way for students who walk to cross Route 8. Per Delaware Department of Transportation (DelDOT) requirements, a warrant analysis was performed; however, the results did not support a signal at that location, thus DelDOT would not allow installation. Mrs. Townshend stated that a traffic signal had been proposed and approved by DelDOT at the west entrance of the school; however, she felt it unlikely that students coming from the east would walk an extra quarter of a mile to cross at the signal on the west side. In addition, she added that the unsafe walking conditions would likely result in more parents driving students to school, which would create more traffic on an already heavily traveled road. Mrs. Townshend noted that the new Dover High School would be a heavily utilized community facility throughout the day; therefore, a crossing guard would not be an option.

Mrs. Townshend noted that these concerns had been discussed previously at the Committee and Council levels and the consensus was that not allowing for a signal at the east entrance of the school was unacceptable and unsafe; however, DelDOT refused to put up the signal based on their study. She reminded members that the Committee had also recommended that sidewalks be constructed along the north side of Route 8 to fill the gaps in the sidewalk network; however, DelDOT responded that this would have to be included in the Capital Transportation Plan, which involves other funding priorities. Noting that the new Dover High School was scheduled to open in the Fall of 2014, Mrs. Townshend reminded members that the Committee had requested representatives from the Capital School District to be present at the meeting to engage in dialogue regarding how the City could work together with the District to have a signal placed at the east entrance.

Responding to Mr. Davis regarding the posting of a 15 mph speed limit restriction near the school, Mr. Koenig was unsure if the speed limit in school zones was restricted to 15 or 20 mph; however, he felt that this may depend on the type of school.

In response to Mr. Davis, Mrs. Townshend explained that locating a signal at the entrance of the school was not a cost issue, since she believed that the Capital School District would construct it as part of the project; however, DelDOT would not permit this signal on the road.

Mr. Hutchison called upon Dr. Michael Thomas, Superintendent of the Capital School District, for his perspective on this issue. Dr. Thomas introduced Mr. Phil Martino, Vice-President of the Capital School District Board of Education; Mr. Carl Krienen, Architect, ABHA Architects; and Mr. Gregg Moore, Civil Architect, Becker Morgan Group. Dr. Thomas concurred with Mrs. Townshend's account of the issues at the new Dover High School, noting that the District shared the concerns regarding safety and reiterating that the traffic would not be limited to the opening and closing hours of the school due to the many activities surrounding the facility. Dr. Thomas stated that the traffic has concerned the architects since the planning process for the project began. He noted that these issues had been a focal point during discussions with DelDOT and that the traffic signal was needed at the east entrance for safety.

Responding to Mr. Hutchison regarding the necessity for two (2) signals, Dr. Thomas expressed his belief that both signals were needed. Since most of the walking traffic would be from the east side of the school, he felt that most students would cross at the closest point (the east entrance). In addition, Dr. Thomas advised members that the main baseball/softball complex was located behind the east entrance; therefore, beginning in the spring, traffic at the end of the school day until after dark would significantly increase annually.

Mr. Moore reviewed a map of the New Dover High School site, noting that the road at the west entrance was paid for by the Capital School District and was designed and installed to meet DelDOT's standards for becoming a future thruway to Hazlettville Road. He explained that the majority of the buses from the City would be using the east entrance and that a light was needed there to protect buses entering the school due to their slower speeds, larger size, and the oncoming traffic from the west, as well as for the children crossing the road. Mr. Moore stated that the buses themselves were not enough traffic to dictate a traffic signal through the warrant analysis process; however, consultants to the district made it clear that a signal was warranted from a safety perspective.

Responding to Mr. Hutchison, Dr. Thomas stated that he could provide an informed estimate of the volume of foot traffic anticipated based on the number of students within the school's radius who are not eligible for transportation. Mr. Hutchison felt it was important that the City and School District join forces to develop data regarding foot and vehicle traffic patterns to reinforce the need for a traffic signal for submission to DelDOT.

Mr. Davis recalled that the original plan included the light at the east entrance with a plan to also request a light at the west entrance. Responding, Mrs. Townshend explained that the decision to signalize the east entrance (as opposed to the west entrance) was due to: 1) the fact that the west entrance is a public street that will serve the apartment complex planned for construction west of the school and will connect to Tribbett Street and possibly to Hazlettville Road; and 2) the safety concern presented by the curve of Dover High Drive (the primary vehicle access entrance) as it intersects with Route 8.

Concurring with Mrs. Townshend, Mr. Moore explained that the western intersection was designed jointly with Leander Lakes (a 240-unit apartment complex to be constructed west of the school site), which allowed the warrant analysis to be met easily due to the combination of expected traffic between the complex and the entrance to the high school. He noted that the traffic pattern was designed to segregate bus traffic (at the east entrance) from the student, teacher, and public traffic at the west entrance. He expressed his opinion that it made sense for an additional traffic light to be installed at the east entrance to allow buses to make a left turn (from the east) into the school uninterrupted; because a striped crosswalk was needed at that location for walkers, which DelDOT would not permit without a signal; and because a "T" intersection with significant traffic would be created with Heatherfield Way.

Responding to Mr. Hutchison, Mr. Moore indicated that the property's designation as a school would not affect the warrant analysis. He noted that standards do not change based on the type of facility, even if that facility is a school.

In response to Mr. Martino, Mr. Moore indicated that the amount of through traffic on Route 8 was not sufficient to change the outcome of the analysis and that this problem had been anticipated prior to the traffic study.

Mr. Hutchison suggested that numbers provided by Dr. Thomas, including the volume of walkers, etc., coupled with the letters from the officials and school board members, district and the City of Dover may cause DelDOT to reconsider the traffic signal for safety reasons. He felt that the fact that the facility is a school should weigh into the analysis and that the entrance should not be treated as a typical intersection.

Responding to Mr. Davis, Mrs. Townshend stated that she was not aware of any appeal process available through DelDOT.

In response to Mr. Scott Koenig, City Manager, Mr. Moore stated that he was unaware of any factors that would change the warrant analysis in the future, other than collisions at the location.

Responding to Mr. Perza regarding access to the school for walkers, Mr. Moore explained that 7,000 feet of sidewalks and bike paths into all aspects of the school were included in the design. He felt that DelDOT would not put a crosswalk on Route 8 unless there were a traffic light; therefore, the only designated crossing areas would be intersection near WaWa and Mifflin Road and at the west entrance of the school.

Mrs. Townshend reminded members that there would not be a continuous sidewalk on the south side of Route 8.

Mr. Perza suggested that information be gathered regarding the number of students whose safety is at risk and the distance they must travel to cross safely to establish a need for a traffic signal.

Mr. Davis suggested that the representatives a the State legislature also become involved and suggested reintroducing the concept of a pedestrian bridge.

Mr. Hutchison suggested conducting open dialogue and gathering information, including the total number of people going in and out of the school, as well as the total number of students walking and driving. He felt that the Police Chief could contribute additional information pertaining to traffic patterns, accidents, and safety information and that all of this information should be compiled, perhaps including input from State officials, and presented to DelDOT with a request for further review and consideration of the traffic signal at the east entrance of the facility.

Mrs. Townshend noted that assistance had not yet been requested from legislators; however, Senator Bushweller and Representative Scott had been advised that this was an ongoing issue and that she would keep them informed in the event that their involvement was needed.

Dr. Thomas said that he had also had discussions with Senator Bushwell and Representative Scott. He noted that the Capital School District was attempting to exhaust every avenue to resolve the matter with DelDOT through the proper channels and would continue these efforts.

In response to Mr. Koenig, Mr. Moore stated that he was uncertain if the design of the intersection would have to be modified if a traffic signal were installed. Mr. Koenig noted that the Capital School District must apply for a construction permit for the entrance very soon since the signal design takes many months, which would make it increasingly difficult to have a signal installed in time for the school opening. Mrs. Townshend stated her understanding that, from a geometric standpoint, the intersection was to be designed so that if a signal was needed in the future it would not require a new design. Mr. Moore shared Mrs. Townshend's opinion; however, he stated that he could not be certain because the traffic lights are designed by DelDOT.

Mr. Les Blakemen, 209 Falmouth Way, stated that he lives across the street from the school site and expressed his concern with traffic. He noted that Heatherfield and Heatherfield East have turn lanes off Route 8; however, there is no turn lane entering Cranberry Run. Due to the lack of a turn lane, vehicles are required to slow down in the line of traffic to make a turn into the development, which he felt complicates traffic patterns, stating that drivers tend to cross over the solid white line on the shoulder to go around traffic. Mr. Blakeman explained that he currently has to wait for four (4) to five (5) minutes on some mornings before he is able to get out into traffic and he sees people taking risks because they have been waiting for so long. In response to Mr. Keller, Mr. Blakeman stated

that this dangerous situation exists going both east and west and that adding buses and traffic will compound the situation. He noted that an additional problem exists at the intersection of Kenton Road and Route 8, where drivers turning left onto Kenton Road stop in the intersection when the left turn lane is full.

Mr. Moore indicated that the traffic light at the west entrance of the school should help to alleviate some of the inbound traffic; however, an additional light at the east end would also help because it would stop traffic from both directions.

Mr. Rich Vetter, Executive Director, Dover/Kent County Metropolitan Planning Organization (MPO) inquired if a pedestrian-activated signal had been considered, which would be in use only when pedestrians are present. Responding, Mr. Hutchison requested Mrs. Dawn Melson-Williams to determine if this option had been considered.

The Committee recommended requesting staff to gather information from the Capital School District, including the number of people going in and out of the school and the total number of students walking and driving, as well as information from the Police Chief pertaining to traffic patterns, accidents, and safety information, and that this information be compiled, perhaps including input from State officials, and presented to the Delaware Department of Transportation with a request for further review and consideration of a traffic signal at the east entrance of the New Dover High School.

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

Request for Waiver of Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section E - Lots (5) - Requirement for Lot Frontage on a Public Street - 1151-1155 Walker Road, LLC (SB-13-01)

Ms. Dawn Melson-Williams, Principal Planner, reviewed a Petition to Waive Subdivision Standards to allow the creation of a lot without public street frontage for property located at 1151-1155 Walker Road, LLC. Mrs. Melson-Williams explained that the Minor Subdivision Plan proposed to create two (2) parcels consisting of 0.6594 acres (Lot 1) and 1.1196 acres (Lot 2) from the existing parcel of land consisting of 1.779 acres. The subject parcel is zoned IO (Institutional and Office Zone). The proposed subdivision of Lot 2 in the rear of the property would result in a lot without frontage on a public street.

Ms. Melson-Williams advised members that, in accordance with Appendix A - Subdivisions, Article VI - General Requirements and Design Standards, Section E - Lots, Item 5 requires that "All lots in a subdivision shall have frontage on a public street" and, per Appendix B - Zoning, Article 8 - Enforcement and Penalties, Section 1 - Building Permits, Section 1.1 states that a building permit cannot be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street. She stated that the applicant had requested a waiver under the provisions of Appendix A - Subdivisions, Article VII - Special Provisions, A - to Lot 2 from Walker Road.

Staff recommended approval of the request to waive the requirement to provide lot frontage on a public street for Lot 2. Staff found that, due to the location of the existing buildings and the existing layout of the property, in order to achieve the required lot frontage on Walker Road (the public street) an irregular shaped lot would have to be created and would require variances for setbacks. This proposal would simplify the parcel shapes and present a series of proposed easements for access, utilities, parking and shared stormwater management facilities between the two (2) lots.

The Planning Commission recommended approval of the request for a waiver of lot frontage on a public street for Minor Subdivision Plan SB-13-01, Lands of 1151-1155 Walker Road, LLC.

Responding to Mr. Perza, Ms. Melson-Williams confirmed that a maintenance agreement pertaining to the easements had been established.

Mr. Terry Jaywork, representing the Dover Interfaith Mission for Housing, stated that there would be a large reduction in the number of vehicles at the property when the rear building (currently designated for office space) becomes transitional housing.

The Committee recommended approval of the request for a waiver of the lot frontage requirement on a public street for Minor Subdivision Plan SB-13-01, Lands of 1151-1155 Walker Road, LLC.

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

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mr. Scott Koenig, City Manager, provided on update on Delaware Department of Transportation (DelDOT) Projects, as follows:

DelDOT Repaving Project

Mr. Koenig indicated that the DelDOT repaving project, including the repaving of Loockerman Street and portions of Governors Avenue through the City, was delayed in the fall mainly because of the impact on the downtown merchants on Loockerman Street. The project was expected to resume in the March/April timeframe.

West Dover Connector

Mr. Koenig advised members that DelDOT indicated that their Right-of-Way Section was in the process of actively acquiring the necessary real estate to build the West Dover Connector, and it was believed that this would take until mid to late 2014. The design team was working on design and engineering documents, which they believed would be completed in late 2013, to facilitate the final review, and construction was scheduled to take place after this. According to DelDOT, the project had been fully funded for construction and it was hoped that construction would begin coming out of 2014.

Route 8/Hazlettville Road Connector

Mr. Koenig stated that DelDOT indicated that the preliminary engineering for the Route 8/Hazlettville Road Connector had been postponed until FY2017 and final engineering and construction would not take place for several years after that.

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

Mr. Rich Vetter, Executive Director, Dover/Kent County Metropolitan Planning Organization (MPO) reviewed a map entitled "City of Dover West Street Bike/Pedestrian Improvements" and advised members of the goal was to fill in some of the gaps in sidewalks and bike paths for pedestrians and bikers. He explained that interest was expressed in extending the bike trail that runs from Schutte Park past the Eden Hill Medical Center to run along West Street to the Dover Transit Center with a 10-foot wide shared use sidewalk (areas depicted in red). Mr. Vetter stated that this project was in the conceptual planning stage and Century Engineering was preparing a cost estimate.

In response to Mr. Hutchison, Mr. Vetter advised that the project was still in the planning stage; however, he felt that it could be accomplished through the Transportation Enhancements Program, which currently had some funding. He indicated there was no target date for the project at this time.

Mr. Vetter reviewed a map entitled "West StreetTraffic Study," noting that discussions were beginning regarding the conversion of West Street to a one-way, south-bound street, which was an idea that had been presented in connection with the 2008 Comprehensive Plan. Mr. Vetter indicated that a traffic analysis would be performed by a consultant to see if the concept made sense.

Responding to Mr. Hutchison's inquiry regarding subsequent steps in the process, Mr. Vetter advised that there would be many steps involved, including receiving input from DelDOT, the City, the public, and business owners and he noted that the West Dover Connector may also impact traffic in the area.

Update on the Creation of Bicycle/Pedestrian Subcommittee

Mr. Hutchison advised members that a Workshop was held on January 22, 2013 regarding the establishment of a Bicycle/Pedestrian Subcommittee and a tremendous amount of interest was expressed. Mr. Hutchison stated that, based on the large turnout, he felt that a committee of seven (7) would be appropriate, rather than five (5) members as initially proposed. He indicated that after all of the information is gathered from attendees at the meeting, a subcommittee would be selected for members to approve.

Ms. Greta Whittendale, Hartly, Delaware, indicated that she was in attendance at the Bicycle/Pedestrian Subcommittee meeting and was concerned that many of the attendees had a vested interest in spending the funds that would be made available for promoting their own private enterprises, such as bicycle shops. It was her understanding that less than 2% of the attendees were actual bicyclists. Ms. Whittendale expressed her hope that the subcommittee would be comprised of residents throughout Kent County, since County residents use City streets. In response, Mr. Hutchison noted that the Committee will be diverse and include walkers and cyclists, as well as those concerned with safety interests.

By consent agenda, Mrs. Williams moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Bonar and carried by a unanimous roll call vote.

MONTHLY REPORTS - DECEMBER 2012

By motion of Mrs. Williams, seconded by Mr. Bonar, the following monthly reports were accepted by consent agenda:

Budget
Chief of Police (*October, November, and December*)
City Assessor
City Manager
City Planner
Dover Fire Department
Economic Development Office

Council President Leary requested Mrs. Ann Marie Townshend, Director of Planning and Community Development, to provide an update on the dangerous buildings/demolitions status included in the December City Planner Report. Mrs. Townshend reported the following:

209 N. New Street - The bank had expressed concern with the demolition because the mortgage payments are current. Mrs. Townshend stated that an onsite meeting was held with the owner this week and they have been given two (2) weeks to make significant progress and to develop a plan for full compliance. She advised the owner that the demolition would proceed if significant progress were not made in the next two (2) weeks.

628 N. West Street - There are still quite a few exterior violations; however, the inside of the house had been cleaned out, the water and electric service had been re-established, and the property owner was continuing to make progress.

312-314 W. Division Street - Mrs. Townshend met with the owner to discuss the necessary repairs. Noting that architectural plans would be required, the owner expressed concern that he did not have the resources to pay for an architect. Mrs. Townshend noted that the owner called earlier in the day but she had not yet returned his call. Noting that on November 13, 2012, Council granted the homeowner a 90-day extension to make repairs to the home or have it demolished by February 13, 2013, and since there had been essentially no progress, Mrs. Townshend stated that she would notify the owner of the City's intent to move forward with the demolition.

316 and 320 W. Division Street - The property owner had made the repairs and only a few minor corrections to the interior remained.

488 N. East Avenue - The Veteran's Administration (VA) did not demolish the house, as anticipated. The City completed asbestos abatement and had received the report from Compliance Environmental. A contract had been awarded and the house would be demolished in the next few weeks.

Mr. Lynn thanked Mrs. Townshend for keeping his constituents abreast of the progress at 488 N. East Avenue, noting that this was greatly appreciated.

Mr. Bonar moved for acceptance of the City Planner Report, seconded by Mr. Dixon and unanimously carried.

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (OCTOBER, NOVEMBER, AND DECEMBER)

By consent agenda, Mrs. Williams moved for acceptance of the Quarterly Review of Capital Investment Plan, seconded by Mr. Bonar and carried by a unanimous roll call vote.

EVALUATION OF BIDS - ENGINEERING AGREEMENT - HORSEPOND SUBSTATION

In December 2012, City Council awarded three (3) year contracts for electrical engineering services to Pike Energy Solutions, LLC and Power Consulting Engineers (PCE). Based on a review of the project needs for the Horsepond Substation, the Electric Department staff requested a project-specific proposal from Pike Energy Solutions, LLC to perform the following services for the Horsepond Substation Project:

1. Review the City's final construction drawings associated with the Horespond Substation.
2. Provide relay settings for the Horsepond transmission settings.
3. Provide revised relay settings for Dover Air Base and Cartanza Substations.

The cost of these services would be based on Time & Materials not to exceed $50,000.

Staff recommended awarding the work to Pike Energy Solutions, LLC in an amount not to exceed $50,000 based on Time & Materials.

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

EVALUATION OF BIDS - ENGINEERING AGREEMENT - HORSEPOND SUBSTATION TRANSMISSION LINE

In December 2012, City Council awarded three (3) year contracts for electrical engineering service to Pike Energy Solutions, LLC and Power Consulting Engineers (PCE). Based on a review of the project needs for the Horsepond Substation Transmission Line, the Electric Department staff requested a project-specific proposal from Pike Energy Solutions, LLC to perform the following services for the Horsepond Substation Transmission Line Project:

1. Design a new double circuit 69KV steel pole transmission line from Horsepond Substation to Horse Pond Road.
2. Provide associated material specifications and construction specifications/drawings.
3. Provide steel pole bid drawings, review bids, and provide written recommendation from bid review.
4. Conduct construction pre-bid meeting.

Project # EE1308 has two (2) segments to complete, including improvements to the substation and improvements to the transmission lines. Pike Energy Solutions, LLC was recommended for the substation work in a prior Council action. The cost of these services for the Horsepond Substation Transmission Line would be based on Time & Materials not to exceed $75,000.

Staff recommended awarding the work to Pike Energy Solutions, LLC in an amount not to exceed $75,000 based on Time & Materials.

Mr. Lynn asked Mr. Koenig to explain the significant disparity between the amounts budgeted and the actual expenditures required, an aggregate of approximately $220,000 between the two (2) contracts. Mr. Koenig stated that this is one project in the amount of $170,000. This award is for $75,000, the previous award was $50,000 for engineering, and the balance of funds for the project would be related to equipment and/or other services.

Mrs. Williams moved for approval of staff's recommendation to award the work to Pike Energy Solutions, LLC in an amount not to exceed $75,000 based on Time & Materials, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

EVALUATION OF BIDS - 2013 STREET AND ALLEY PROGRAM

In concurrence with the City of Dover's Capital Investments Plan, it was proposed to rehabilitate various pavement sections throughout the City of Dover during Fiscal Year 2013. The total length of scheduled street repaving/overlaying was approximately 15,392 linear feet or 2.9 miles. The following locations were included in the proposed scope of work to be completed under the FY 2013 Street and Alley Program:

Street Name	Exhibit Title
American Avenue	Map 2
American Avenue Extended	Map 1
Baltray Avenue	Map 7
Bayard Avenue	Map 5
Greenhill Road	Map 5
Madison Avenue	Map 1
Mary Street	Map 3
Maryland Avenue	Map 2

Street Name	Exhibit Title
Pennsylvania Avenue	Map 2
Pennsylvania Avenue Extended	Map 1
Pear Street	Map 4
Portmarnock Court	Map 7
Portrush Court	Map 7
Rodney Road	Map 1
South Street	Map 6
West Street	Map 3

Eight (8) contractors submitted unit price bids for the proposed work to be performed. Based on the proposed quantities, the estimated contract values were as follows:

Contractor	Location	Amount of Bid (With Prevailing Wages)	Amount of Bid (Without Prevailing Wages)
A-Del Construction Co.	Newark, DE	$2,246,439.80	$1,969,449.28
American Infrastructure, Inc.	**West Chester, PA**	**$1,384,466.15**	**$1,344,195.80**
Daisy Construction Co.	**New Castle, DE**	**$1,337,931.60**	**$1,290,921.42**
David A. Bramble, Inc.	Chestertown, MD	$1,800,093.10	$1,729,042.00
Diamond Materials, LLC	Wilmington, DE	$1,876,810.63	$1,711,831.45
George & Lynch	Dover, DE	$1,430,657.67*	$1,355,269.70*
Gwp Enterprises	Franklinville, NJ	$1,584,972.34	$1,519,039.30
Harmony Construction Co.	Wilmington, DE	$1,390,151.27	$1,317,587.01

*Evaluated bid based on Local Vendor Preference

The FY 2013 Street Program contract documents allow staff to alter quantities up to 35% without changes to unit prices; therefore, the contract final value may be adjusted to reflect all available funding. Daisy Construction Company was the City's contractor for the FY 2011 Street and Alley Program and their work was found to be satisfactory. In addition, Daisy Construction Company's and American Infrastructure, Inc.'s qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement, were all found to be adequate. It was staff's opinion that the bid represents fair market value and their qualifications are in accordance with the requirements of this project. Staff recommended awarding a unit price construction contract to Daisy Construction Company and America Infrastructure, Inc. for the FY 2013 Street and Alley Program, with total quantities for each contractor to be based upon progress and quality of work. The total contract value would range between $1,290,921.42 and $1,384,466.15, depending upon the rate of progress and quality of work completed by each contractor. The Public Works Director may add or delete from the contract based on available funding throughout the contract period and inform the City Manager of such additions and deletions. All work would be paid for at the unit prices bid for work completed and accepted by the City of Dover. The total work authorized under this contract would not exceed the available funding.

Mr. Koenig advised members that he expected that the State legislators would add to the project funding in the spring.

Responding to Mr. Anderson, Mr. Koenig stated that, even with a Local Vendor Preference deduction, George & Lynch was neither the low bidder nor the second low bidder for this project.

Mr. Anderson asked what the quality evaluation differences were between George & Lynch and American Infrastructure, Inc. Responding, Mr. Koenig stated that he did not recall the City ever having a contract with American Infrastructure, Inc. He noted that the quality of Daisy's work has been good; however, at times progress has been slow. He stated that he did not recognize GWP Enterprises as a company that has done work locally. Mr. Koenig advised members that once work begins, if one company is having quality difficulties, the other contract will make more progress and end up with a larger quantity of work with this contract. Responding to Mr. Anderson, Mr. Koenig stated that he was not aware of any issues with the quality of George & Lynch's work.

Mr. Bonar moved for approval of staff's recommendation to award unit price contracts for the FY 2013 Street & Alley Program to Daisy Construction Co. and American Infrastructure, Inc., with total quantities for each contractor to be based upon progress and quality of work completed. The total contract value will range between $1,290,921.42 and $1,384,466.15, depending upon the rate of progress and quality of work completed by each contractor. The motion was seconded by Mr. Hutchison and carried by a roll call vote of eight (8) yes (Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, Mr. Hutchison, and Mr. Leary) and one (1) no (Mr. Anderson).

RESOLUTION NO. 2013-04 AMENDING RESOLUTION NO. 2009-03 - CREATION OF DOVER LIBRARY FOUNDATION

By consent agenda, Mrs. Williams moved for adoption of Resolution No. 2013-04 amending Resolution No. 2009-03. The motion was seconded by Mr. Bonar and, by a unanimous roll call vote, Resolution No. 2013-04 was adopted, as follows:

A RESOLUTION AMENDING RESOLUTION NO. 2009-03 WHICH CREATED THE DOVER LIBRARY FOUNDATION

WHEREAS, Resolution No. 2009-03, adopted by City Council on January 12, 2009, formally authorized the creation of the non-profit corporation named Dover Library Foundation for the purpose of receiving and expending funds for the new Dover Library, its accounts and funds to be kept and managed by the City of Dover Controller; and

WHEREAS, the construction of the library building is complete and the City wishes to convey management of the accounts and funds to the Dover Library Foundation.

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

THAT Resolution No. 2009-03, paragraph 1, be amended to read as follows:

1. City Council hereby formally authorizes the creation of the non-profit corporation named Dover Library Foundation for the purpose of receiving non-taxable contributions from citizens, foundations, or others to support future library programs and capital campaigns.

ADOPTED: FEBRUARY 11, 2013

ANNEXATION/REZONING REQUEST - FIRST READING OF PROPOSED ORDINANCE #2013-05 - PROPERTY LOCATED AT 1174 SOUTH GOVERNORS AVENUE

A request was received for the annexation and rezoning of property located at 1174 South Governors Avenue, containing .17+/- acres (8,250 s. f.), owned by Sipple's Used Cars, Inc. The present Kent County zoning classification is BG - General Business and the proposed City of Dover zoning classification is C-2A - Limited Central Commercial.

Staff recommended that the request be referred to the Utility Committee on February 25, 2013, the Planning Commission on March 18, 2013, and that a Public Hearing be set for April 22, 2013 at 7:30 p.m.

Mr. Hare moved for referral, as recommended, 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 Amendment as read by the City Clerk, by title only, as follows:

ORDINANCE #2013-05 AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1174 SOUTH GOVERNORS AVENUE.

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary announced that the filing deadline for the 2013 City of Dover Municipal Election was Friday, February 8, 2013. Since all candidates were unopposed, the City of Dover Municipal Election scheduled for April 16, 2013 will not be held. Mr. Leary congratulated all of the City Council candidates and noted that the following would be sworn into office during the Annual City Council Meeting scheduled for May 13, 2013:

First District	-	James L. Hutchison
Second District	-	William F. Hare
Third District	-	Sean M. Lynn
Fourth District	-	David L. Anderson
At-Large	-	Timothy A. Slavin

Mr. Lynn expressed condolences to the court staff and the victims of the shooting today at the New Castle County Courthouse. He commended the bravery of the Capitol Police and court officers who so valiantly served today in the line of duty.

Mr. Bonar noted that the two (2) Capitol Police officers who were wounded in the shooting were saved by bulletproof vests. He suggested that replacement vests for City staff be budgeted for in the next fiscal year.

Mr. Anderson announced that there would be a chili dinner on Saturday, February 16, 2013 from 12:00 noon to 4:00 p.m. at the First Southern Baptist Church to support the people of Dover who are in need.

Mr. Bonar moved for adjournment, seconded by Mr. Dixon and unanimously carried.

Meeting Adjourned at 7:55 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of February 11, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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