REGULAR COUNCIL MEETING
A G E N D A

JANUARY 27, 2014 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 p.m.)

The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda as a public hearing is prohibited during the Open Forum as an opportunity will be provided during consideration of that item. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN SLAVIN

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* **1. Adoption of Minutes**

- **A. Special Council Meeting of December 2, 2013**
- **B. Regular Council Meeting of January 13, 2014**
- **C. Special Council Meeting of January 13, 2014**

2. Proclamation - Black History Month

3. Public Hearing - Violation of the Dangerous Building Ordinance - Property Located at 27 North New Street, Owned by Joe Burden, Sr.

(Staff Recommends: 1. Declaring this Building and All Accessory Structures on this Property Dangerous; 2. Ordering the Property Repaired or Demolished by February 27, 2014 by the Owner or Equity Owner at Their Own Risk; 3. Ordering the Building Inspector to Cause the Repair or Demolition of the Structures If Not Completed by the Owner Within 10 Days of the Date Established by City Council; 4. Ordering the City Manager with the Assistance of the City Solicitor to Cause the Cost of Repairs or Demolition to Be Charged Against the Land on Which the Building Exists as a Municipal Lien or Cause Such Cost to Be Added to the Tax Duplicate as an Assessment, or to Be Levied as a Special Tax, or to Be Recovered in a Suit at Law Against the Owner.)

* **4. Parks, Recreation, and Community Enhancement Committee Report - January 13, 2014**

A. Semi-Annual Review - Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2013

(Committee Action Not Required)

B. Update - Community Development Block Grant (CDBG) Program

(Committee Action Not Required)

C. Recreational Needs Assessment

(Committee Recommended Authorizing the City's Planning Department, Beginning February 1, 2014, to Perform a Recreational Needs Assessment for the City of Dover, Utilizing City Staff to Conduct Workshops and Other Similar Outreach Efforts Across the City to Inventory Park Infrastructure and Develop the Needs of All of the City Parks for Future Use. The Objective Will Be to Gather the Necessary Information from the Public, Study It, and Make a Needs Assessment Report Back to the Committee by December 1, 2014.)

* **5. Utility Committee Report - January 13, 2014**

A. Request for Abandonment (Improved) - Budd Street - City of Dover

(Committee Recommended: 1. Abandonment of the Subject Right-of-Way with Conveyance of Five Feet (5') of Said Right-of-Way to 5 E. Reed Street, 45 South State Street and Tax Parcel Number ED-05-077.05-04-36.00 on South American Avenue, Currently Owned by the City of Dover, in Conjunction with the Provision of a Public Utility Easement for Each Parcel; and 2. Adoption of Resolution No. 2014-01 Setting a Public Hearing Regarding the Proposed Abandonment for February 10, 2014 at 7:30 p.m.)

B. TEA/NAES Report *(November)*

(Committee Recommended Acceptance of the Report)

C. Garrison Oak Technical Park Project Updates

(Committee Action Not Required)

* **6. Legislative, Finance, and Administration Committee Report - January 13, 2014**

A. Transfer of Davis Estate Donation to the Dover Library Foundation

(Committee Recommended Acceptance of the Donation from the Davis Estate in the Amount of $61,735.80 and That It Be Transferred to the Dover Library Foundation)

(Committee Tabled the Issue of the Policy on Future Donations to the Dover Public Library Until Such Time as the City Manager Can Meet with the Necessary People to Recommend a Policy for Review by the Committee)

B. Proposed Plan to Cover Dangerous Building Demolition Costs

(Committee Recommended Authorizing the City Manager to Transfer Unused Salary and Benefits in the Amount of $20,000 from the Planning Division, as Well as Other General Fund Divisions Throughout the City, to the Demolition Budget. This Authorization Will Increase the Demolition Budget from $140,000 to $250,000 for FY 2014.)

C. Proposed Ordinance #2014-01 - Amendment to Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility

(Committee Recommended Adoption of Ordinance #2014-01) **(See Item #13-A)**

* **6. Legislative, Finance, and Administration Committee Report - January 13, 2014 (Continued)**

D. Request for Infrastructure Reimbursement - Wesley College

(Committee Recommended Authorizing the City Manager to Reimburse Wesley College for the Expenses Incurred in the City's Right-of-Way ($24,500 per Letter Dated December 20, 2013) Provided That Community Transportation Funds in an Amount Equal to or Greater than $24,500 Can Be Secured from Area Legislators to Replace the Funding Associated with the Reimbursement. The Reimbursement Will Be Issued Using General Fund Dollars Associated with the City's Concrete Construction and Replacement Program (Project # ST1402))

E. Proposed Grant-In-Aid Policy

(Committee Recommended Acceptance of the City of Dover FY 2015 Grant-In-Aid Application and Procedures)

7. Utility Committee Report - January 27, 2014

Except for the following time sensitive issues, the Utility Committee Report from January 27, 2014 will be presented to Council during their Regular Meeting of February 10, 2014 for review and consideration.

A. Permanent Easement and Temporary Workspace Agreements - Eastern Shore Natural Gas

(Staff Recommended Authorizing the City Manager or His Designated Staff to Execute the Easement Agreement and Other Necessary Agreements with Eastern Shore Natural Gas (ESNG) to Facilitate the Construction of the Proposed 16" Natural Gas Pipeline Across Lands Owned by the City of Dover, as Depicted in the Referenced Agreements. Financial Consideration for the Easements Shall Be Delegated to the City Manager and the City Manager Will Notify City Council of the Results.)

B. Easements and Rights-of-Way between City of Dover and Delmarva Power & Light Company

(Staff Recommended Authorizing the City Manager to Execute the Final Versions of All Components of Document "A", Document "B", and Document "C" for the Granting of Easements and Rights-of-Way to Delmarva Power & Light Company for the Proposed Construction, Operation, and Maintenance of Power Lines and Structures Associated with the Transmission of Electric Power from the Garrison Energy Center (GEC) to the Cartanza Substation; and Authorizing the City Manager to Amend the Original Lease Between the City of Dover and the Garrison Energy Center, LLC to Add the Acres Described Within the Documents (A Total of 8.4301 Acres) in Accordance with the Rents Described in the Lease)

8. Quarterly Revenue Report

(Staff Recommends Acceptance of the Report)

9. Evaluation of Bids

A. Garrison Oak Technical Park Sanitary Sewer Improvements

(Staff Recommends Awarding a Unit Price Contract for the Garrison Oak Technical Park Sanitary Sewer Improvements to George & Lynch Inc., in Response to City of Dover Bid #14-0018PW, for the Amount Not to Exceed $2,572,065)

B. Garrison Oak Technical Park Subdivision

(Staff Recommends Awarding a Unit Price Contract for the Garrison Oak Technical Park to A-Del Construction Company, in Response to City of Dover Bid #14-0020PW, for the Amount Not to Exceed $6,214,700)

* **10. Confirmation of Police Pension Election - Ret. Lt. Timothy Mullaney - Three (3) Year Term to Expire January 31, 2017**

11. Rezoning Request/First Reading of Proposed Ordinance #2014-02

The First Reading Is Offered on the Following Proposed Ordinance. It Is Recommended for Referral to the Planning Commission on February 18, 2014 and That a Public Hearing Be Set for March 10, 2014 at 7:30 p.m., At Which Time the Second Reading and Final Action by Council Will Take Place. Copies of the Proposed Ordinance Are Available at the Entrance of Council Chambers or Can Be Obtained from the City Clerk's Office.

A. Property Located at 405 North State Street, Consisting of 11,250$^{+/-}$ Square Feet, Owned by David and Susan Edgell. This Property is Currently Zoned R-8 (One Family Residence) and the Proposed Zoning is RG-1 (General Residence).
(TAX PARCEL: ED-05-068.17-01-72.00-000; COUNCIL DISTRICT: 3; PLANNING REFERENCE: Z-14-02)

12. First Reading - Proposed Ordinances

The First Reading Is Offered on the Following Proposed Ordinances. It Is Recommended That a Public Hearing Be Scheduled Before the Planning Commission on February 18, 2014 at 7:00 p.m. and That a Public Hearing Before City Council Be Set for Monday, March 10, 2014 at 7:30 p.m. at Which Time the Second Reading and Final Action by Council Will Take Place. Copies of the Proposed Ordinances Are Available at the Entrance of Council Chambers or Can Be Obtained from the City Clerk's Office.

A. Ordinance #2014-03 Amending the 2008 Comprehensive Plan, as Amended, by Including Text Addenda to the Transportation and Housing and Community Development Chapters and by Amending Map 12-1: Land Development Plan Map in the Vicinity of College Road and McKee Road

B. Ordinance #2014-04 - Rezoning Request for Property Located at 1205 McKee Road, Consisting of 3.46$^{+/-}$ Acres, Owned by College Road Offices, LLC. The Property Is Currently Zoned CPO (Commercial Professional Office), Subject to COZ-1 (Corridor Overlay Zone), and the Proposed Zoning Is C-2A (Limited Central Commercial), Subject to the COZ-1 (Corridor Overlay Zone).
(TAX PARCEL: ED-05-067.00-02-51.00-000; COUNCIL DISTRICT: 4; PLANNING REFERENCE Z-14-01)

13. First Reading - Proposed Ordinance #2014-01

The First Reading Is Offered on the Following Proposed Ordinance. Final Action by Council Will Take Place During the Second Reading of the Ordinance on February 10, 2014. Copies of All Proposed Ordinances Are Available at the Entrance of the Council Chambers or Can Be Obtained from the City Clerk's Office.

A. Proposed Ordinance #2014-01 - Amendment to Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility

14. <u>Final Reading - Proposed Ordinance #2013-18</u>
The First Reading of the Proposed Ordinance Was Accomplished During the Council Meeting of January 13, 2014. Copies of the Ordinance Are Available at the Entrance of the Council Chambers.

A. Proposed Ordinance #2013-18 - Budget Amendments for Fiscal Year 2013/14

15. Council Members' Announcements

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SPECIAL COUNCIL MEETING

A Special Council Meeting was held on December 2, 2013 at 6:00 p.m. with Council President Bonar presiding. Members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Hare and Mr. Hutchison. Mr. Anderson, Mr. Slavin, and Mrs. Williams were absent. Mayor Carey and Mrs. McDowell were also present.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Lynn and unanimously carried.

Mr. Hare moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(9) - Personnel Matters - City Manager's Performance Evaluation. The motion was seconded by Mr. Lynn and unanimously carried.

Meeting recessed at 6:00 p.m.

Mr. Hare moved to adjourn the Executive Session, seconded by Mr. Hutchison and unanimously carried.

Executive Session adjourned at 7:10 p.m.

POTENTIAL ACTION RESULTING FROM THE EXECUTIVE SESSION - COUNCIL APPOINTED EMPLOYEE PERFORMANCE EVALUATION - CITY MANAGER

During the Executive Session, members reviewed the self-evaluation provided by the City Manager, Scott D. Koenig, and discussed the prior year's accomplishments and goals for the coming year.

Mr. Perza moved to provide Mr. Koenig a $3,000 performance bonus, contingent upon Council's acceptance of a reorganization plan and Administrative Assistant proposal, which will first be presented to the Legislative, Finance, and Administration Committee. Mr. Perza also moved to renew Mr. Koenig's existing agreement. The motion was seconded by Mr. Dixon and unanimously carried.

By unanimous consent, the Special Council Meeting adjourned at 7:13 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of December 2, 2013 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 13, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mrs. Williams were absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mrs. Townshend, Fire Chief Carey, 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 Bonar 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 present wishing to speak during the Open Forum.

The invocation was given by Reverend Theodore Henderson, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare moved for approval of the Consent Agenda, seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson and Williams absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF DECEMBER 9, 2013

The Minutes of the Regular Council Meeting of December 9, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mr. Slavin and bore the written approval of Mayor Carey (Anderson and Williams absent).

PRESENTATION - ASSOCIATED BUILDERS AND CONTRACTORS (ABC) DELAWARE 2013 EXCELLENCE IN CONSTRUCTION MERIT AWARD (DOVER PUBLIC LIBRARY PROJECT)

Ms. Margery Cyr, Library Director, advised members that, on November 21, 2013, she was invited to represent the City of Dover at the ABC Delaware 2013 Excellence in Construction Awards. She stated that EdiS was awarded the Excellence in Construction Merit Award for the building of the new Dover Public Library, as well as the Green Award, which recognizes contractors who completed a construction contract using green building practices. Ms. Cyr presented the awards to the City of Dover.

SPECIAL SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - DECEMBER 9, 2013

The Safety Advisory and Transportation Committee met on December 9, 2013 with Chairman Hutchison presiding.

Requests for Waivers - Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section A - Streets (The Meadow Subdivision): Waiver of Length of Dead-End Street (Cul-De-Sac) - Jefferson Terrace; and Waiver of Increased Percentage of Lots on Dead-End Street (Cul-De-Sac) - Jefferson Terrace

Members reviewed a petition to waive subdivision standards, submitted by Penntex, LLC, for The Meadow Subdivision at Jefferson Terrace. The waivers requested were as follows: 1) Appendix A - Subdivisions, Article VI, §A15 - Exceed the Maximum Street Length of a Dead-End Street, and 2) Appendix A - Subdivisions, Article VI, §A15 - Increased Percentage of Lots on Cul-de-sac. The Conceptual Subdivision Plan permits the subdivision of land totaling $4.23^{+/-}$ acres into five (5) parcels for single-family, detached dwellings, with residual land to be known as The Meadow. (The name of the subdivision is currently proposed as The Meadow; however, the name must be revised. Within the City of Dover, there is an existing residential subdivision known as The Meadows. A unique name must be utilized to avoid confusion in emergency response.) The parcel is zoned R-8 (One Family Residence Zone) and R-10 (One Family Residence Zone). This parcel is located west of Monroe Terrace and south of but not adjacent to Wyoming Avenue.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the Subdivision Plan proposes an extension of Jefferson Terrace as a public street leading to the west from Monroe Terrace. The right-of-way would be 60 feet in width. The extension of Jefferson Terrace is required by the Planning Commission to be a 36-foot paved width before terminating in the cul-de-sac, which will allow for on-street parking on both sides of the street. Parking would be prohibited within the cul-de-sac.

Referring to the request for waiver of length of dead-end street (cul-de-sac) for Jefferson Terrace, Mrs. Townshend advised members that the Conceptual Subdivision Plan proposes a dead-end street that is approximately $390^{+/-}$ feet in length when measured from the center line of Monroe Terrace to the center of the proposed Jefferson Terrace cul-de-sac; however, the length of the proposed cul-de-sac is 440 feet when measured to the terminus of the street right-of-way. It appears that the proposed dead-end street (cul-de-sac) exceeds the permitted length of a dead-end street, as indicated in the limitation of a length of a dead-end street in accordance with Appendix A, Article VI, Subsection A15 of the Dover Code.

Staff recommended approval of the request to exceed the maximum length of a dead-end street. The construction of the proposed extension of Jefferson Terrace terminating in a cul-de-sac is the only access to proposed residential lots. This is due to the configuration of the existing tract of land, the existing natural features of woodlands, wetlands, and flood plain areas, and the surrounding residential development.

Referring to the request for waiver of increased percentage of lots on dead-end street (cul-de-sac) for Jefferson Terrace, Mrs. Townshend advised members that the Conceptual Subdivision Plan depicts three (3) proposed lots, or 60% of the proposed five (5) lots in the subdivision, to front on the turnaround section of the proposed Jefferson Terrace cul-de-sac. This proposed lot percentage exceeds the maximum of 20% of the lots in a development allowed to front on the turnaround section of a cul-de-sac, in accordance with Appendix A, Article VI, Subsection A15 of the Dover Code.

Staff recommended approval of the request to permit more than 20% of lots in a development to front on the turnaround section of a cul-de-sac. The configuration of the tract of land does not allow for the inter-connection of the proposed street to another existing street in order to avoid the cul-de-sac.

Mrs. Townshend stated that, during their meeting of November 18, 2013, the Planning Commission conducted a public hearing and took action to grant conditional approval for the Conceptual Subdivision Plan of The Meadow at Jefferson Terrace, including the condition that the paved width of Jefferson Terrace be set at 36 feet to allow for onstreet parking. The Planning Commission also recommended approval of the Subdivision Waiver requests to allow the project to exceed the maximum length of a dead-end street and increase the percentage of lots on the cul-de-sac.

Responding to Mr. Perza, Mrs. Townshend stated that, although the cul-de-sac would be a little longer than other cul-de-sacs in the vicinity, it was not out of character with the area. With reference to the map previously provided to members, she stated that the map depicted a street width of 24 feet; however, the map had not been revised to depict the street width change to 36 feet that was recommended by the Planning Commission. She explained that, in accordance with the subdivision plan process, if waivers are approved, a revised map will be submitted.

The Committee recommended approval of the Subdivision Waiver requests for The Meadow Subdivision at Jefferson Terrace to exceed the maximum length of a dead-end street and increase the percentage of lots on the cul-de-sac, as recommended by the Planning Commission.

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

Request for Waiver - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 17 - Emergency Access Requirements - Waiver of Emergency Rear Access Requirement for Walker Woods/Walker Woods II Redevelopment

Members considered a petition to waive the emergency rear access requirements for Walker Woods/Walker Woods II Redevelopment as required by Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 17 - Emergency Access Requirements of the Dover Code. The Site Development Plan Review permits the redevelopment of the site with the construction of 77 garden apartments in 12 buildings (currently, there are 72 townhouse units). The property is zoned RG-2 (General Residence Zone) and the owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Appendix B, Article 5, Subsection17.5(a) of the Dover Code requires a 16-foot alley or an 18-foot secondary fire lane and an 18-foot sub-grade emergency access lane as emergency access to the rear building areas for two (2) and three (3) story apartment buildings. She stated that the applicant requested a waiver for the elimination of these requirements. She explained that the existing layout provided a 24-foot fire lane across the front side of each building, and the buildings would be equipped with sprinklers. Members were advised that the Fire Marshal's Office indicated no objections to the removal of the rear access requirement for apartments for this project, with the stipulation that the buildings would be fully sprinklered and would meet the access required by the State Fire Prevention Regulations.

Mrs. Townshend noted that this type of waiver is received quite frequently and that, after having discussions with the Fire Marshal, it was staff's intention to bring forward a Code amendment to eliminate the need for such waiver requests. She explained that the rear access requirement was instituted prior to current procedures that mandate sprinkler systems.

Mrs. Townshend advised members that the Planning Commission recommended approval of the waiver for the elimination of the emergency rear access.

The Committee recommended approval of the requested waiver, as recommended by the Planning Commission.

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

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, indicated that the construction of the new Dover High School was moving forward and that monthly coordination meetings continued. She stated that the City would continue to ensure that the Leander Lakes Project is well coordinated with the Dover High School Project. She noted that an additional development project, Dover Christian Church, will be building on the corner property adjacent to Leander Lakes. In addition, she advised members that the City had been assured that the east entrance to the new School will be constructed and that the Planning Commission issued a parking reduction waiver; however, areas will be grassed and curbed to be made available for overflow parking for large events. She assured members that there were no issues or concerns to report at this point.

Responding to Mr. Davis, Mrs. Townshend stated that the Capital School District had requested the Delaware Department of Transportation (DelDOT) to construct some of the improvements to the east entrance in an attempt to help defray those construction costs. In addition, she noted that attempts were being made to work with local legislators to obtain community transportation funds.

Discussion - Changing of Meeting Day and Time

Mr. Hutchison noted that the Committee had been meeting on the Wednesday following the fourth Monday of each month at 5:00 p.m. and questioned the possibility of changing the meeting day to the fourth Monday of each month at 4:00 p.m.

The Committee recommended changing the meeting day and time to the fourth Monday of each month at 4:00 p.m.

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

By consent agenda, Mr. Hare moved for acceptance of the Safety Advisory and Transportation Committee Report. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson and Williams absent).

UTILITY COMMITTEE REPORT - DECEMBER 9, 2013

The Utility Committee met on December 9, 2013 with Councilman Perza presiding in the absence of Chairwoman Williams.

Service Agreement for the Natural Gas Distribution System in the Garrison Oak Technical Park (GOTP) - Chesapeake Utility Corporation

Mr. Scott Koenig, City Manager, reminded members that the City of Dover has been acting as the developer of the Garrison Oak Technical Park (GOTP). As the developer, staff felt it would be advantageous to offer natural gas service to the various tenants in the industrial park; therefore, the City has requested that natural gas infrastructure be installed within the technical park so that it is available to potential purchasers and tenants. Members were provided a standard Service Agreement submitted by Chesapeake Utilities Corporation which outlines the respective responsibilities of the City as well as Chesapeake Utilities Corporation. He advised members that the proposed Agreement has been reviewed by the City Solicitor's Office and has been amended accordingly.

In accordance with the proposed Service Agreement, Mr. Koenig noted that all costs to install the required infrastructure will be the responsibility of Chesapeake Utilities Corporation; however, the Agreement includes a revenue shortfall calculation that the City of Dover would be responsible for should the revenues from the investment not be equal to or in excess of the initial capital investment within the first six (6) years after the effective date of the Agreement. He assured members that the maximum financial exposure to the City of Dover is estimated to be less than $130,000.

Mr. Koenig advised members that the proposed Agreement includes several exhibits, including a plot plan for the GOTP. Based on conversations with staff, he explained his understanding that the natural gas for tenants of the GOTP would be extended from White Oak Road through the horseshoe road network in the subdivision and back out to White Oak Road. At this time, he stated that it is not intended to be connected to the 16 inch lateral for the Calpine Project. He explained that the maximum financial exposure ($130,000) assumes that there are no tenants for the first six (6) years and that this amount would be less whatever gas Uzin Utz would be using as the first tenants to connect to the distribution system.

Staff recommended that the City Manager be authorized to execute the Service Agreement with Chesapeake Utilities Corporation for the Natural Gas Distribution System within the GOTP.

Responding to Mr. Snaman, Mr. Koenig stated that Uzin Utz has gone before the Planning Commission and are working their way through the permitting process. It is their hope to break ground in March 2014, with the facility opening a year later.

In response to Mr. Blakeman regarding the documents on file with the Public Service Commission and the six (6) times net revenue test, Mr. Koenig stated that he had not reviewed the documents but that staff could request the City Solicitor's Office to review them.

Responding to Mr. Perza regarding the six (6) times net revenue test, Mr. Koenig indicated his understanding that it is the standard formula used for this type of return on investment. He also indicated that the net revenue test will be conducted on the final sixth year and not done on an annual basis. He explained that the "true up" date will be six (6) years after the Agreement and noted that there is a revenue schedule provided as Exhibit B of the Agreement. Regarding the requirement for the developer to pay any shortfall amount within thirty (30) days from the time the Company gives

notice that a shortfall has occurred, Mr. Koenig stated that although a one-time payment would be required, he felt confident that there would be no issues if the City needed to establish a payment schedule. He assured members that staff would be budgeting any amount that may be required and making every attempt for no shortfall to occur by acquiring tenants.

The Committee recommended approval of staff's recommendation to authorize the City Manager to execute the Service Agreement with Chesapeake Utilities Corporation for the Natural Gas Distribution System within the Garrison Oak Technical Park (GOTP).

Council President Bonar advised members that he had a potential conflict of interest and would be abstaining from the vote.

Mr. Hare moved for approval of the Committee's recommendation. The motion was seconded by Mr. Slavin and carried by a roll call vote of five (5) yes (Dixon, Perza, Slavin, Hare, and Hutchison, one (1) no (Lynn), and one (1) abstention (Bonar)(Anderson and Williams absent).

TEA/NAES Report (October)

The TEA/NAES Monthly Report for October 2013 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Scott Koenig, City Manager, reaffirmed that the City's costs are coming in slightly higher than anticipated which has been a trend most of the budget year. He stated that staff has reviewed the budgets, expenses, etc. and that the City's budget is tight. He noted that page 12 of the report provided the year-to-date amounts and that, although most items are tracking as anticipated, there are concerns with the "PJM - ARR, Transmission and Fees," explaining that the fees are much higher than anticipated. As a result, staff has been talking with The Energy Authority for the past several months, as well as relaying the City's concerns to both the Delaware Municipal Electric Corporation (DEMEC) and Mr. Kirk Betts, Betts & Holt LLP, the City's Energy Attorney. Mr. Koenig stated that staff expects to submit a report to the committee in January to discuss the impact of the fees and the cause of the increases. He advised members that there has been an unanticipated reallocation of costs for two (2) entities that are purchasing power, and since the City of Dover is one (1) of the entities that purchases power off of the PJM grid, the City is subject to these fees.

Mr. Blakeman explained the complexity of the PJM billing invoice and questioned if there was some way of providing a breakdown. He noted that there are 72 items listed and that there are five (5) PJM related costs for the power supply and three (3) for the plant and requested that they be listed by budget item. Responding, Mrs. Donna Mitchell, Controller/Treasurer, stated that TEA currently provides the City with a breakdown of the charges by General Ledger accounts. She stated that she will request TEA to provide members a copy of the breakdown for a better understanding of the bill.

The Committee recommended acceptance of the TEA/NAES Monthly Report for October 2013.

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

UPDATES

Members were provided the following updates:

Calpine Energy Center/Garrison Oak Technical Park Project

Mr. Scott Koenig, City Manager, advised members that the City continues to have weekly meetings and telephone conference calls with the Calpine Corporation regarding the Energy Center. Currently, the big items underway are the deliveries, finalization of easements, and alignment of the transmission lines from the Calpine/Garrison Energy Center back to the 230kV tie (Cartanza Substation). He stated that the City continues to work on their responsible components of the infrastructure. Pre-bid meetings were held last week for the water system, gravity sewer system, pump station force main, streets, and storm sewer associated with the project. It is anticipated that the bid package will be due during the early part of January 2014. There were approximately 20 contractors who attended the mandatory pre-bid meeting. In order to remain on schedule, he stated that staff should present the bids to City Council during the second Regular Meeting in January 2014.

Mr. Koenig reiterated that there are numerous large loads scheduled for delivery in December. He advised members that Calpine has made their Industrial Waste Permit Application to Kent County and that the City is analyzing the information to determine the best path forward for the wastewater from that facility. He stated that staff continues to work through normal construction issues and that the City has finalized the alignment of the 16 inch lateral through the City property and into the Calpine/Garrison Energy Center and will not be constructing immediately adjacent to or on top of the water line that was installed a few months ago. He believed that a certificate for construction was received for the natural gas lateral.

In regard to the Garrison Oak Technical Park, Mr. Koenig stated that the City is continuing to work through the final land agreement for lot #12 for the Uzin Utz facility and noted that the Planning Commission granted conditional approval. As a result, Uzin Utz is now making submissions to agencies in order to move forward with the project. Mr. Koenig reiterated the expectation that Uzin Utz will obtain a building permit in March 2014, and that construction will take approximately 12 months.

Mr. Koenig explained that the Calpine Energy Projects, the Uzin Utz Project, and the City's infrastructure project are all converging on an early 2015 completion.

Dover Sun Park

Mr. Scott Koenig, City Manager, noted that members were provided a spreadsheet - Electric Revenue Fund, FY14 - White Oak Solar Park Incremental Cost, based on previous requests and comments. He advised members that the incremental Sun Park cost, from July through October, was $162,360. He explained that the incremental Sun Park cost reflects the increased cost to the City as a result of using solar energy, compared to the amount that would have been paid if the City used regular fossil fuel. He stated that solar energy is necessary for the City to meet the demands under the regional portfolio standards. In addition, he explained the importance of understanding that the production of this 10+ megawatts of solar energy in the summertime reduces the City's peak demand in the PJM; therefore, while it is more expensive, it is beneficial to the City.

Mr. Hare moved for acceptance of the Utility Committee Report, seconded by Mr. Slavin and carried with Mr. Bonar abstaining (Anderson and Williams absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - DECEMBER 9, 2013

The Legislative, Finance, and Administration Committee met on December 9, 2013 with Chairman Lynn presiding.

Request of Elizabeth W. Murphey School - Grant for Judo Mats

During their meeting of November 25, 2013, members considered a request of the Elizabeth W. Murphey School for the City to provide assistance in purchasing Judo mats (10-12 mats at a total cost of approximately $2,500). The committee tabled the matter so that more information could be obtained regarding where the money may come from.

Mr. Rushe moved to remove the matter from the table, seconded by Mr. Shevock and unanimously carried.

Mr. Slavin stated that he would recuse himself from discussion or voting on this issue due to his relationship with the Murphey School through his job with the State of Delaware.

Mr. Scott Koenig, City Manager, stated that his preference would be for the City not to become involved due to concerns of receiving additional, similar, requests. Therefore, he suggested that the school seek private funding. Should Council wish to grant the request, since there are no available funds in City Council's budget, he stated that a portion of the community relations and travel expense funds in the City Manager's budget for the current fiscal year could be appropriated to cover the costs for purchasing the mats. In accordance with City policy a cash donation could not be made, therefore, he stated that staff would need to review the policy and determine whether the City could purchase the mats directly and extend them to the Murphey School for either temporary or permanent use. Should members wish to move forward and approve the request to purchase mats through City funds, staff recommended that it be charged against the City Manager's budget for fiscal year 2014.

Responding to Mr. Shevock, Mr. Koenig explained that the City's current policy prohibits the City from making cash donations.

Mr. Rushe suggested the possibility of the City providing "matching funds."

In response to Mr. Hare, Mr. Koenig advised members that, in the past, the City has made contributions to the Fourth of July Committee, Kent County Tourism for Old Dover Days, and the African American Festival. Regarding the contribution to Kent County Tourism, he explained that it is considered a "management" fee since they handle advertising, scheduling events, etc. for Old Dover Days. In regard to the African American Festival, he stated that the City's contribution had previously been as high as $15,000, that an amount of $7,500 was budgeted for the current year, and that the funds were provided as a reimbursement for actual expenses. For several years, he stated that the City did not provide any funds for the Fourth of July Festival; however, to his recollection, there were times when the Festival was underfunded and the City provided a donation. For the current budget year, the Fourth of July Committee had indicated that there was no need for any donations. He reminded members that the Fourth of July Committee is a City appointed committee.

He noted that the only event that does not have direct City involvement is the African American Festival, which is a reimbursement. He advised members that for the fiscal year 2012 Budget, staff had recommended that the funding for the African American Festival be removed; however, these funds were added back into the Budget by City Council.

The Committee recommended denying the request to fund the Judo mats.

Council President Bonar noted that Mr. Slavin had a conflict of interest and would be abstaining from the vote.

Mr. Hare moved for approval of the Committee's recommendation. The motion was seconded by Mr. Dixon and carried with Mr. Slavin abstaining.

Proposed Ordinance #2013-18 - Budget Amendments for Fiscal Year 2013/14

Members were provided proposed Ordinance #2013-18 - Budget Amendments for Fiscal Year 2013/14. Mrs. Donna Mitchell, Controller/Treasurer, advised members that the proposed budget ordinance represents the first amendments proposed and incorporates changes into the FY2013/14 Budget. She noted that the Committee Action Form indicated that the proposed amendments were reflected in red font; however, the copy of the proposed ordinance included in the packet was incorrect. As a result, staff provided members with a copy of the proposed ordinance reflecting the proposed amendments in red font *(City Clerk's Office Note: Subsequent to the meeting, the packet was revised to include the ordinance as presented)*.

Mrs. Mitchell briefly explained the proposed amendments, as follows: 1) amends the Beginning Budget Balances for all Funds; 2) transfers the favorability in the General Fund Beginning Budget Balance to the Civilian Pension Fund in accordance with policy; 3) amends the Electric Budget for an unfavorable Beginning Budget Balance by reducing the transfer to the Electric capital project fund (the capital project fund had a favorable budget balance and was able to accommodate the reduction in the transfer); 4) amends the Water/Wastewater transfer to the capital project fund for savings in Engineering wages in accordance with recent Council actions for project design work; 5) amends the Capital project funds to reflect the audited Beginning Balances and corresponding adjustments for those uncompleted projects with multi-year construction periods (a separate revised Capital Investment Plan was provided for review); and 6) amends Grant Funds to reflect programming changes in the Grants based on information received after the budget was approved.

Referring to the beginning balance amendment in the Governmental Capital Projects Fund (line 143), Mrs. Mitchell explained that this was the result of several incomplete projects, such as the Calpine Infrastructure Project and the Street Program from last fiscal year. She stated that line 147, Contractor's Contributions, was amended to reflect the $264,800 in escrow for the City to complete the Westover Subdivision Project. Mrs. Mitchell noted that specifics for the Capital Investment Plan Amendments have been provided to members. She advised members that the proceeds indicated in the Water/Wastewater Improvement and Extension Fund Cash Receipts/Revenue Budget (lines 345-351) were revised mainly due to project carry forwards and the new bond issue since the Calpine Project was just completed this year. Mrs. Mitchell stated that the revised beginning balance for the Electric Revenue Fund (line 421) was reduced; therefore, the transfer to the Improvement and Extension Budget (line 473) was reduced from $5.4M to $4.9 to make up the shortfall in order to keep the fund within the budget balance requirement of 8%.

Mrs. Mitchell reminded members that the City had put a substantial amount of money in the Electric Utility Rate Stabilization Reserve in fiscal year 2012 to assist the City during the next three (3) years. She explained that the revised amounts included in the Community Transportation Improvement Fund were due to projects that were not known earlier in the year. Similarly, she stated that the Library Grants and Police Grants Funds were revised to reflect grant monies that have been received that were not known of earlier in the year. Mrs. Mitchell indicated that the CDBG Fund was adjusted to reflect the Plan adopted by Council for CDBG which was accomplished after the City's Budget was approved. She stated that the After School Program - CJC Grants was also revised since the grant monies were received after the City's Budget was approved.

Mrs. Mitchell also reviewed the Capital Investment Plan Amendments and explained that these amendments were included in the budget amendments for fiscal year 2013/14.

Staff recommended adoption of Proposed Ordinance #2013-18 - Budget Amendments for Fiscal Year 2013/14, with the First Reading to be held on January 13, 2014.

Responding to Mr. Slavin's question regarding the source for the revised budget amount related to the carry forward balance for the General Fund, Mrs. Mitchell stated that the revenues came in at approximately $170,000 over budget, with the largest being $109,000 for permits and licenses. In addition, she stated that the expenses came in $500,000 under budget. She stated that most of the savings in expenses were the result of attrition. Mrs. Mitchell confirmed that this was a one time "blip" that occurred and will be filled back in once the vacant positions are filled.

The Committee recommended adoption of Proposed Ordinance #2013-18, as presented by staff.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson and Williams absent). *(The First Reading of the ordinance will take place during the latter part of the meeting).*

Draft Comprehensive Annual Financial Report (CAFR)

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a Presentation - Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2013.

Responding to Mr. Slavin, Mrs. Mitchell explained that the Governmental Accounting Standards Board (GASB) Statements No. 67 and No. 68 will require the City to report the unfunded liability on the financial statements. For the funded portion, the City can use the actuarial assumption of 7.0% for the return on investment. However, the GASB requires the City to bifurcate the unfunded liability and GASB 67 and 68 will require the use of the municipal bond rate, which is approximately 4%. She explained that when a lesser return rate is used, the liability will be raised, as is required since the City is not fully funded. *(City Clerk's Office Note: Subsequent to the meeting, Mrs. Mitchell, Controller/Treasurer, advised that the actuarial assumption is 7.0%, not 7.5% as stated.)*

Mr. Slavin noted that the interpretation of the original GASB requirements regarding the unfunded liability was the result of some negligence on the part of City Council. He explained that the GASB 67 and 68 are more stringent standards being instituted and that the City will not know the content

of those standards until they are issued. Mr. Slavin stated the difficulty for the City to maintain very high quality finances when every few years the standards change and new guidelines are instituted, with the possibility of additional liabilities for the City. He urged staff to provide a briefing to members of the Committee and City Council on the new requirements of the GASB 67 and 68 prior to the implementation.

Mrs. Mitchell advised members that the GASB requires the City to recognize the expense and if the expense is not funded, a liability is created. She explained that the GASB does not force the City to fund the expense, but if the expense is not funded, the liability must be recognized.

Mr. Slavin noted that if the City were to choose not to fund the liability, it would likely affect the City's bond rating. In addition, Mrs. Mitchell stated that in the long-term, it would affect the City's ability to pay those benefits.

Mrs. Mitchell provided members with Supplemental Information - Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2013 and explained that the information contained budget to actual reports, which shows the individual budget variances. Noting that the budget balance for the General Fund is $4.2M (page 3 of attachment #2) and that the unassigned amount for the General Fund is $3.3M (page 7 of attachment #1), she explained that the difference is those non-expendable accounts which are the inventory, pre-paids, and the fair value of investments. She stated that the amount is adjusted for those non-cash items and explained that the City actually shows the higher number as the budget balance ($4.2M rather than the $3.3M) and she wanted members to be aware of the reconciliation listed that provides those details.

Mr. Lynn moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Dixon and unanimously carried (Anderson and Williams absent).

MONTHLY REPORTS - NOVEMBER 2013

By motion of Mr. Hare, seconded by Mr. Slavin, 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

ENGAGEMENT LETTER - INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) ARBITRATION

Members were provided a letter outlining and confirming the terms of the engagement of Baird, Mandalas, and Brockstedt in connection with the arbitration proceedings with the International Brotherhood of Electrical Workers Local 1238 (IBEW).

Mr. Lynn announced that he has joined the law firm of Baird, Mandalas, and Brockstedt and stated that he would disqualify himself from discussing and voting on this item.

Mr. Scott D. Koenig, City Manager, reviewed the terms of the engagement letter and recommended authorization to sign the letter engaging Baird, Mandalas, and Brockstedt to represent the City in arbitration proceedings related to contract negotiations with the International Brotherhood of Electrical Workers Local 1238 (IBEW) for a fee of $20,000. Mr. Koenig noted that the expense would be charged to the Electric Department's budget for contract negotiations.

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Slavin and carried by a unanimous roll call vote (Lynn disqualified)(Anderson and Williams absent).

EVALUATION OF BIDS - LIBRARY HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) MAINTENANCE AND REPAIR CONTRACT

Mr. Scott Koenig, City Manager, advised members that the Department of Public Works maintains blanket contracts with contractors that are required to perform services for the City through the Department. These contracts are established in accordance with the purchasing policy. These contracts are often priced as a "time, materials and equipment" type contract and may exceed $25,000 annually. This contract will provide Heating, Ventilation, and Air Conditioning (HVAC) maintenance and repair to the new Library building and includes provisions for regular and emergency call-out services.

The Department of Public Works created bid documents and the bid package was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under Bid #14-0021PW. The following three (3) contractors submitted bids for the proposed Library HVAC Maintenance and Repair Contract:

Bidder	Location	Anticipated 3 Year Cost
Summit Mechanical, Inc.	Bear, DE	$68,295
Modern Controls, Inc.	New Castle, DE	$59,190
Statewide Mechanical, Inc.	Port Penn, DE	$39,400

City staff reviewed the bid packages and found them free of math errors and/or discrepancies. The estimated costs for the proposed contract for FY-2014 (January 14, 2014 to June 30, 2014) is $6,450, which represents a spring servicing of the equipment and five (5) hours of each labor rate for possible emergency calls. The FY 2014 costs will be charged to 110-1500-523.30-31. It is likely that an internal budget amendment will be needed to cover these costs. The City Manager will work with the Library Director to complete the internal budget amendment after award of the contract.

Staff recommended awarding the Library HVAC Maintenance and Repair Contract to Statewide Mechanical Services, Inc. in the amount of $6,450 for the remainder of FY 2014, with a total three (3) year contract price of $39,400.

Mr. Slavin moved for approval of staff's recommendation. The motion was seconded by Mr. Perza and carried by a unanimous roll call vote (Anderson and Williams absent).

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) DIRECTOR AND ALTERNATE DIRECTOR (SCOTT D. KOENIG AND DONNA S. MITCHELL)

By consent agenda, Mr. Hare moved to appoint Mr. Scott Koenig and Mrs. Donna S. Mitchell to serve as Delaware Municipal Electric Corporation (DEMEC) Director and Alternate Director, respectively. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson and Williams absent).

FIRST READING - PROPOSED ORDINANCE #2013-18

Council President Bonar reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of January 27, 2014.

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

Proposed Ordinance #2013-18 - Budget Amendments for Fiscal Year 2013/14

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Bonar and Mr. Hutchison congratulated Matt Carey on his election as Fire Chief.

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

Meeting adjourned at 7:45 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of January 13, 2014, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 13, 2014 at 7:50 p.m. with Council President Bonar presiding. Members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mrs. Williams were absent.

Council staff members present were Mr. Koenig, Mrs. Mitchell, and Mrs. McDowell. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Lynn and unanimously carried.

Mr. Hare moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(4) - Collective Bargaining Strategy Session and (b)(9) - Personnel Matters. The motion was seconded by Mr. Dixon and unanimously carried.

Meeting recessed at 7:50 p.m.

Mr. Hutchison moved to adjourn the Executive Session, seconded by Mr. Hare and unanimously carried.

Executive Session adjourned at 8:10 p.m.

POTENTIAL ACTION RESULTING FROM THE EXECUTIVE SESSION

International Brotherhood of Electrical Workers (IBEW) Arbitration

During the Executive Session, Mr. Scott Koenig, City Manager, advised City Council members that they have reached an impasse in negotiations with the International Brotherhood of Electrical Workers (IBEW) negotiating team and that they would be going to arbitration. He requested authorization to retain an expert witness to testify on the City's behalf during arbitration.

Mr. Lynn moved to authorize the City Manager to expend the sum of $15,000 associated with the retention of an expert witness for the purposes of arbitration with the International Brotherhood of Electrical Workers (IBEW). The motion was seconded by Mr. Hutchison and unanimously carried.

Clean Hands Ordinance - Committee, Commission, or Board Member Violations

During the Executive Session, Mrs. Traci McDowell, City Clerk, advised members of City Council that, in accordance with Chapter 1 - General Provisions, Section 1-13 - Clean Hands, Paragraph (c) - Appointment to Committee, Commission, or Board, any person being appointed or currently serving on a city committee, commission, or board must be free of outstanding payments or violations in order to be eligible to serve. She advised members that several appointees were currently in violation of the Clean Hands ordinance.

Mr. Lynn moved to direct the City Clerk to send correspondence to any appointed committee, commission, or board member who was found to be in violation of the Clean Hands ordinance requesting them to make arrangements to pay within 30 days and that if they fail to do so, they would be requested to tender their resignations. The motion was seconded by Mr. Dixon and unanimously carried.

Mr. Hare moved for adjournment, seconded by Mr. Hutchison and unanimously carried.

The Special Council Meeting adjourned at 8:13 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of January 13, 2014 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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PROCLAMATION

WHEREAS, *on July 2, 1964, the Civil Rights Act was signed into law by President Lyndon B. Johnson. This landmark piece of civil rights legislation in the United States outlawed major forms of discrimination on the basis of race, color, religion, sex or national origin; and*

WHEREAS, *on June 11, 1963, President John F. Kennedy addressed the nation about civil rights. During his speech he asked legislation to give all Americans the right to be served in facilities which are open to the public – hotels, restaurants, theaters, retail stores, and similar establishments, as well as, greater protection for the right to vote; and*

WHEREAS, *after the assassination of John F. Kennedy; his successor, Lyndon B. Johnson honored his memory by doing all that he could to see the bill passed through the legislation and come to fruition for civil rights for all Americans; and*

WHEREAS, *this year marks the 50th anniversary of the 1964 Civil Rights Act, and the Association for the Study of African American Life and History has selected "Civil Rights in America" as the 2014 National Black History Month Theme.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim February 2014 as

BLACK HISTORY MONTH

in the City of Dover and urge all citizens to reflect on the important milestones by African Americans and others in the battle for civil rights and equal treatment under the law.

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Carleton E. Carey, Sr.
Mayor

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: January 17, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 27 N New Street, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case # 13-3424
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $15,000 $20,000. **AMOUNT BUDGETED**: $150,000 Budgeted for all demolitions Citywide in the FY-2013 Budget. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building and all accessory structures on this property dangerous. 2. Order the property repaired or demolished by **February 27, 2014** by the owner or equity owner at their own risk. 3. Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**. 4. Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

The property is owned by Joe W. Burden Sr. The property is a two-story wood-framed single family home. The house was condemned as unfit for human occupancy on November 6, 2013, due to excessive water damage, roof leaks, mold, mildew and broken water pipes. The house was boarded and secured by City Staff in November and has been vacant since.. There are numerous code violations that exist on the property.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on January 13, 2014, at 3:30 p.m. with Chairman Dixon presiding. Members present were Mr. Hutchison, Mr. Perza (arrived at 3:42 p.m.), and Mr. Caldwell. Mrs. Horsey was absent.

AGENDA ADDITIONS/DELETIONS

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

Semi-Annual Review - Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2013

Mr. William Neaton, Economic Development Director, reviewed the semi-annual report of employment statistics for the 15 largest employers in the Dover area and reminded members that this information is updated and presented to members on a semi-annual basis. The report provided statistics regarding jobs and businesses gained and lost in the City of Dover since July 2013. Mr. Neaton stated that the numbers had been fairly stable for the past six (6) months.

Mr. Neaton advised members that Bayhealth was in the process of performing engineering and architectural studies for the addition of a floor on the previous Kent General renovation. He advised members that Kent General Hospital created a "fit out" plan for the shell space on their new building to increase the number of available beds.

Mr. Neaton stated that the number of full-time and part-time employees at Delaware State University (DSU) had grown. He advised members that DSU was preparing to construct an optic center and indicated that it would be one of the finest centers in the world. Mr. Neaton noted that a Convocation Center is also planned for the future. He advised members that it will be an academic facility which will also house the sports complex for basketball and other large events and activities. Mr. Neaton stated that it is an economic development initiative which will bring conventions, car shows, and boat shows to Delaware. He advised members that DSU was previously awarded $250,000 in grant money to perform a feasibility study regarding the Center and that he and the Mayor are serving on the Committee conducting the study. It was hoped that final recommendations would be available by the end of January 2014.

Referring to the decline in Comcast Cable's employment numbers, Mr. Neaton stated that Comcast had merged some of their offices and reduced the number of staff. He was advised by Mr. Tom Worley, Director of Government Relations, Comcast Cable, that these changes were complete and it was planned to maintain current staffing levels.

Mr. Neaton stated that although Proctor & Gamble's employment levels had not changed significantly to date, the organization planned to become the sole provider of wipes, consolidate related facilities and contractors, and expand their facility. Responding to Mr. Hutchison, Mr. Neaton indicated that the expansion would allow for more efficient functionality so that more product could be produced without impacting staffing levels.

Mr. Neaton advised members that he and Mayor Carey would be hosting a Large Employer Breakfast on February 12, 2014 for a second year, noting that last year's event was very well attended. Mr. Neaton stated that the breakfast provides a venue for interaction between the plant managers and large employers in Dover. In addition, a County-wide plant managers meeting was scheduled for January 15, 2014 at noon to provide local plant managers an opportunity to communicate and collaborate on ideas for the City of Dover.

Mr. Neaton noted that the current unemployment rate in the City of Dover was the lowest it had been since December 2008.

Responding to Mr. Hutchison regarding meetings with the leadership at Dover Downs, Mr. Neaton stated that staff had not met with Dover Downs management in over a year. Mr. Neaton stated his intent to schedule such a meeting, along with the Mayor, and offered to share the results of this meeting with the Committee at the next meeting.

Mr. Caldwell stated that he was pleased that the economic outlook for Dover appeared to be improving. Responding, Mr. Neaton indicated that the Uzin Utz manufacturing facility will hold a groundbreaking on March 13, 2014, which he stated would also be excellent for the City.

No further action was taken by the Committee.

Update - Community Development Block Grant (CDBG) Program

Members were provided an Update of the Community Development Block Grant (CDBG) Program, including the status of FY 2013 CDBG Projects - December 2013.

Mrs. Tracey Harvey, Planner I, advised members that all CDBG programs were currently underway, with the exception of the Milford Housing Development Corporation (MHDC) projects. Mrs. Harvey stated that staff was requesting that MHDC not be funded for the FY14 grant cycle because $139,000 in grant funds not been drawn down for the FY12 and FY13 fiscal years, which was jeopardizing the timeliness standards for the City for expenditure of the funds. Additionally, she indicated that procurement issues had been identified in recent audits of MHDC conducted by the City that needed to be addressed.

Responding to Councilman Dixon regarding the scheduling of NCALL activities, Mrs. Harvey advised members that NCALL was planning to hold an open house in April 2014.

No further action was taken by the Committee.

Recreational Needs Assessment

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the City of Dover's 1996, 2003 and 2008 Comprehensive Plans each included a recommendation to develop a City-wide Recreation and Parks Plan which to date had not been developed. She stated that in the past 20 years there had been many changes in the City and, in order to invest limited funds wisely, a City-wide Parks and Recreation Needs Assessment and Plan was necessary. Mrs. Townshend indicated that the assessment should be City-wide and not focused solely on Dover Park or the recreation building at Dover Park.

Mrs. Townshend recommended the following:

- In-house staff from the Planning Department and Parks and Recreation Department will lead the development of the Parks and Recreation Needs Assessment and Plan, with assistance from the State Division of Parks and Recreation.
- A variety of means will be used to engage the public and assess the recreation needs identified by the public, including workshops and a survey. In the outreach efforts, information will be gathered to assess the needs based on location.
- An inventory of parks will be included and information will be gathered about the desired capital improvements for the parks, focusing on the three "anchor" parks (Dover Park, Schutte Park, and Silver Lake Park).
- Specific recommendations for investments in the parks will be included based on the needs of the public, as well as for potential partnerships for meeting the needs of the City's residents.

Mrs. Townshend stated that, since in-house staff members who have numerous other obligations with the City would be utilized, the expectation is that the development of the Needs Assessment and Plan would take approximately twelve months to complete. It was hoped that the results would be provided to the Committee in January 2015.

Responding to Mr. Hutchison, Mrs. Townshend explained that it was planned to consult the State and Kent County when conducting the assessment, and to include non-public agencies such as the YMCA, who recently purchased 20 acres on the west side of Dover for recreational activities. She noted that discussions regarding the potential for partnerships in this regard had taken place.

In response to Mr. Caldwell's inquiry regarding reaching a conclusion with respect to the Dover Park Recreation Building, Mrs. Townshend stated that the building continued to deteriorate and, in her opinion, was functionally obsolete. She did not believe it was a question of whether the building would be kept but rather to determine if another structure should be put in its place that would meet the needs of citizens. She noted that the demands seemed to relate to the need for gym space and the existing building could not meet that need.

Responding to Councilman Perza, Mrs. Townshend advised the Committee that a new Planner would be joining the City of Dover Planning staff. The intention was to dedicate this employee to taking the lead on this project, with the assistance of Mr. Wayne Voshell, City of Dover Recreation Coordinator; therefore, the Department should have the staff necessary to move forward in early February 2014. Responding to Mr. Perza, she reassured members that the assessment would include all parks within the City of Dover, not just the Dover Park, and the assessment would be conducted solely by in-house staff and not be outsourced.

In response to Mr. Perza, Mrs. Townshend reminded the Committee that the City's Capital Improvement Program (CIP) included a number of projects, such as a skate park and a spray pad that were originally planned for Schutte Park. She stated that this assessment would provide an opportunity to reconsider locations for those projects, decentralizing the former concept of all activities being at Schutte Park.

Mr. Perza suggested that residents be given an opportunity to present their views, noting that a decision must be made regarding the renovation of the existing building at Dover Park versus construction of a new one. He stated that action must be taken and not put off for another six (6) months.

Mr. Hutchison questioned Mayor Carey as to whether or not the proposed assessment would satisfy his concerns regarding the demolition of the recreation building at Dover Park.

Mayor Carey concurred that the assessment was long overdue and felt that waiting another year was too long, noting that the building had been out of service for a year. He advised members that in September 2013 a function was held at the facility that included 125 children, and other activities had taken place in the building. He felt that the facility was still serving a purpose for the community. He noted that the assessment addresses one (1) factor in the equation; however, the portion involving the building at Dover Park needed to move faster.

Mr. Hutchison stated that, with proper funding, the project could move more swiftly; however, he noted that everyone was in agreement that the assessment should remain in-house. Mayor Carey concurred.

Mayor Carey stated that it was necessary to determine the needs of the area before a decision can be made on the status of the building, since if it is determined the building does not meet these needs, it should be torn down; however, it should be replaced with something that does serve the purpose.

Mr. Hutchison expressed his desire to bring closure to this longstanding issue, stating his feeling that the building was a liability and a great deal of time had been invested in coming to a conclusion regarding what was best for the Park, the City and the residents, which was to demolish the building.

Mr. Perza reminded members of the Committee that the topic of discussion was recommending approval of performing a Recreational Needs Assessment, not the recreational building at Dover Park specifically.

Mr. James Fogell, 360 Nimitz Road, expressed his appreciation for Dover Park and shared his opinion that additional restroom facilities needed to be placed by the playground, as existing facilities are near the tennis courts. Mr. Fogell stated that the Park is used very heavily for outdoor activities by the local youth. He did not believe the recreational building should be demolished. If it were demolished, he felt that another facility should be erected in its place so that the activities at the park overall would not cease. Mr. Fogell stated his understanding that funding would be required, but expressed his observation that the City spends money on a great many projects that are not necessary and/or do not serve the needs of the general population but cater to much smaller groups. He also expressed his opinion that some of the projects the City was involved in, such as paving or adding curbs to residents' driveways, should not fall on the shoulders of the City but should be the responsibility of the homeowner. Additionally, Mr. Fogell cited areas where grooming or landscaping was being maintained for aesthetic purposes but did not provide a purpose for the community. He reminded members that the activities at Schutte Park were all structured and typically cost money to participate in and felt that the youth and community needed a place they could go "shoot hoops," play baseball or soccer, or participate in other open format activities rather than being required to schedule in advance, pay a fee, etc.

Mr. Roy Sudler, Jr., 353 Rita Wilma Drive, provided members of the Committee with a flyer regarding a meeting scheduled by the Social Action Commission (SAC) Community Task Force of Mt. Zion A.M.E. Church on January 22, 2014 at 5:30 p.m. ***(Attachment #1)*** and invited members, as well as the public, to attend. He stated that the SAC had developed a survey, entitled "Mt. Zion A.M.E. Church's Social Action Commission's Community Survey of Dover's Recreational Park Programs and Facility Assessment" ***(Attachment #2)*** and distributed it to the community. Over 300 responses to the survey had been received and would be discussed during the upcoming SAC meeting. He offered to share this information at the Parks, Recreation, and Community Enhancement Committee meeting as well. *(City Clerk's Office Note: Subsequent to the meeting, Mr. Sudler provided the results of the survey to the City Clerk's Office* ***(Attachment #3))***. Mr. Sudler indicated that the SAC plans to partner with the Dover Human Relations Commission (DHRC) and Dr. Phyllis Edamatsu, Assessment Chair of the DHRC and Professor at Delaware State University, in tallying the results of the survey. Mr. Sudler expressed his hope that the SAC, as an interfaith-based agency, would be considered when staff is developing partnerships to address the recreational needs of the City. He concurred with the Mayor's position regarding the building at Dover Park, stating that if the building were demolished, another facility should be put in its place immediately. Mr. Sudler advised the Committee that his company, Sudler & Mishoe Construction, would donate 500 cinder blocks toward the construction of a new facility at Dover Park.

Former Councilman Reuban Salters, 109 Bertrand Drive, stated the importance of taking care of the community's youth and their families and providing recreational facilities. Mr. Salters expressed his opinion that the City does a spectacular job in some areas, citing the work of Mr. Zachery Carter, former Director of Parks and Recreation; however, he felt that other areas were extremely neglected, including youth programs and activities. Mr. Salters stated his dedication to the State and City's youth, adding that times are changing and there is greater need to communicate with children, find what their needs are, and provide facilities where they can participate. He indicated that children should know they are valued and respected as they are our future. He concurred with the need for gym space and felt that space was also needed for children to be creative with arts, crafts, music and other activities that would encourage youth to explore their abilities and interests. Mr. Salters felt that the rear portion of the building at Dover Park should come down; however, he stated that the front area of the building was very strong and suggested it remain as the core part of a new facility, stating that adding a pole building could require only a $50,000 - $60,000 investment to make the facility functional and fitting to the needs of the community. Mr. Salters suggested, if the building at Dover Park was a danger and needed to be torn down, that any motion made to take action to should include the Committee's commitment to put something up in its place.

Mr. Salters shared with those present that the Inner City Cultural League holds art classes for children at the Dover Housing Authority facility on Tuesday nights where children share their artwork. He invited those who were interested to join them and view the children's artwork from 5:00 p.m. - 6:00 p.m.

Mr. Hutchison stated that the original motion that was made to demolish the recreation building at Dover Park included a commitment of $80,000 to be put aside to invest in the future needs of the Park once determined. He expressed his belief that recreational needs should be addressed equally for all areas of the City.

Responding, Mr. Salters stated that, while addressing the recreational needs of the City as a whole, special attention should be directed to the east side of town because residents there have no other options.

Mr. Salters also expressed his confidence in the City and its dedication to serving the needs of the community and his belief that funding could be obtained.

Councilman Dixon conveyed the importance of determining what the children want so that opportunities can be provided for activities that they will participate in.

Mr. Perza moved to recommend authorizing the City's Planning Department, beginning February 1, 2014, to perform a recreational needs assessment for the City of Dover, utilizing City staff to conduct workshops and other similar outreach efforts across the City to inventory park infrastructure and develop the needs of all of the City parks for future use. The objective will be to gather the necessary information from the public, study it, and make a needs assessment report back to the Committee by December 1, 2014. The motion was seconded by Mr. Caldwell and unanimously carried.

For clarification, Mr. Perza stated that this motion was unrelated to the Dover Park building and that the purpose of the assessment would be to gather information from the public to determine where resources relating to the future use of all City parks should be invested. He indicated that he planned to draft a separate motion and place this matter on the Committee's February agenda in an attempt to resolve this matter.

Mr. Hutchison moved for adjournment, seconded by Mr. Caldwell and unanimously carried.

Meeting adjourned at 4:36 p.m.

Wallace R. Dixon
Chairman

WRD/MK/jg/dd/tm
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Attachment
Attachment #1 - Flyer - Mt. Zion AME Social Action Commission Community Task Force Meeting
Attachment #2 - Community Survey - Mt. Zion AME Social Action Commission Community Task Force
Attachment #3 - Community Survey Results - Mt. Zion AME Social Action Commission Community Task Force

SAC

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The **Social Action Commission's Community Task Force** of **MT. Zion A.M.E. Church** located at **101 N. Queen Street of Dover Delaware** will host a **Community Action Forum** on **January 22, 2014, @ 5:30 p.m.**

****

Topic: Dover's Community Action Plan for Dover Park & Recreational Facility

Focus of Community Action Forum will highlight:

1. **Review of Petition-Survey Criteria**
2. **Agree or Disagree with Mayor or City Council's Decision to Demolish Facility**
3. **New Modernized Facility Desired [Yes or No?]**
4. **Programs Desired**
5. **Activities Desired**
6. **Total Petitioned Survey Votes Casts as of January 22, 2014**

- **For further information, please contact Mt. Zion A.M.E. Church @ [302] 678.9478 Attention to: Roy Sudler, Jr. Chair of Social Action Committee**

MT. ZION A.M.E. CHURCH'S SOCIAL ACTION COMMISSION'S COMMUNITY SURVEY OF DOVER'S RECREATIONAL PARK PROGRAMS AND FACILITY ASSESSMENT

Name:_____ **Date:**_____.

Address_____ **District**_____.

****

1). Do you agree that the Dover Park and Recreational Facility should be demolished?

Yes or No

2). Should the City of Dover replace the current recreational facility with a new modern facility?

Yes or No

3). Do you know which council person represents your district in the City Voting Process?

Yes or No

4). Circle the *programs and activities* that you are interested in being implemented at Dover's Recreational Park and Facility? [More than one can be selected**]**

PROGRAMS

1). Family Counseling; 2). Alcohol and Drug Prevention 3). Job Seeking Tips

4). Gang Prevention 5). Restorative Support 6). Teen Homelessness

7). Domestic Violence 8). Mentors for At-Risk Youth 9). Go to School Go to College

10). Race Relations Study Circles 11). Pregnant Teen Awareness

Other_____.

ACTIVITIES:

1). Teen Nights 2). Summer Camp 3). Day Trips 4). Vocal Instruction

5). Dance Classes, 6). Visual Art 7). Multimedia Classes 5).Theatre

6). Fitness\ Zumba 7). Kayaking 8). Gymnasium 9). Learn to Swim

10). Martial Arts 11). Racquet Ball

Other_____.

Survey Administered By: _____ **Date:**_____.

SAC

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The Social Action Commission's Task Force of Mt. Zion A.M.E. Church **Located at 101 North Queen St. Dover, Delaware 19904** has administered a *Community Petition-Survey Assessment* in the **3rd** and **4th Council District Areas** such as **Manchester Square, Baytree Apartments, Mapleton Apartments, Town Point Apartments, Capital Green, New Street, Simon Circle, Lincoln St. Calvary Baptist Church and Mt. Zion A.M.E. Church** as of **January 17, 2014.**

****

The **Purpose of this Research** is to articulate the needs of the **East-Side of Dover, Delaware** in an effort to provide their community with an opportunity to be included and heard in the **City's Action Plan Process** for Dover Park and Recreational Facility, also known as White Oak Park.

The **Results of the Survey's Total Votes Cast** aims to help resolve the dilemma between the **Mayor** and **City Council, In addition, to monitor the spiritual and social impact of the City's Process of Action for Implementing Programs and Activities on the East-Side of Dover, Delaware.**

In Fact, 50% of the **Mayor's eight (8) key points of interest** regarding the ***City of Dover's Comprehensive Plan of Action*** for Dover Park is addressed and identified for the Mayor's Consideration.

SAC

PETITION SURVEY QUESTIONS & ANSWERES

****

➢ **The Results of the Survey's-Casts Votes**

➢ 1 - 300 **are as follows:**

1. Do you agree that the City of Dover Park and Recreational Facility should be demolished?

   [YES or NO?] **Yes=54** (or) **No=246**

2. Should the City of Dover replace the current recreational facility with a new modern facility?

   [Yes or NO?] **Yes=234** (or) **No=66**

3. Do you know which Council Person represents your district in the City Voting Process?

   [YES or NO?] **Yes=132** (or) **No=168**

SAC

PROGRAMS DESIRED:	VOTES	PRIORITY
1). Family Counseling	**69**	{8}
2). Alcohol & Drug Prevention	81	{4}
3). Job Seeking Tips	**103**	{1}
4). Gang Prevention	73	{6}
5). Restorative Support	**37**	{10}
6). Teen Homelessness	76	{5}
7). Domestic Violence	**70**	{7}
8). Mentors For At-Risk Youth	86	{2}
9). Go to School Go to College	**82**	{3}
10).Race Relations Study Circle	37	{10}
11).Pregnant Teen Awareness	**62**	{9}

Note:

1. Number **(5).** Restorative Support and number **10**). Race Relations Study Circle had the same priority rating = 10
2. Survey-Votes Cast for All Programs Listed was assessed @ = 134 out of 300

SAC

ACTIVITIES:	VOTES	PRIORITY
1). Teen Night	**115**	{2}
2). Summer Camp	120	{1}
3). Day Trips	**106**	{3}
4). Vocal Instructions	51	{10}
5). Dance Classes	**69**	{8}
6). Visual Arts	48	{11}
7). Multimedia Classes	**46**	{12}
8). Theatre	64	{9}
9). Fitness/ Zumba	**92**	{4}
10). Kayaking	8	{14}
11). Gymnasium	**87**	{5}
12). Learn To Swim	86	{6}
13). Martial Arts	**82**	{7}
14). Racquetball	20	{13}

Note:

1. Survey-Votes Cast for All Activities Listed was assessed @ = **111** out of **300**

SAC

OTHER PROGRAMS LISTED BY SURVEY'S APPLICANTS

1. Mental Health
2. Marriage Counseling
3. Computer Programs
4. Helping Addict Teens to Clean-Up
5. Tutoring
6. Educational, Financial, Cultural, Budgeting, Marketing and Credit Investment Programs
7. Community Center for School Age Youth
8. Educational Opportunities for Young Children
9. Parenting Skills and Wide Topics throughout the Year
10. Free Meeting Facility
11. Police Gang Prevention
12. Understanding Our Political Process
13. Career and Goal Planning

SAC

OTHER ACTIVITIES LISTED BY SURVEY'S APPLICANTS

1. Introductory vocational training (masonry, carpentry, cooking, or electrical)
2. Youth Sports Team for Boys and Girls
3. Volleyball
4. Yoga
5. Pool Table
6. Boxing
7. Rehabilitate Tennis Courts
8. Racial and Cultural Activities
9. Horseback Ridding
10. A Place to live for Homeless Children
11. Mini-Gulf Course
12. Building Skills
13. Nutrition and Food Preparation
14. Teaching Team Building Skills
15. Food Aid
16. Room Rental At Fair-Cost For Social and Birthday Events
17. Go Back To Recess
18. Teen Night with Strict Safety Guidelines Well Planned and Implemented

SAC

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All Survey Materials from the Tallying Process to the Actual Copies of the Original Petition-Surveys will be submitted to the Dover Human Relations Commission's Assessment Chair Dr. Phyllis Edamatsu, Parks Recreation and Enhancement Committee, City Council and the Mayor of Dover [**Mr. Carlton Cary**]

- By **January 31, 2014.**
- ✓ For **Additional Information** Please Contact **Mt. Zion A.M.E. Church** Located at 101 North Queen St. Dover, Delaware 19904[**4th Council District**]

Attention to: Roy Sudler, Jr. **Social Action Commission Chairman**

(302) 736.9880 and or;

Pastor Ellis B. Louden – **Mt. Zion A.M.E. Church**

(302) 678.9478

UTILITY COMMITTEE

The Utility Committee Meeting was held on January 13, 2014 at 5:00 p.m. with Mr. Perza presiding in the absence of Chairwoman Williams. Members present were Mr. Slavin, Mr. Blakeman, and Mr. Snaman. Members of Council present were Mr. Dixon and Mr. Hutchison. Mayor Carey was also present (arrived at 5:10 p.m.).

AGENDA ADDITIONS/DELETIONS

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

Request for Abandonment (Improved) - Budd Street - City of Dover

Mr. Scott Koenig, City Manager, advised members that City of Dover staff requested the abandonment of Budd Street, an improved street running east-west from South State Street to Kings Highway and located north of Weyandt Hall at 5 East Reed Street, and south of the former Dover Public Library at 45 South State Street and the City-owned property adjacent to South American Avenue. Members were provided a map depicting the right-of-way proposed for abandonment (noted in red).

Mr. Koenig explained that the abandonment of Budd Street would resolve mapping issues and lay the foundation for a potential re-subdivision or sale of the former Dover Public Library site. He stated that part of this right-of-way appears to have been abandoned years ago, possibly when Weyandt Hall (formerly the WSFS Building) was built; however, staff research and current mapping indicate that a ten foot (10') wide portion of Budd Street exists and is improved, since it includes the sidewalk area in front of the former library site.

Mr. Koenig stated that the Budd Street abandonment was subject to the Development Advisory Committee (DAC) review process and Public Works Department staff indicated that public utility easements would be required for the existing water and wastewater infrastructure located within the subject right-of-way. In accordance with City policy, half of the right-of-way, or five feet (5'), would be conveyed to the adjacent properties.

The Planning Commission recommended approval of the request for abandonment, as recommended by the Planning Staff. Public Works staff recommended: 1) abandonment of the subject right-of-way with conveyance of five feet (5') of said right-of-way to 5 East Reed Street, 45 South State Street and Tax Parcel Number ED-05-077.05-04-36.00 on South American Avenue, currently owned by the City of Dover, in conjunction with the provision of a public utility easement for each parcel; and (2) adoption of a Resolution by Council setting a public hearing regarding the proposed abandonment for February 10, 2014.

In response to Mr. Perza, Mr. Koenig explained that approval of the current request would abandon half of the right-of-way to each adjacent property, which would allow for future internal adjustments through sale or subdivision of the property.

Mr. Blakeman moved to recommend approval of staff's recommendation and adoption of a Resolution by City Council setting a public hearing regarding the proposed abandonment for February 10, 2014, as recommended by staff. The motion was seconded by Mr. Snaman and

unanimously carried. ***[City Clerk's Office Note: In accordance with the City's Procedure for Alley Abandonments, Resolution No. 2014-01 setting a Public Hearing (Attachment #1) will be presented to Council for consideration.]***

TEA/NAES Report (November)

The TEA/NAES Monthly Report for November 2013 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Referring to the Executive Summary on Page 1 of the report, Mr. Scott Koenig, City Manager, explained that the graph depicted that the City's actual power supply costs through the first five (5) months of Fiscal Year 2014 had been tracking slightly higher than budgeted and stated that staff would continue to monitor this issue. He noted that the City's actual load was tracking very close to what was anticipated with the new load numbers developed for Fiscal Year 2014.

As indicated during the Committee meeting of December 9, 2013, Mr. Koenig stated that staff was very concerned about the reactive service charge related to a reallocation of costs within the PJM grid, which had affected a number of entities. He informed members that Mr. Robert Trinnear, Director of Risk Management and Financial Trading, The Energy Authority (TEA), was scheduled to attend the January 27, 2014 Committee meeting to discuss the issues associated with the charge.

Referring to the YTD Variance Report on Page 12 of the report, Mr. Koenig noted that, so far this year, the City was running approximately $473,000 over budget for the total utilities cost. He expressed concern with this overage and indicated that staff was monitoring this issue, but that the cost was being driven by the reactive service charge. TEA and other effected entities have been in serious discussions with PJM to determine why this cost is impacting these entities in this manner. Mr. Koenig explained his understanding that there were some changes to the cost formulas and allocations, and these increases seem to have been unexpected; however, he indicated that they are real charges which are unlikely to be readjusted.

Mr. Koenig reiterated that staff would continue to monitor these costs since the adjusted revenues and load budgets for Fiscal Year 2014 are very tight. He stated that the City was steadily under budget every month last fiscal year.

Mr. Blakeman expressed his appreciation for the inclusion of the alphabetical listing of the PJM charges and the addition of the summary of the accounts.

Mr. Blakeman moved to recommend acceptance of the TEA/NAES Monthly Report for November 2013, seconded by Mr. Slavin and unanimously carried.

GARRISON OAK TECHNICAL PARK PROJECT UPDATES

Members were provided the following updates:

City Infrastructure

Mr. Scott Koenig, City Manager, stated that the City was in the final processes of getting all of the approvals ready for the Garrison Oak Technical Park infrastructure. He noted that the City received an approval from the Delaware Department of Transportation (DelDOT) approximately one week ago and staff was wrapping up all of the final approvals so that the final plan package could be stamped as approved. Mr. Koenig explained that bids were received last week and staff was currently reviewing those bids; however, the bids appeared to be a little higher than anticipated and they were working to determine whether any value engineering could take place. In the near future, staff will be bringing these bids before Council either to request bid approval or a budget adjustment in order to bring the bids forward for approval.

Calpine Energy Center

Mr. Scott Koenig, City Manager, informed members that staff was continuing weekly conference calls with Calpine and construction seemed to be on schedule. Last week, Calpine indicated that all of the heavy hauls that were coming in by barge through Leipsic and being transferred down Route 9 and White Oak Road were completed. He stated that this had been a major concern for him and the successful completion of the deliveries was a major milestone. Mr. Koenig credited the contractors and all of the agencies associated with the move for the flawless completion of the deliveries. He noted that a number of deliveries remained, including some oversized deliveries, but that they would all be tractor trailer loads.

Additionally, Mr. Koenig informed members that staff was finishing up the easement work for the radio transmission line, which will run from the Garrison Energy Center to the Cartanza Substation. The administrative plans for the water tower had been signed off on and staff expected construction to begin soon. He stated that a lot of construction activity was planned for this area, including Calpine and City infrastructure, and there was also potential for Uzin Utz to start construction in the coming months. Mr. Koenig noted that The Energy Center was moving forward with the critical date of June 2015, when Calpine will transmit energy to the grid.

In response to Mr. Blakeman, Mr. Koenig explained that the route for the radio transmission line had been laid out, staff had completed all of the easement preparation, as well as the appraisals of the easements, and had the official alignment. At this time, staff was only awaiting final signatures.

Responding to Mr. Hutchison regarding construction of the water tower, Mr. Koenig stated that the whole contract was for approximately 400 days, so by the end of this year the tower should be ready for operation.

Dover Sun Park

Mr. Scott Koenig, City Manager, noted that members were provided a spreadsheet - Electric Revenue Fund, FY14 - White Oak Solar Park Incremental Cost, based on previous requests and comments. He advised members that the incremental Sun Park cost, from July through November, was $196,192. Mr. Koenig explained that the incremental Sun Park cost reflects the increased cost to the City as a result of using solar energy, compared to the amount that would have been paid if

the City used regular fossil fuel. He stated that solar energy is necessary for the City to meet the demands under the regional portfolio standards, as well as to comply with the Governor's legislation for renewables. While it is more expensive, it is performing as expected.

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

Meeting adjourned at 5:12 p.m.

Adam M. Perza
Acting Chair

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Attachment
Attachment #1 - Proposed Resolution No. 2014-01 - Setting a Public Hearing for Abandonment of Improved Right-of- Way - Budd Street

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2014-01

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN IMPROVED STREET 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 favors the vacating and abandoning of Budd Street, as specified below:

Adjacent to 5 East Reed Street (ED-05-077.05-04-35.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public street running in a west to east direction, located to the north of East Reed Street, said portion of street beginning at a point identified as the northwest corner of Parcel No. ED-05-077.05-04-35.00; thence running with Parcel No. ED-05-077.05-04-35.00 North 86 degrees 32 minutes East 282.39 feet along the southerly line of the 10' wide street to the northeast corner of Parcel No. ED-05-077.05-04-35.00; thence running North 7 degrees 5 minutes West 5 feet crossing into said 10' wide street to a point in the center of the street, opposite the northeast corner of Parcel No. ED-05-077.05-04-35.00; thence running South 86 degrees 32 minutes West 282.39 feet parallel to the southerly line of the 10' wide street to a point; thence running South 7 degrees 5 minutes East 5 feet to the southerly side of the 10' wide street, being the point and place of beginning and containing 0.0324 acres (1,411.95 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 45 South State Street (ED-05-077.05-04-33.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public street running in a west to east direction, located to the east of South State Street, said portion of street beginning at a point identified as the southwest corner of Parcel No. ED-05-077.05-04-33.00; thence running with Parcel No. ED-05-077.05-04-33.00 North 86 degrees 32 minutes East 173.5 feet along the northerly line of the 10' wide street to the southeast corner of Parcel No. 05-077.05-04-33.00; thence running South 7 degrees 5 minutes East 5 feet crossing into said 10' wide street to a point in the center of the street, opposite the southeast corner of Parcel No. 05-077.05-04-33.00; thence running South 86 degrees 32 minutes West 173.5 feet parallel to the northerly line of the 10' wide street to a point; thence running North 7 degrees 5 minutes West 5 feet, being the point and place of beginning and containing 0.0199 acres (867.5 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Draft

Adjacent to ED-05-077.05-04-36.00

Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public street running in a west to east direction, located to the west of South American Avenue, said portion of street beginning at a point identified as the southwest corner of Parcel No. ED-05-077.05-04-36.00; thence running with Parcel No. ED-05-077.05-04-36.00 North 86 degrees 32 minutes East 108.89 feet along the northerly line of the 10' wide street to the southeast corner of Parcel No. 05-077.05-04-36.00; thence running South 7 degrees 5 minutes East 5 feet crossing into said 10' wide street to a point in the center of the street, opposite the southeast corner of Parcel No. ED-05-077.05-04-36.00; thence running South 86 degrees 32 minutes West 108.89 feet parallel to the northerly line of the 10' wide street to a point; thence running North 7 degrees 5 minutes West 5 feet, being the point and place of beginning and containing 0.0125 acres (544.45 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Section 2. The Council of the City of Dover will sit on Monday, February 10, 2014, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 130, Volume 77, Laws of Delaware).

Section 3. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

ADOPTED: *

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CARLETON E. CAREY, SR.	DAVID L. BONAR
MAYOR	COUNCIL PRESIDENT

Actions History:
January 27, 2014 - Introduced at City Council

Draft

Budd Street
Proposed Right-of-Way Abandonment



0 40 80 160 Feet

N

Legend

- Dover Parcels
- Storm Sewer Inlet
- Storm Sewer Manhole
- Hydrants
- Storm Sewer Pipe
- Water Main
- Hydrant Line
- Overhead Electric Pole
- Underground Electric Lines
- Overhead Electric Lines
- Sanitary Sewer Manholes
- Sanitary Sewer Line
- Budd St

Date Printed: November 13, 2013
File: m:\gis_data\projects/tech_mxds
\st_abandonment_map_budd_st
Department: Public Works GIS
City of Dover, Delaware

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 13, 2014, at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Bonar (arrived at 6:01 p.m.), Mr. Dixon, and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

Transfer of Davis Estate Donation to the Dover Library Foundation

Mr. Scott Koenig, City Manager, explained that the Dover Public Library was an heir to the estate of Mrs. Sata Davis and a beneficiary of the Frank Davis Trust. The estate's executor, Ms. Patricia Mercer, sent the Library's portion of the estate and the trust, in the amount of $61,735.80, to the City of Dover and the funds were deposited in an escrow account. At the December 12, 2013 meeting of the Dover Library Foundation Board, members voted to request City Council to transfer the funds from the Davis Estate to the Dover Library Foundation to support its mission in accordance with its by-laws.

Mr. Koenig stated that it was Deputy City Solicitor William Pepper's opinion, upon reviewing the will, that the decedents' intent was to benefit the Library.

Mr. Koenig advised members that the topic of future donations was also discussed during the Dover Library Foundation Board meeting. He noted that all current fundraising uses the Dover Library Foundation as the beneficiary; however, it was believed that it was likely that the Dover Public Library would continue to be identified as a beneficiary for years to come. Dover Library Foundation members voted to direct the Library Director to work with the City Manager and Council liaison to craft a policy to be proposed to the City Council to determine how future contributions to the Dover Public Library would be handled. Mr. Koenig indicated that a policy to address future donations would be presented for consideration once it could be drafted and reviewed.

Mr. Koenig stated that the issue at hand was whether Dover City Council would like to retain the right to decide how the donated funds would be spent to benefit the Dover Public Library. The Foundation had requested that this large donation be transferred to the Foundation so that it could be made part of the endowment to benefit the Dover Public Library, in accordance with the resolutions that were adopted previously by City Council. *(City Clerk's Office Note: During the City Council meeting held on January 12, 2009, Council adopted Resolution No. 2009-03 which created the Dover Library Foundation, and during the City Council Meeting held on February 11, 2013, Council adopted Resolution No. 2013-04 which amended Resolution No. 2009-03 to allow management of Dover Library Foundation accounts and funds to be conveyed to the Foundation.)*

Mr. Koenig recommended that the proceeds of the Davis estate that were gifted to the Dover Public Library be transferred to the Dover Library Foundation, as requested by the Dover Library Foundation, and that a policy be drafted that will outline how future donations of this nature will be handled.

Responding to Mr. Hare regarding how donations are currently managed, Mr. Koenig explained that if a gift were donated specifically to the Dover Library Foundation, the money would go to the Foundation and the by-laws of the Foundation would determine use of these funds; however, if the donation were made to the City of Dover to benefit the Library, the funds would come to the City of Dover. He stated that the donation under discussion was made to the "Dover Public Library," which did not exist as a corporate entity; however, the intent of the gift was to benefit the library.

Mr. Lynn noted that since the Dover Library Foundation is a relatively new entity, many wills and estate documents will reference the Dover Public Library versus the Dover Library Foundation.

Mr. Lynn questioned if the Dover Library Foundation was a third-party, private entity. Responding, Mr. Koenig stated that it is a 501(c)(3) corporation and its creation was authorized by City Council. The Foundation has its own by-laws and governing board. Mr. Koenig explained that he and Ms. Margery Cyr, Library Director, serve on the Foundation's Board.

Mrs. Donna Mitchell, Controller/Treasurer, expressed concerns regarding the donation. She noted that the financial policies for the City require that any infrequent or non-recurring items go toward capital projects. She explained, for example, that donations received for parks and recreation have been designated for the Parkland Reserve Fund and donations for the Library have gone to the Library Reserve Fund that was started for construction of the library. The Davis bequest was received by the City and if Council chose to direct it to the Library, it would be transferred to the Library as a contribution. Mrs. Mitchell felt that the Dover Library Foundation's request would not be in line with the City's cash contribution financial policy. She stated her understanding that the Foundation would like to invest the funds for future capital and noted that this was exactly what the City would do with the same amount of money; however, if the City invested it for those needs, it would be under the auspices of the City's investment policy. In addition, Mrs. Mitchell stated that giving funds to an outside entity could create controversy in light of the current challenging economic times.

Mr. Slavin expressed his opinion that the City's fiscal policies could not undo the will of those donating funds, noting that Council had taken the previous action of setting up the Library Foundation for the purpose of receiving donations and now found itself at a place where the "new world hasn't caught up with the old world" in regard to how money was being donated. He felt that an exception to the financial policy could be made and reminded members that Council had the power to do so.

In addition, Mr. Slavin stated that these funds would be invested for future capital needs. He stated his understanding that the funds would be placed in an endowment, which was vastly different from saying that they would be invested for the purpose of using them later for capital projects. Mr. Slavin noted that funds in an endowment would be invested and the purpose of the endowment would not legally allow them to be touched. He indicated that if the endowment were set up with the Delaware Community Foundation, the corpus of the endowment would be prevented from being raided for any purpose, noting that he would be much more comfortable with this arrangement than placing the funds inside the City government. The Delaware Community Foundation, through its

board of directors, could then determine what percentage of the interest could be used for the projects that they determine.

Mrs. Mitchell expressed her understanding that Council had the right to make exceptions. She explained that the Davis will was developed in 2012 and the Library Foundation was in existence prior to that; therefore, she felt that no one present could know the donors' intent.

Mr. Slavin reminded members that Mr. William Pepper, Deputy City Solicitor, had reviewed the will(s) and provided a legal opinion regarding the intent.

Mrs. Mitchell stated that Mr. Pepper's opinion was that the funds could be transferred to the Foundation but she was unsure if this was the donor's intent.

Responding to Mr. Lynn, Mrs. Mitchell confirmed that if the donation went to the City, the City would be a "flow-through entity" for the funds and there would be no adverse tax consequences.

Mr. Hare expressed his opinion that when funds are bequeathed to the Dover Public Library, these funds should go to the Dover Library Foundation unless they are designated for a specific purpose, such as to purchase new computers.

Mrs. Mitchell stated that if this approach were taken, she would prefer that Council make it clear that any similar donations in the future would go to the Delaware Community Foundation.

Mr. Hare stated that this should be in the policy unless a specific purpose is identified in the bequest.

Mrs. Mitchell stated her concurrence if this was Council's desire.

Mr. Shevock suggested that when an individual or organization notifies the City that funds will be bequeathed, that the City advise those involved to make the check out properly to eliminate the need to come before Council. Mrs. Mitchell noted that the City was unaware that this donation was pending. She suggested that if the City receives a check for the Dover Public Library, Mrs. Margery Cyr, Library Director, could provide clarification regarding how the donor wished the funds be used.

Responding to Mr. Slavin, Mrs. Mitchell confirmed that the City could manage any funds received by the Foundation that were not specifically directed to the endowment.

Mr. Lynn noted that the City was still ultimately responsible for capital improvements and would continue to need funds relative to capital improvement projects separate from the Foundation. Mrs. Mitchell confirmed this, however, she noted that the Foundation can always partner with the City on those improvements.

Mrs. Mitchell stated that there were no restrictions regarding the funds mentioned in the will.

Mr. Slavin moved to recommend acceptance of the donation from the Davis estate in the amount of $61,735.80 and that it be transferred to the Dover Library Foundation. The motion was seconded by Mr. Hare and unanimously carried.

Mr. Slavin moved that any future donations made to the City for the Dover Public Library, unless otherwise specifically cited, be transferred to the Dover Library Foundation. The motion was seconded by Mr. Hare.

Mr. Lynn advised members that the Dover Library Foundation was already contemplating an omnibus policy on this point and suggested that members wait to see what the Foundation had to say on this matter before proceeding.

Mr. Rushe noted that the second part of staff's recommendation was that the City Manager draft a policy that will outline how future donations of this nature would be handled.

Mr. Slavin withdraw his motion and Mr. Hare concurred.

Mr. Rushe moved to table the issue of the policy on future donations to the Dover Public Library until such time as the City Manager can meet with the necessary people to recommend a policy and that this policy be brought back to the Committee. The motion was seconded by Mr. Shevock.

Mr. Slavin encouraged staff to develop a "clean" process that is not confusing and that this be accomplished quickly since there was an audience of foundations and potential givers.

Responding to Mr. Lynn, Mr. Koenig stated his desire to return to the Dover Public Library Foundation to discuss the policy, which would be reviewed by Mr. Lynn as the Council liaison for the Foundation. He expected that it would return to the Committee by their meeting scheduled in approximately 30 days, or by the meeting scheduled subsequent to that date.

Mrs. Margery Cyr, Library Director, stated that this matter could be considered by the Dover Library Foundation and their response could be provided within 30 days.

Mr. Lynn suggested that information could be provided in the Dover Library Foundation newsletter to clarify that potential donors should make the distinction in estate documents regarding the recipients of donations.

Responding to Mr. Slavin, Ms. Cyr confirmed that the Dover Library Foundation was a 501(c)(3) organization.

On a call for the question, the motion to table the issue of the policy on future donations to the Dover Public Library until such time as the City Manager can meet with the necessary people to recommend a policy for review by the Committee was unanimously carried.

Proposed Plan to Cover Dangerous Building Demolition Costs

Mr. Scott Koenig, City Manager, advised members that, in an effort to improve the quality of life in various neighborhoods throughout the City, staff had placed a continuous effort on the removal of dangerous buildings. He noted that the FY 2014 had been very active and the City had spent or committed as much as $175,000 toward demolition efforts. Since the original budget was $140,000 for these efforts during FY 2014, Mr. Koenig proposed adjusting the budget to continue the demolition actions through the remainder of the fiscal year. He noted that the estimated demolition expenses for FY 2014 were $250,000.

Mr. Koenig stated that the $110,000 shortfall in the demolition budget could be made up by transferring $20,000 in unused salary and benefits from the Planning Office to the demolition budget and the remainder could come from other General Fund division personnel budgets. These funds were available due to a Planner II position being vacant for approximately four (4) months, as well as other vacancies in various General Fund divisions. Mr. Koenig reviewed the requested amendment and prior history of the City of Dover Demolition Program. He advised members that Mrs. Ann Marie Townshend, Director of Planning and Community Development, expected the demolition budget request for FY 2015 to be in the range of $150,000 - $175,000.

Mr. Koenig explained that the request was necessary because the City Manager did not have the authority to amend or adjust the 10 Series budgets for open salaries to move it down into the 20 and 30 series for operating expenses and Council action would be required to adjust these budgets.

Mr. Koenig requested that the City Manager be authorized to transfer unused salary and benefits in the amount of $20,000 from the Planning Division, as well as from other General Fund divisions throughout the City, to the demolition budget, which would increase the demolition budget from $140,000 to $250,000 for FY 2014.

Responding to Mr. Shevock, Mr. Koenig noted that the sale of the property does not typically happen in the same fiscal year that the demolition occurs. The City goes through the demolition process and places a lien against the property. He noted that it is sometimes two (2) to three (3) years before funds are received. Mr. Koenig estimated that the City had received approximately $80,000 - $90,000 per year in demolition receipts. He stated that some demolition expenses had been written off in the past because properties had been transferred to Central Delaware Habitat for Humanity. For practical purposes, demolitions are only considered as an expense. If revenue is recovered, it is considered a bonus. Mr. Koenig estimated the percentage of return at 50% or less.

In response to Mr. Lynn, Mr. Koenig stated that $20,000 would come from the Planning Department and the remaining $90,000 would come from other General Fund budgets, such as Public Works. He stated that he would be reviewing each of the General Fund division budgets and would develop an amendment. Mr. Koenig stated that he would make every effort to have the funding identified before the matter comes before Council on January 27, 2014.

Mr. Hare moved to recommend approval of staff's recommendation to authorize the City Manager to transfer unused salary and benefits in the amount of $20,000 from the Planning Division, as well as from other General Fund divisions throughout the City, to the demolition budget, which would increase the demolition budget from $140,000 to $250,000 for FY 2014. The motion was seconded by Mr. Rushe and unanimously carried.

Proposed Ordinance #2014-01 - Amendment to Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility

Mr. Scott Koenig, City Manager, explained that the City offers incentives to certain qualifying industries, businesses, and homeowners to expand or locate within the limits of the City, and business and property owners to improve their properties. Tax abatement incentives are offered to certain qualifying industries and businesses to expand or locate in the City, and persons purchasing residential real property (where they will reside) within a designated area. Additionally, in the Downtown Redevelopment Target Area, eligible projects may receive a full waiver of building permit fees, a full waiver of City impact fees (for multi-story mixed use development), and abatement of the property taxes on the improvements for a period of ten years. For commercial and industrial buildings, where there are renovations to establish a new business, projects may receive a 50% reduction in building permit fees, a 50% reduction in any applicable City impact fees, and abatement of the property taxes on the improvements for a period of ten years.

In recent years, some of the beneficiaries of these incentives have become delinquent on City taxes and there is no mechanism to revoke the outstanding incentives if property owners are delinquent. The proposed amendments would require compliance with the City's Clean Hands Ordinance and provide for the revocation of approved but unrealized incentives if the beneficiary of the incentives becomes delinquent on obligations owed to the City. The proposed amendments reference and are consistent with the City Clean Hands Ordinance, which prevents the City from issuing permits or establishing services for property owners who are delinquent on obligations to the City.

The proposed ordinance would also make tax exempt properties ineligible for the incentives.

Staff recommended adoption of Proposed Ordinance #2014-01.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2014-01, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried.

Request for Infrastructure Reimbursement - Wesley College

Mr. Scott Koenig, City Manager, stated that he had been working with Dr. William Johnston, President, over the past several months on project closeout issues associated with redevelopment around Wesley College. In December of 2012, the Dover City Council approved a construction contract in the amount of $96,411.75 with Corrado Construction, Co., to construct the Wesley College Streetscape Enhancement - Phase I. The project was funded by a Community Transportation Funds agreement in the amount of $148,604. In September 2013, City Council approved a final

change order on the project, which increased the total project cost to $125,574.34. In December of 2013, the City Manager received a request from Wesley College to be reimbursed for work that was completed within the City's North State Street Alley West right-of-way. This work was originally planned to be included in Phase I of the Streetscape Enhancement; however, scheduling conflicts between the College and the City prevented this work from being included in the scope of work for the Streetscape Enhancement - Phase I.

The City Manager and officials from Wesley College have met with representatives from the Delaware Department of Transportation (DelDOT) to determine whether these costs could be added to the Community Transportation Fund agreement; however, the expenses occurred before the agreement was signed; therefore, these expenses cannot be added to the current agreement. Senator Colin Bonini has indicated that he is willing to fund other public improvements within the City in an amount at least equal to the requested reimbursement; therefore, the City of Dover would not incur a net expense on the reimbursement. There are a number of sidewalk projects in the downtown area that can be funded using Community Transportation Funds.

The City Manager requested authorization from City Council to reimburse Wesley College for the expenses incurred in the City's right-of-way ($24,500 per letter dated December 20, 2013) provided Community Transportation Funds in an amount equal to or greater than $24,500 can be secured from area legislators to replace the funding associated with the reimbursement. The reimbursement will be issued using General Fund dollars associated with the City's Concrete Construction and Replacement Program (Project # ST1402).

Mr. Koenig stated that several sidewalk projects had been identified and were being estimated by staff to be forwarded to the legislators for funding and this reimbursement is tied to Community Transportation Funds.

Mr. Shevock questioned if the City would wait to obtain the funds from Senator Bonini before reimbursing Wesley College. Mr. Koenig stated that he would wait until he received a commitment on the agreements. He stated that 10% of the funds would be received when the agreement is signed and the rest of the agreement funds are typically received once an expense is incurred.

Mr. Bonar commended Mr. Koenig for working with the legislative contingent on suburban street funds, noting that many infrastructure issues and projects would have to be addressed in the next several months and the next fiscal year. He encouraged staff to keep an open dialogue and respond to their requests in a timely fashion.

Mr. Shevock moved to recommend authorizing the City Manager to reimburse Wesley College for the expenses incurred in the City's right-of-way, in the amount of $24,500 per letter dated December 20, 2013, provided that Community Transportation Funds in an amount equal to or greater than $24,500 can be secured from area legislators to replace the funding associated with the reimbursement. The reimbursement will be issued using General Fund dollars associated with the City's Concrete Construction and Replacement Program (Project # ST1402). The motion was seconded by Mr. Slavin and unanimously carried.

Proposed Grant-In-Aid Policy

Mrs. Donna Mitchell, Controller/Treasurer, advised members that, based on the requests of some members of Council, she developed a Grant-In-Aid policy. She noted that she had followed the State's policy and modified it to meet the City's parameters. Mrs. Mitchell advised members that if the policy were adopted, all of the documents included would merely have to be modified.

Mrs. Mitchell reviewed the presentation entitled City of Dover FY 20XX - Grant-In-Aid Instructions. Referring to Form 9 - Signature Page, she stated that Council would need to make a determination if they wished to specify the signature requirements for the policy. She noted that Item # 5 on Form 9 specifies "That this organization meets the criteria established and uses any Grant-In-Aid appropriated by the City Council in accordance with those provisions and any additional restrictions that may be set forth in the Grant-in-Aid policy." She noted that Council would need to establish this criteria. In addition, in regard to Form 10, she indicated that the State requires that a copy of the most recent audit prepared by a certified public accountant or public accountant accompany the application but allows for substitution of Sample Forms A-B-C. She indicated that Council should make a decision in this regard as well.

She noted that Council would also have to determine the timeline for applications, by whom they are reviewed, and the dates for submission in relation to the timing of the budget.

Mr. Slavin expressed appreciation for Mrs. Mitchell's efforts in developing the policy. He questioned if the City was obligated to have a Grant-In-Aid program. He stated that City could send out instructions stating that applications were not being invited this year because of current fiscal constraints; however, it would prepare the City for this to be done in the future and ensure that there would be a "level playing field" for applicants. He noted that there had been criticism about the way in which some organizations had received funds in the past and others did not.

Mr. Lynn, noting that there was a provision in the policy that requires any entity applying for a grant to supply an audit, asked if this language was in the State's policy. Responding, Mrs. Mitchell confirmed that it was. She also noted that the language allowed for a compilation statement by a certified public accountant or independent public accountant to be submitted in lieu of a copy of an audit with a management letter.

Mr. Hare questioned if this policy would preclude a "walk-in" applicant from requesting Grant-In-Aid funds. Responding, Mr. Slavin stated that the policy would create a uniform process for all applicants.

Mrs. Mitchell stated that if the Committee was in favor of the policy, she could incorporate dates and send out a notice indicating whether or not the City would be receiving applications.

Mr. Lynn asked if the entities that the City had historically provided funds to, such as the African American Festival and the Fourth of July Committee, would have to fill out the application in the future if the policy were adopted. Responding, Mrs. Mitchell stated that it would be Council's

decision whether to grandfather those entities in. Mr. Hare felt that these organizations should fill out the form at least the first time so that an audit would be provided.

Mr. Slavin stated that, at the State level, there was a moratorium on receiving new applications; therefore, only existing recipients of Grant-In-Aid could submit applications for a particular year.

Responding to Mr. Lynn, Mrs. Mitchell stated that these funds had been granted previously after being budgeted and approved by Council through the request of Council.

Mr. Slavin suggested that consideration of how Grant-In-Aid should be handled during the upcoming fiscal year should be included in the annual budget discussions. Mrs. Mitchell suggested that this could be included in the Council Workshop being scheduled in March to discuss budget matters.

Mr. Bonar stated that the deadline for State Grant-In-Aid applications is November of each year so that they can be included in budget discussions. Noting that the City was already well into the budget process, he recommended that, starting with next fiscal year, applications be submitted no later than November 1st or November 15th, whichever Mrs. Mitchell deemed necessary. He concurred with Mr. Hare that all entities should submit an application and Mrs. Mitchell suggested that this also be discussed at the March Workshop.

Mr. Slavin moved for acceptance of the City of Dover FY 2015 Grant-In-Aid Application and procedures *(Attachment #1)*, seconded by Mr. Hare and unanimously carried.

Mr. Hare moved for adjournment, seconded by Mr. Rushe and unanimously carried.

Meeting adjourned at 6:20 p.m.

Sean M. Lynn
Chairman

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Attachments
Attachment #1 - City of Dover FY 2015 - Grant-In-Aid Application and Procedures

CITY OF DOVER

FY 2015 GRANT-IN-AID APPLICATION INSTRUCTIONS

Funding Requests Are Due No Later Than 4:30 p.m., Friday, November 1, 20xx.

City of Dover
Finance Department
P.O. Box 475
Dover, Delaware 19903
OR
Finance Department
Weyandt Hall
5 E. Reed Street, Suite 300
Dover, Delaware 19901

Applications can be downloaded from the City website

To save the document to your computer from the website you must do the following:

- Go the http://
- Click on the Grant-In-Aid Application link;
- Right-click on the Word document (FY15 GIA Application.doc);
- Left click on Save As or Save Target As;
- Select where to save the file.

For technical assistance for downloading document please call the Finance Department at 302-736-7015.

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FUNDING REQUESTS ARE DUE ON OR BEFORE FRIDAY NOVEMBER 1, 20xx.

This funding request format has been designed to provide for a tightly focused and informative presentation of the organization's request for funds based on a clear statement of the organization's purpose (or goals and objectives); a concise description, the financing requirements, and anticipated accomplishments for each of the programs or services being offered to meet these purposes; and the resulting total organization projections of income and expenses.

PLEASE READ ALL THE MATERIAL CAREFULLY BEFORE PREPARING THE REQUEST.

Additional supplemental material may be requested by the Grant-in-Aid Committee.

We are requesting that each organization provide the **original** and **one copy** of the funding request **and one copy of your most recent audit and the audit's management letter.**

DO NOT SUBMIT TAX FORMS.

Please number each page and indicate organization name on each page. Please do not staple your application.

GENERAL DIRECTIONS

1. Fiscal Year - Your budget request from the State of Delaware is for the period July 1, 2014 through June 30, 2015.

   Information involving audited data or historical financial data will be based on your organization's fiscal year. The information for prior year would be taken from your organization's audit.

   PLEASE NOTE:

   Organizations using fiscal years should apply the following:

Prior Year -	FY 2013
Current Year -	FY 2014
Proposed Year -	FY 2015

   Organizations using calendar years should apply the following:

Prior Year -	2012
Current Year -	2013
Proposed Year -	2014

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2. Rounding Figures - All figures should be rounded to the nearest hundred dollar.

3. Labeling - Please type the organization name clearly on each form as the forms may be separated during processing.

4. COMPLETE ENTIRE APPLICATION - ANSWER ALL QUESTIONS; EXPLAIN WHY A PARTICULAR QUESTION MAY NOT APPLY TO YOUR ORGANIZATION.

5. Forward completed application by November 1, 20xx, to:

Finance Department
Weyandt Hall
P.O. Box 475
Dover, Delaware 19903

OR

Controller/Treasurer
Weyandt Hall
5 E. Reed Street, Suite 300
Dover, Delaware 19901

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GUIDELINES FOR FY 2015 GRANTS-IN-AID

A. No funds will be appropriated for Child Day Care.

B. No funds will be appropriated for the purpose of relocation, purchasing buildings or rehabilitation or renovation of buildings.

C. In order for an organization to be considered for a Grant-In-Aid for FY 2015, the organization must:

1. Be incorporated, non-profit (or under umbrella of parent organization which is incorporated, non-profit). Your organization must be incorporated and in operation for at least two years prior to July 1, 2014.

2. Have By-laws that clearly state the purpose of the Corporation and include definition of duties of Board of Directors.

3. Have an active, community-represented, volunteer Board of Directors that sets policies, goals and objectives, and maintains minutes of regularly scheduled meetings and any special meetings. Have programs that are unduplicated, and satisfy unmet human needs of the community.

4. Have personnel policies, including job descriptions and classifications.

5. No organization shall use Grant-in-Aid funding to pay any part of an elected official's salary.

6. Have competent executives, competent staffing and reasonable facilities.

7. Practice non-discrimination.

8. Have accounting (budget) procedures and an annual audit.

9. Use funds in accordance with the application.

10. Demonstrate community support.

11. Request funds only for a program which does not receive full funding from other sources of revenue.

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Instructions: Form 1

MANAGEMENT ORGANIZATION

Official Name:	Indicate legal name of organization on Incorporation Certificate or other legal documents. Please list any additional names your organization uses-if a trade name or other operating name is used.
Address of Management Office:	Where should correspondence and checks, etc., be forwarded? **If you use a P.O. Box, please include your street address.**
Physical Address	This is to be provided in case a site visit by a member of the City Council or their staff is required.
Contact Representative:	List name, address, daytime phone number and e-mail address of the individual who would best be able to provide any additional information that may be requested.
Indicate:	Names of Directors and Officers.

Instructions: Form 2

ORGANIZATION BACKGROUND

Please provide the organization background in a concise narrative as follows:

1. Organization mission statement;
2. **Organization location(s), days and hours of operation.**

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Instructions: Form 3

REVENUE

This form requests the total revenue for your organization.

Note that the categories are by sources of revenue as follows:

Federal Government
State Government
City Government
In-Kind City Services (estimated value)
Investment
Sale of Materials Dues
Contributions or Donations
Miscellaneous Other

Also, Federal Government and State Government require further breakdowns as shown on the form. Be sure to include details on all sources for Federal and State Government revenues.

The total of all revenue should be shown on the Total Revenue Line.

Note that the GIA received for the prior and current fiscal years is requested. However, for the proposed year, Grant in Aid under City of Dover is blanked out. The GIA for the proposed fiscal year is to be reflected on Form 6, Line 6.

Instructions: Form 4

DISBURSEMENTS

This form is used to report all disbursements by your organization by category of disbursements.

The top portion of the page is used to report operating expenses of your organization.

The lower portion is used to report non-expense disbursements by various categories.

Total Expenses and the Total Non-Expense Disbursements should be reported on the Total Disbursement line at the bottom of the form.

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Instructions: Form 5

FEDERAL & STATE GRANTS

This form requests a reporting of all funding your organization has received through the Federal & State Grants.

List the project name, fiscal year in which the award was made, and the amount.

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Instructions: Form 6

SUMMARY

This report consolidates the revenue (Form 3) and disbursements (Form 4).

Line 1 Total revenue from Form 3.

Line 2 Total disbursements from Form 4.

Line 3 Operating surplus/deficit - difference between Line 1 and Line 2.

Line 4 Carryover - This line should reflect for the previous year's column the available balance from the beginning of the year.

For the current year's balance, this line should reflect the amount on Line 5 for the previous year.

For the proposed year, this line should reflect the amount on Line 5 for the current year.

Line 5 Net surplus/deficit - combine Lines 3 and 4.

Line 6 Grant-in-Aid Request. Please show awards for the previous year and current year in the first two columns. The amount of the Grant-in-Aid your organization is requesting should be reflected on this line for the proposed year.

If you are using more than one Form 7, the total of all these forms (Form 7, Line 12) should total Form 6, Line 6.

Line 7 **The total of all your programs (Line 7) should equal your Proposed Year Grant-in-Aid Request (Line 6).**

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Instructions: Form 7

PROGRAM INFORMATION

Note: One page is required for each program.

Line 1 Program Name & Target Population: indicate name of program and who the service is targeting. How do you make the target population aware of the service?

Line 2 Program Description - indicate the activities associated with this program.

Line 3 Which other community organizations provide this or similar services? Indicate what other community organizations are providing similar services.

Line 4 How will the program obtain its objective & how will the outcomes be measured? Describe how these activities will address the program description and how you will measure your success.

Line 5 What progress has been made in the past year to achieve program objectives? How successful were you in the last year in meeting program objectives?

Line 6 Number of people served.

Line 7 Service measure - what measurable means are there to reflect the service provided.

Example: Hours of training provided, nights of shelter provided.

Line 8 Amount of service provided - this should reflect the total number of people served by the measure selected.

Example: If ten people (the same people or different people) were trained for five hours per day, 250 days per year, the amount of service would be 12,500 hours of training.

Line 9 Program revenue.

Line 10 Program disbursements

Line 11 Difference between Lines 9 and 10.

Line 12 Program Grant-in-Aid - Proposed year should reflect that portion of Form 6, Line 6 that applies to this program.

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Instructions: Form 8

SCHEDULE OF POSITIONS & SALARIES

Please list all positions filled by your organization, the number of employees in each position, and the salary and salary range of each position.

Instructions: Form 9

LETTER OF BOARD APPROVAL

Indicate that your organization meets the provisions of the six conditions and the date that the application was approved by the Board of Directors of your organization.

FINANCIAL STATEMENT – Form 10

A copy of an audit along with the management letter or a compilation statement, by a Certified Public Accountant or independent Public Accountant, is requested. If this is unavailable, please complete the Sample Forms (A-B-C) in order to comply with the request for an audit.

The audit and the management letter or compilation statement should be for the fiscal year most recently completed.

DO NOT SEND TAX FORMS IN PLACE OF AN AUDIT OR FINANCIAL STATEMENTS.

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CITY OF DOVER
GRANT-IN-AID APPLICATION FORM

FY 2015

FUNDING REQUESTS ARE DUE NO LATER THAN (TIME, DAY, DATE).

Official Name of Organization: _____

Date of Incorporation: _____

9 digit Federal Employer Identification No.: ☐☐☐☐☐☐☐☐☐

Contact Representative: _____

Phone Number (daytime): _____

E-mail address: _____

	YES	NO
Are you a first time applicant?	☐	☐
Did you receive a Grant-in-Aid Award in Fiscal Year 2014?	☐	☐
If yes, does this application include a request to fund a new program?	☐	☐
Is your organization receiving or has your organization received Grant in Aid from other government agencies?	☐	☐

If yes, what is the total amount of Grant in Aid money received from other government agencies? $ _____

FORM 1

ORGANIZATION: _____ YEAR: 2015

MANAGEMENT ORGANIZATION

Official Name of Organization: _____

Address of Management Office: _____

_____

Street Address or Location: _____

Physical Location of organization for site visits _____

Phone Number: _____

Contact Representative:

Name: _____

Address: _____

Phone Number: (Daytime) _____

E-Mail Address: _____

Names of Board of Directors and Daytime Telephone Numbers:

_____

_____

_____

_____

Names of Officers and Daytime Telephone Numbers

_____

_____

_____

_____

FORM 2

ORGANIZATION: _____ YEAR: 2015

ORGANIZATION BACKGROUND

ORGANIZATION
MISSION STATEMENT: _____

_____

_____

_____

_____

_____

ORGANIZATION LOCATION(s) where services are actually provided, days and hours of operation for site visits.

_____

_____

_____

_____

_____

_____

FORM 3

ORGANIZATION: _____ YEAR: 2015

REVENUE

Revenue Source	Previous Year	Current Year	Proposed Year
FEDERAL GOVERNMENT			
MEDICARE			
MEDICAID			
GRANTS			
OTHER			
STATE GOVERNMENT			
GRANT IN AID			
CONTRACTS BY STATE AGENCY			
CITY OF DOVER			
GRANT IN AID			**XXXXXXXXXX**
OTHER (LIST)			
INVESTMENTS			
DIVIDENDS & INTEREST			
SALE OF ASSETS			
SALE MATERIALS			
DUES			
CONTRIBUTIONS or DONATIONS			
MISCELLANEOUS			
TOTAL REVENUE			

FORM 4

ORGANIZATION: _____ YEAR: 2015

DISBURSEMENTS

	Previous Year	Current Year	Proposed Year
EXPENSES			
Salaries			
Employee Benefits			
Payroll Taxes			
Professional Fees			
Supplies			
Telephone and Fax			
Postage			
Rent			
Utilities			
Repairs and Maintenance			
Printing and Publications			
Travel, Conferences and Meetings			
Dues			
Assistance to Individuals			
Grants and Awards (other than Grant in Aid)			
Other (List)			
Miscellaneous			
TOTAL EXPENSES			
NON-EXPENSE DISBURSEMENTS			
Equipment			
Vehicles			
Mortgage/Loans			
Investments			
Other			
TOTAL NON-EXPENSE DISBURSEMENTS			
TOTAL DISBURSEMENTS			

FORM 5

ORGANIZATION: _____ YEAR: 2015

5A. FEDERAL & STATE GRANTS

If you are a Federal/State Grant Recipient, please complete this form;

Name of Project	Fiscal Year	Amount
		$

FORM 6

ORGANIZATION: _____ YEAR: 2015

SUMMARY

		Previous Year	Current Year	Proposed Year
1	TOTAL REVENUE on Form 3			
2	TOTAL DISBURSEMENTS on Form 4			
3	OPERATING SURPLUS/DEFICIT			
4	CARRYOVER			
5	NET SURPLUS/DEFICIT			
6	**GRANT IN AID REQUEST**			

	Programs from Form 7 to be funded through Grant in Aid in FY 2015	Amount Requested
7	**TOTAL (THIS LINE SHOULD EQUAL LINE 6 OF PROPOSED YEAR COLUMN)**	

FORM 7

ORGANIZATION: _____ YEAR: 2015

PROGRAM INFORMATION

1. Program Name & Target Population: _____
2. Program Description: _____
3. Which other community organizations provide this or similar services? _____
4. How will the program obtain its objective & how will the outcomes be measured? _____
5. What progress has been made in the past year to achieve the program's objectives? _____

		Previous Year Award	Current Year Award	Proposed Year Request
6.	Number of People Served			
7.	Service Measure			
8.	Amount of Service			
9.	Program Revenue			
10.	Program Disbursements			
11.	Surplus/Deficit			
12.	Amount of Grant in Aid Requested for this Program			

FORM 8

ORGANIZATION: _____ YEAR: 2014

SCHEDULE OF ALL POSITIONS AND SALARIES SUPPORTING ACTUAL EXPENSES AND BUDGET ESTIMATES FOR AGENCY STAFF

Position Title	Number of Positions	Salary Range	Previous Salary	Current Salary	Proposed Salary
		$	$	$	$

FORM 9

ORGANIZATION: _____ YEAR: 2014

(ORGANIZATION)

AGREES:

1. To submit funding requests on the forms provided at the times designated and to participate in the allocations review process.

2. To provide an annual certified audit and other financial statements, service figures, and reports or audits as required by the City of Dover.

3. To cooperate with other organizations, both voluntary and public, in responding to the needs of the community and in promoting high standards of efficiency and effectiveness.

4. To submit accurate information with this application. NOTE: Any misstatement of facts may forfeit any remaining balance of grants due and/or future grants.

5. That this organization meets the criteria established (City Council will need to establish criteria for eligibility) and uses any Grant-in-Aid appropriated by the City Council in accordance with those provisions and any additional restrictions that may be set forth in the Grant-in-Aid policy.

6. This agency agrees to provide the City Controller/Treasurer with financial or programmatic information upon request.

This agreement has been read and approved at the meeting of the governing body of the

_____
(ORGANIZATION'S NAME AND DATE)

BY:

_____
(President or Chairman) DATE

Daytime Phone Number: _____

_____
(Executive Director) DATE

FORM 10

COPY OF MOST RECENT AUDIT

PREPARED BY INDEPENDENT CERTIFIED

PUBLIC ACCOUNTANT OR PUBLIC ACCOUNTANT

SAMPLE A-B-C ATTACHED MAY BE SUBSTITUTED FOR ABOVE IF RECENT AUDIT IS NOT AVAILABLE.

DO NOT SEND TAX FORMS

SAMPLE A

ORGANIZAITON: _____ YEAR: 2015

BALANCE SHEETS FOR FISCAL YEARS ENDING (MONTH) 2012 AND 2013

	(MONTH), 2012	(MONTH), 2013
ASSETS		
Cash		
Accounts Receivable		
Investments – at cost		
(market value $_____)		
PROPERTY AND EQUIPMENT – at cost		
Land		
Buildings and Improvements		
Furniture and Equipment		
Transportation Equipment		
Less Accumulated Depreciation		
TOTAL ASSETS		
LIABILITIES AND FUND BALANCES		
Accounts payable and accrued expenses		
Grants designed for future periods		
Fund balances		
Undesignated		
Designated		
TOTAL LIABILITIES AND FUND BALANCES		

SAMPLE B

ORGANIZATION: _____ YEAR: 2015

STATEMENT OF SUPPORT, REVENUE AND EXPENSES

AND CHANGES IN FUND BALANCES FOR YEARS ENDING JUNE 30, 2012 AND 2013

	(MONTH), 2012	(MONTH), 2013
PUBLIC SUPPORT AND REVENUE		
Contributions		
Allocated by United Way of DE		
Fees and grants from government agencies		
Other revenue (losses)		
Investment Income		
Gain(loss) on sale of investments		
Miscellaneous		
EXPENSES		
Program Services		
Supporting Services		
Management and General		
EXCESS (DEFICIENCY) OF PUBLIC SUPPORT		
AND REVENUE OVER EXPENSES		
FUND BALANCES		
Beginning of year previously reported		
End of Year		

SAMPLE C

ORGANIZATION: _____ YEAR: 2015

STATEMENTS OF FUNCTIONAL EXPENSES YEARS ENDING (MONTH), 2012 AND 2013

	Program Services	Supporting Services	Total Expenses Year ending (MONTH), 2012
Salaries			
Employee Benefits			
Payroll Taxes			
Professional Fees			
Supplies			
Telephone & Utilities			
Postage and Shipping			
Rent			
Maintenance			
Printing and Publications			
Travel			
Conferences & Meetings			
Assistance to Individuals			
Membership Dues			
Awards and Grants			
Miscellaneous			
Depreciation			

	Program Services	Supporting Services	Total Expenses Year ending (MONTH), 2013
Salaries			
Employee Benefits			
Payroll Taxes			
Professional Fees			
Supplies			
Telephone & Utilities			
Postage and Shipping			
Rent			
Maintenance			
Printing and Publications			
Travel			
Conferences & Meetings			
Assistance to Individuals			
Membership Dues			
Awards and Grants			
Miscellaneous			
Depreciation			

City of Dover
FY 20xx
Grant In Aid Instructions

Prepared by: Finance Department

Donna Mitchell, Controller/Treasurer

Application

- The application and instructions are available at the following website: http://
- If you need assistance downloading the application from the internet please contact the Finance Department at 302-736-7018.

Grant In Aid Cover Page

- Official Name of Organization
- Date of Incorporation
- 9 Digit Federal Employer ID Number
- Contact Representative
- Daytime Phone Number
- E-mail address
- First time applicant?
- Did you receive GIA in FY14?
- If yes, does this application include a request to fund a new program?
- Have you received GIA from other government agencies?
- If yes, amount received from other agencies?

Form 1 – Management Organization

- Official Name of Organization
- Address (where your check will be mailed) and phone number
- Physical location of service
- Contact representative
  - Name
  - Address
  - Daytime phone number
- Agency Name
- Names of Officers & Board of Directors and their daytime phone number

Form 2 – Agency Background

- Agency Mission Statement
- Agency Location(s)
  - Locations where services are actually provided, days and hours of operation for site visits.

Form 3 – Revenue

- Revenue sources for previous, current, and proposed year
- Include revenue from:
  - Federal Government
  - State Government
  - City Government
  - Other (List sources)
  - Investments
  - Sales
  - Dues
  - Contributions or Donations
  - Miscellaneous

Form 4 – Disbursements

- Expenses
  - Salaries, employee benefits, payroll taxes, etc.
- Non-expense disbursements
  - This is an expense that is not considered an operational expense.
  - For example – A principal payment on an asset (equipment, vehicle, mortgage, etc.)

Form 5 – Federal & State Grants

- If you have received other Federal or State Grants please fill out this page.
- Include the Name of Project, Year, and Funding Amount

- If you have not received these grants please go to Form 6.

Form 6 – Summary

- Summary information for previous, current, and proposed years:
  - Total Revenue (Form 3)
  - Total Disbursements (Form 4)
  - Operating Surplus/Deficit (calculated)
  - Carryover (balance from prior year)
  - Net Surplus/Deficit (calculated)
  - Grant In Aid Request
- At the bottom of the form name each program within your agency that will receive Grant In Aid Funds and the amount of your request that will go to each program.
- Note: Line 6 of the proposed year and Line 7 should be equal.

Form 7 – Program Information

- Program name and target population
- Program description
- Similar services provided by other agencies
- Describe program objectives and how outcomes are measured
- Describe the progress that has been made in the last year to achieve the program's objectives
- Lines 6 – 12 show the number of people served, service measures, amount of service, program revenue, program disbursements, surplus or deficits for the previous, current, and proposed years.
- Line 12 is the amount of funding requested for that specific program for FY2015.

Form 7 – Program Information (continued)

- Important Notes:
  - Line 12 should equal Lines 6 and 7 on Form 6
  - Use a new “Form 7” for each program
  - If more than one program is being funded through Grant In Aid the total of all Form 7’s should equal Line 6 and 7 on Form 6

Form 8 – Positions and Salaries

- Positions and Salary information for the prior, current, and proposed year:
  - Position Title
  - Number of positions
  - Salary ranges

Form 9 – Signature Page

- This form must be signed by the President or Chairman of the Board of Directors and the Executive Director

Form 10 – Audit Information

- A copy of our most recent audit prepared by an independent certified public accountant or public accountant must accompany your application.
- You may use sample forms A, B, or C if an audit is not available.

- Applications are due by _____
- THERE WILL BE NO EXTENSIONS!
- If you have questions contact
  - Donna Mitchell, Controller/Treasurer
  - Finance Department
  - 302-736-7018 or email dmitchell@dover.de.us

ACTION FORM

PROCEEDING: Utility Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: January 22, 2014
PREPARED BY: Scott D. Koenig, P.E., City Manager and William G. Neaton, Economic Dev. Manager
SUBJECT: Permanent Easement and Temporary Workspace Agreement – Eastern Shore Natural Gas
REFERENCE: N/A
RELATED PROJECT: Garrison Oak Technology Park
REVIEWED BY: Scott D. Koenig, P.E., City Manager and William G. Neaton, Economic Dev. Manager
EXHIBITS: Exhibit A – Permanent Easement Agreement; Exhibit B – Temporary Workspace Agreement; Exhibit C – Temporary Workspace Agreement; Exhibit D – Authorization to use existing utility easement in GOTP
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIME TIMETABLE: Immediate
RECOMMENDED ACTION: Authorize the City Manager or his designated staff to execute the easement agreement and other necessary agreements with Eastern Shore Natural Gas (ESNG) to facilitate the construction of the proposed 16" natural gas pipeline across lands owned by the City of Dover as depicted in the referenced agreements. Financial consideration for the easements shall be delegated to the City Manager and the City Manager will notify City Council of the results.

BACKGROUND AND ANALYSIS

The City proposes to grant a Permanent Easement as described in the Permanent Easement Agreement (Tax Parcel No.: LC-05-068.00-02-07.00-000 P/O) to Eastern Shore Natural Gas (ESNG) for the purpose of allowing Eastern Shore Natural Gas to construct a 16" natural gas pipeline to service the Garrison Energy Center (GEC). The location and description of the proposed permanent easement is detailed in Exhibit A.

In addition, the proposed construction will require the use of various temporary workspaces as described in Exhibit B and Exhibit C. Upon completion of the construction of the pipeline project, all rights conveyed to ESNG by these temporary workspace agreements will terminate.

Exhibit D allows ESNG to use a portion of an existing 40-foot wide utility easement that is generally described as being bisected by the lot line between Lot #7 and Lot #5, as shown on Plot Book 111/19 and on Plot Book 117/98.

Financial consideration for the easements and temporary workspaces is currently under negotiation; however, time is of the essence to begin construction.

Exhibit A

Tax Parcel No.: LC-05-068.00-02-07.00-000 P/O
Prepared By/Return To:
Century Engineering, Inc.
Attn: Cheryl Thomas
4134 N. DuPont Highway,
Dover, DE 19901
ESNG File No: PP-70R

PERMANENT EASEMENT AGREEMENT

THIS PERMANENT EASEMENT AGREEMENT, made this_____ day of _____, 2013, by and between City of Dover, a municipal corporation of the State of Delaware, (hereinafter called "Grantor"), and Eastern Shore Natural Gas Company, a corporation of the State of Delaware, its Successors and Assigns (hereinafter called "Grantee").

WITNESSETH, that for and in consideration of the sum of ONE DOLLAR ($1.00), lawful money of the United States of America paid to Grantor at the sealing and delivery of these presents, the receipt of which is hereby acknowledged, Grantor, intending to be legally bound hereby grants, specially warrants and conveys to Grantee, its successors and assigns, a perpetual and exclusive easement and uninterrupted right from time to time to place, erect, construct, install, use, operate, patrol, inspect, maintain, repair, reconstruct, alter, change the size of, renew, add to, relocate and remove, at will, a buried pipeline or pipelines and other appropriate facilities, accessories and appurtenances, including but not limited to valves, fittings, and all other appurtenant facilities necessary for the transportation of natural gas, now or in the future, on, over, under, through and across, all that certain 19,817 +/- square feet (0.4549 +/- acres) area of Grantor's lands, as shown on Grantee's Plan Exhibit "A", which is attached hereto and made a part hereof, said lands of Grantor situate in Little Creek Hundred, in Kent County, in and for the State of Delaware, as more fully described in Deed Book 327, Page 136 recorded in the Office of the Recorder of Deeds, in and for Kent County, in and for the State of Delaware, known as Tax Parcel Number LC-05-068.00-02-07.00-000.

With the prior consent of Grantor, Grantee may expand transmission service to include transport of oil, petroleum products or any other liquids, gases, or substances, which can be transported through a buried pipeline, along with communication cables, wires and appurtenances, now or in the future, on, over, under, through and across these lands as described in the attached Exhibit A. Said consent shall not be unreasonably withheld.

Grantee shall have the right from time to time to clear and entirely remove everything, including trees and buildings, from the said area of land that is described in this Permanent Easement Agreement and on the attached Exhibit A that may, in the judgment of Grantee, interfere with or endanger the aforesaid facilities; together also with the right of ingress and egress over Grantor's lands to the said area of land; provided, however,

Grantee, at Grantee's expense shall repair any damage to Grantor's property and compensate any remaining damages to crops, trees, or fences, resulting from the use of this land and restore it to the same condition, as reasonably possible.

With the prior consent of Grantor, Grantee may from time to time have the right to trim, cut or remove trees adjacent to the said area of land that may, in the judgment of Grantee, interfere with or endanger the aforesaid facilities; together also with the right of ingress and egress over Grantor's lands to the said area of land; provided, however, Grantee, at Grantee's expense shall repair any damage to Grantor's property and compensate any remaining damages to crops, trees, or fences, resulting from the use of this land and restore it to the same condition, as reasonably possible. Said consent shall not be unreasonably withheld.

Grantor does hereby covenant and agree that it will not erect or permit the erection of any building or structure, change the grade or otherwise limit, interfere with or obstruct Grantee's access to the said area or exercise of the rights hereby granted.

Grantee hereby agrees, as part of the consideration for the grant of this easement, that Grantee, its heirs, assigns and successors in interest, will indemnify and hold harmless Grantor, its heirs and assigns, from any and all suits, liability or claims of any character whatsoever, brought because of injuries or damages received or sustained by any person, property or entity on or relating to, the easement granted herein, or any work pertaining to the use of said easement, and/or any other actions relating to the Grantee's ownership, use or maintenance of said easement, unless such claim is determined to be caused by the Grantor's own negligence.

Grantee is a member of the local damage prevention "One Call" service in the states in which it operates. Before performing any work within the easement area or allowing others to do the same, Grantor must call the National "Call Before You Dig at "811" (One Call) service (or "Miss Utility") to request any underground utilities be properly located.

The Grantee shall provide the Grantor with a 2-week advance notice of non-emergency work on the pipeline. Notice shall be given by calling the City of Dover, Department of Public Works at (302) xxx-xxxx.

The rights granted herein may be assigned in whole or in part and the words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors, assigns, lessees and licensees, as the case may be. This Indenture contains the entire agreement between the parties.

Grantor hereby covenants and warrants that at the time of execution of this easement, is the owner in fee simple of the above-described area of land.

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the undersigned has duly executed this Indenture the day and year first above written.

GRANTOR:

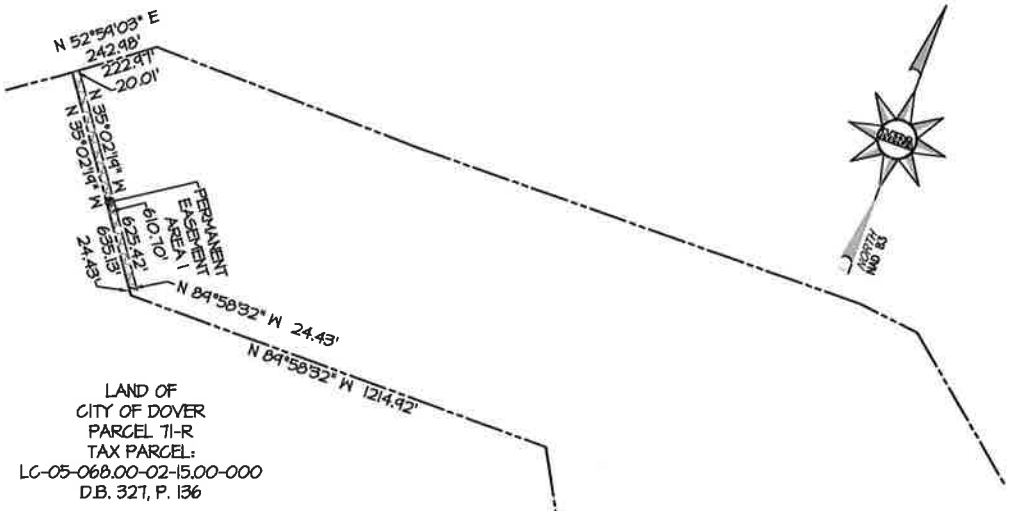
_____ _____ **(Seal)**
Witness **(NAME)**

STATE OF _____ :
: SS
COUNTY OF _____ :

BE IT REMEMBERED, that on this on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, _____, of the City of Dover, a municipal corporation existing under the laws of the State of Delaware, the Grantor to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed of said corporation, that the signature of the said _____ thereto is in his/her own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that this his/her act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said municipal corporation.

Given under my Hand and Seal of office the day and year first above written.

_____
Notary Public
My commission expires: _____



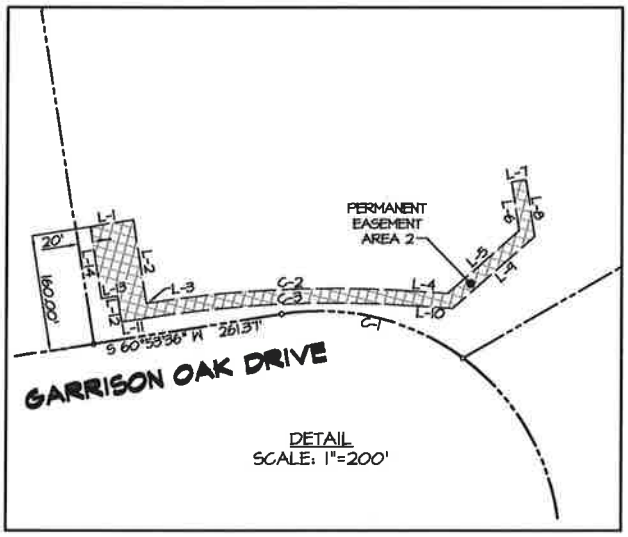
LAND OF
CITY OF DOVER
PARCEL 71-R
TAX PARCEL:
LC-05-068.00-02-15.00-000
D.B. 327, P. 136

PERMANENT EASEMENT
AREA 1 = 12,361 S.F. OR 0.2838 AC.±

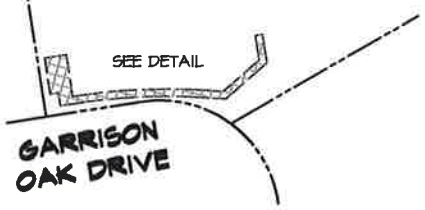
PERMANENT EASEMENT
AREA 2= 19,939 S.F. OR 0.4577 AC.±

N 29°05'10" W 1540.00'

LAND OF
CITY OF DOVER
PARCEL 70-R
TAX PARCEL:
LC-05-068.00-02-01.00-000
D.B. 327, P. 136



DETAIL
SCALE: 1"=200'



LINE TABLE

L-1	N 60°54'54" E 60.00'	L-8	S 29°04'32" E 78.82'
L-2	S 28°58'03" E 116.26'	L-9	S 28°47'01" W 144.92'
L-3	N 60°54'50" E 2.37'	L-10	S 73°47'01" W 58.24'
L-4	S 73°47'01" E 44.96'	L-11	S 60°54'50" W 39.81'
L-5	N 28°47'01" E 130.59'	L-12	N 29°05'10" W 36.26'
L-6	N 29°04'32" W 67.77'	L-13	S 60°54'50" W 22.12'
L-7	N 60°55'28" E 20.00'	L-14	N 29°05'10" W 100.00'

LEGEND

RIGHT-OF-WAY

PROPERTY LINE

AREA OF PERMANENT EASEMENT

CURVE TABLE

C-1 RAD.=330.00' ARC=262.41' CHORD=N 83°41'03" W 255.45'
C-2 RAD.=1610.00' ARC=361.63' CHORD=S 67°20'55" W 360.87'
C-3 RAD.=1590.00' ARC=357.14' CHORD = S 67°20'55" W 356.39'

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
21133 STERLING SQUARE, SUITE 7
GEORGETOWN, DE 19947
(302) 855-5734
FAX: (302) 855-0157

MRAGTA.COM

EXHIBIT A
PARCEL 70-R
CITY OF DOVER
WHITE OAK LATERAL

KENT COUNTY, DELAWARE

SCALE: 1" = 400'	DATE: 10/22/2013	DRAWN BY: PKB	DESIGN BY: CJF	REVIEW BY: GSP	JOB NO. : 17736

Exhibit B

Tax Parcel No.: LC-05-068.00-02-07.00-000
Prepared By/Return To:
Century Engineering, Inc.
Attn: Cheryl Thomas
4134 N. DuPont Highway
Dover, DE 19901
ESNG File No.: PP-70R

TEMPORARY WORKSPACE AGREEMENT

THIS TEMPORARY WORKSPACE AGREEMENT, made this _____ day of _____, 2013, by and between The City of Dover, a municipal corporation of the State of Delaware (hereinafter called "Grantor"), and Eastern Shore Natural Gas Company, a corporation of the State of Delaware, its Successors and Assigns (hereinafter called "Grantee").

WITNESSETH that for and in consideration of the sum of ONE DOLLAR AND 00/100 ($1.00) lawful money of the United States of America paid to Grantor at the sealing and delivery of these presents, the receipt of which is hereby acknowledged, Grantor, intending to be legally bound hereby grants, specially warrants and conveys to Grantee, its successors and assigns, a Temporary Workspace over an area of 157,322 +/- square feet (3.6231 +/- acres) as depicted on the attached Exhibit "A" drawing as Temporary Workspace Area 1, Area 2 and Area 3, said lands of Grantor situated in Little Creek Hundred, in Kent County, in and for the State of Delaware, as more fully described in Deed Book 327, Page 136 recorded in the Office of the Recorder of Deeds, in and for Kent County, in and for the State of Delaware, known as Tax Parcel Number LC-05-068.00-02-07.00-000.

The sole purpose of this Temporary Workspace Agreement, (hereinafter TWS) is to grant to Grantee a temporary right to use workspace on the above-described tract of land, for the installation of a natural gas pipeline and related facilities. No permanent facilities shall be installed on lands described in this TWS.

After construction, Grantee agrees to restore these lands as reasonably possible, to a similar condition as of the date of this TWS.

It is a condition of this TWS that it shall not be filed of record and that all rights conveyed to Grantee by this instrument shall terminate upon completion of construction of the pipeline project.

Grantee hereby agrees, as part of the consideration for the grant of this easement, that Grantee, its heirs, assigns and successors in interest, will indemnify and hold harmless Grantor, its heirs and assigns, from any and all suits, liability or claims of any character whatsoever, brought because of injuries or damages received or sustained by any person, property or entity on or relating to, the easement granted herein, or any work pertaining to the use of said easement, and/or any other actions relating to the Grantee's ownership, use or maintenance of said easement, unless such claim is determined to be caused by the Grantor's own negligence.

Any special considerations for the construction contractor are outlined on the attached Exhibit "B", which is attached hereto and made a part hereof.

IN WITNESS WHEREOF, the undersigned has duly executed this Indenture the day and year first above written.

GRANTOR:

_____ _____ **(Seal)**

Witness **By:**
Its:

GRANTEE:

Eastern Shore Natural Gas Company

_____ _____ **(Seal)**

Witness **By: David Kertis**
Its: Manager of Engineering, Procurement and Construction

STATE OF DELAWARE :
: **SS**
COUNTY OF KENT :

BE IT REMEMBERED, that on this on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, _____, of the City of Dover, a municipal corporation existing under the laws of the State of Delaware, the Grantor to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed of said corporation, that the signature of the said _____ thereto is in his/her own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that this his/her act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said municipal corporation.

Given under my Hand and Seal of office the day and year first above written.

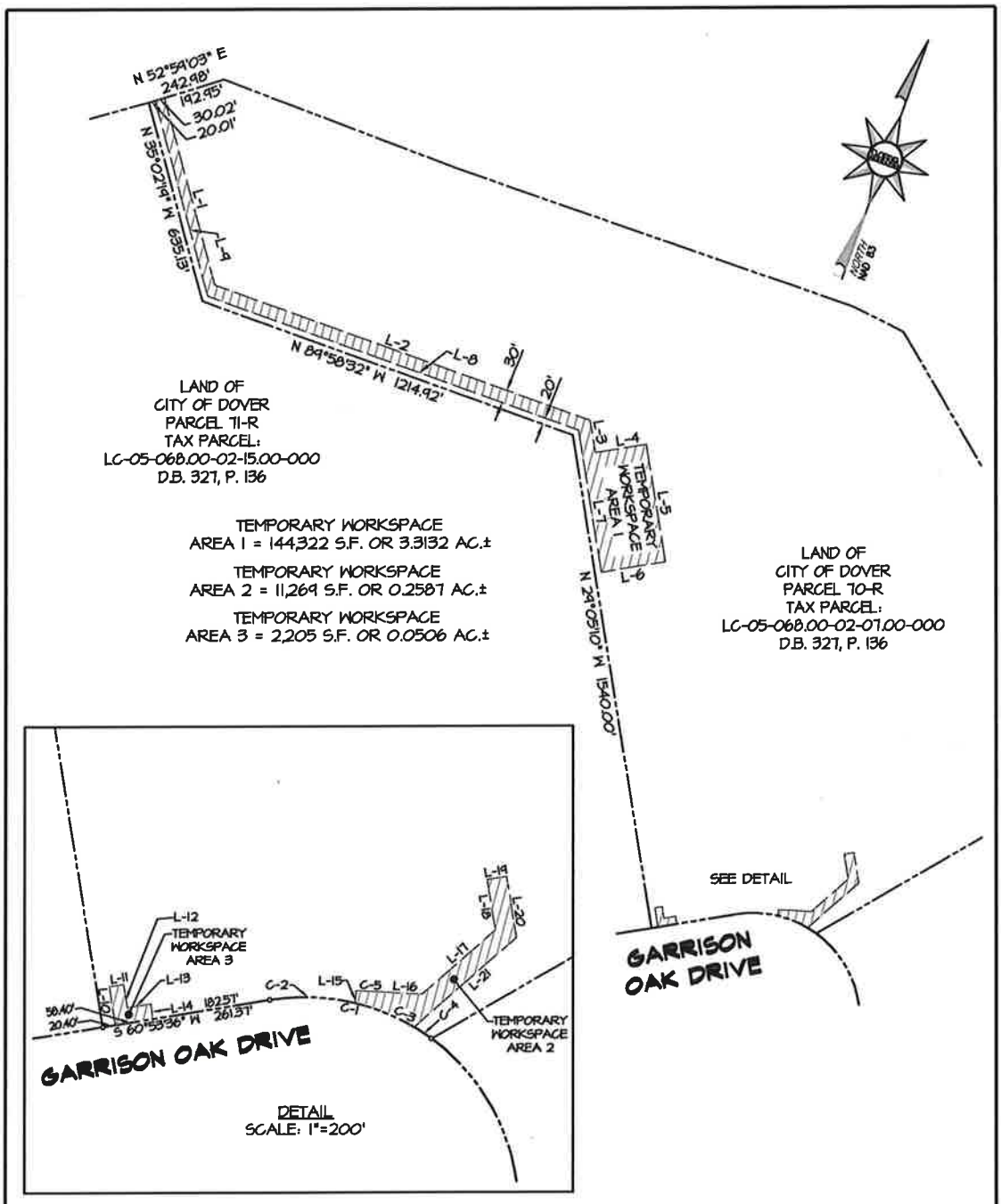
_____
Notary Public
My commission expires: _____

STATE OF DELAWARE :
: **SS**
COUNTY OF KENT :

BE IT REMEMBERED, that on this on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, David Kertis, Manager of Engineering, Procurement and Construction of Eastern Shore Natural Gas Company, a corporation existing under the laws of the State of Delaware, the Grantor to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed of said corporation, that the signature of the said David Kertis thereto is in his own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that this his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

Given under my Hand and Seal of office the day and year first above written.

_____
Notary Public
My commission expires: _____



DETAIL
SCALE: 1"=200'

LINE TABLE

L-1 S 35°02'19" E 598.71'	L-10 N 29°05'10" W 60.00'	L-19 N 60°55'28" E 30.00'
L-2 S 84°54'26" E 1230.98'	L-11 S 60°54'50" W 22.32'	L-20 S 29°04'32" E 95.41'
L-3 S 29°06'24" E 100.67'	L-12 N 29°05'10" W 36.26'	L-21 S 28°47'01" W 208.71'
L-4 N 60°53'36" E 160.01'	L-13 S 60°54'50" W 36.82'	
L-5 S 29°05'10" E 366.71'	L-14 S 21°18'24" E 23.76'	
L-6 S 60°54'50" W 200.00'	L-15 N 16°12'54" W 19.22'	
L-7 N 29°05'10" W 443.48'	L-16 S 73°47'01" W 58.24'	
L-8 N 84°58'32" W 1216.28'	L-17 S 28°47'01" W 144.92'	
L-9 N 35°02'19" W 625.42'	L-18 S 29°04'32" E 78.82'	

CURVE TABLE

C-1 RAD.=330.00' ARC=262.41' CHORD=N 83°41'03" W 255.45'
C-2 RAD.=330.00' ARC=131.73' CHORD=S 72°16'44" W 130.84'
C-3 RAD.=330.00' ARC=98.76' CHORD=N 87°42'37" W 98.40'
C-4 RAD.=330.00' ARC=31.92' CHORD=N 75°51'30" W 31.90'
C-5 RAD.=1590.00' ARC=43.70' CHORD=N 72°54'46" E 43.70'

LEGEND

RIGHT-OF-WAY
PROPERTY LINE
AREA OF TEMPORARY WORKSPACE

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
21133 STERLING SQUARE, SUITE 7
GEORGETOWN, DE 19947
(302) 855-5734
FAX: (302) 855-0157
MRAGTA.COM

EXHIBIT A
PARCEL 70-R
CITY OF DOVER
WHITE OAK LATERAL

KENT COUNTY, DELAWARE

SCALE: 1" = 400'	DATE: 10/22/2013	DRAWN BY: PKB	DESIGN BY: CJF	REVIEW BY: GSP	JOB NO. : 17736

EXHIBIT "B"

1. The Grantee will provide a minimum of a 2-week written notice of commencement of work. The notice may be hand delivered or sent via USPS Priority Mail with USPS Tracking at P. O. Box 475, Dover, DE 19903-0475. The Temporary Workspace Agreement for Tax Parcel No. LC-05-068.00-02-07.00-000 will remain in effect for a period of 12-months from the date of the scheduled commencement of work as stated in the written notice.

2. _____

3. _____

4. _____

5. _____

Exhibit C

Tax Parcel No.: LC-05-068.00-02-08.00-000 P/O
Prepared By/Return To:
Century Engineering, Inc.
Attn: Cheryl Thomas
4134 N. DuPont Highway
Dover, DE 19901
ESNG File No.: PP-73R

TEMPORARY WORKSPACE AGREEMENT

THIS TEMPORARY WORKSPACE AGREEMENT, made this _____ day of _____, 2013, by and between The City of Dover, a municipal corporation of the State of Delaware, (hereinafter called "Grantor"), and Eastern Shore Natural Gas Company, a corporation of the State of Delaware, its Successors and Assigns (hereinafter called "Grantee").

WITNESSETH that for and in consideration of the sum of ONE DOLLAR AND 00/100 ($1.00) lawful money of the United States of America paid to Grantor at the sealing and delivery of these presents, the receipt of which is hereby acknowledged, Grantor, intending to be legally bound hereby grants, specially warrants and conveys to Grantee, its successors and assigns, a Temporary Workspace over an area of 85,720 +/- square feet (1.9679 +/- acres) as depicted on the attached Exhibit "A" drawing, said lands of Grantor situated in Little Creek Hundred, in Kent County, in and for the State of Delaware, as more fully described in Deed Book 327, Page 136 recorded in the Office of the Recorder of Deeds, in and for Kent County, in and for the State of Delaware, known as Tax Parcel Number LC-05-068.00-02-08.00-000.

The sole purpose of this Temporary Workspace Agreement, (hereinafter TWS) is to grant to Grantee a temporary right to use workspace on the above-described tract of land, for the installation of a natural gas pipeline and related facilities. No permanent facilities shall be installed on lands described in this TWS.

After construction, Grantee agrees to restore these lands as reasonably possible, to a similar condition as of the date of this TWS.

It is a condition of this TWS that it shall not be filed of record and that all rights conveyed to Grantee by this instrument shall terminate upon completion of construction of the pipeline project.

Grantee hereby agrees, as part of the consideration for the grant of this easement, that Grantee, its heirs, assigns and successors in interest, will indemnify and hold harmless Grantor, its heirs and assigns, from any and all suits, liability or claims of any character whatsoever, brought because of injuries or damages received or sustained by any person, property or entity on or relating to, the easement granted herein, or any work pertaining to the use of said easement, and/or any other actions relating to the Grantee's ownership, use or maintenance of said easement, unless such claim is determined to be caused by the Grantor's own negligence.

Any special considerations for the construction contractor are outlined on the attached Exhibit "B", which is attached hereto and made a part hereof.

IN WITNESS WHEREOF, the undersigned has/have duly executed this Indenture the day and year first above written.

GRANTOR:
City of Dover

_____ _____ **(Seal)**
Witness **By:**
Its:

_____ _____ **(Seal)**
Witness **By:**
Its:

GRANTEE:

Eastern Shore Natural Gas Company

_____ _____ **(Seal)**
Witness **By: David Kertis**
Its: Manager of Engineering, Procurement and Construction

STATE OF DELAWARE :
: **SS**
COUNTY OF KENT :

BE IT REMEMBERED, that on this on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, _____, of the City of Dover, a municipal corporation existing under the laws of the State of Delaware, the Grantor to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed of said corporation, that the signature of the said _____ thereto is in his/her own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that this his/her act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said municipal corporation.

Given under my Hand and Seal of office the day and year first above written.

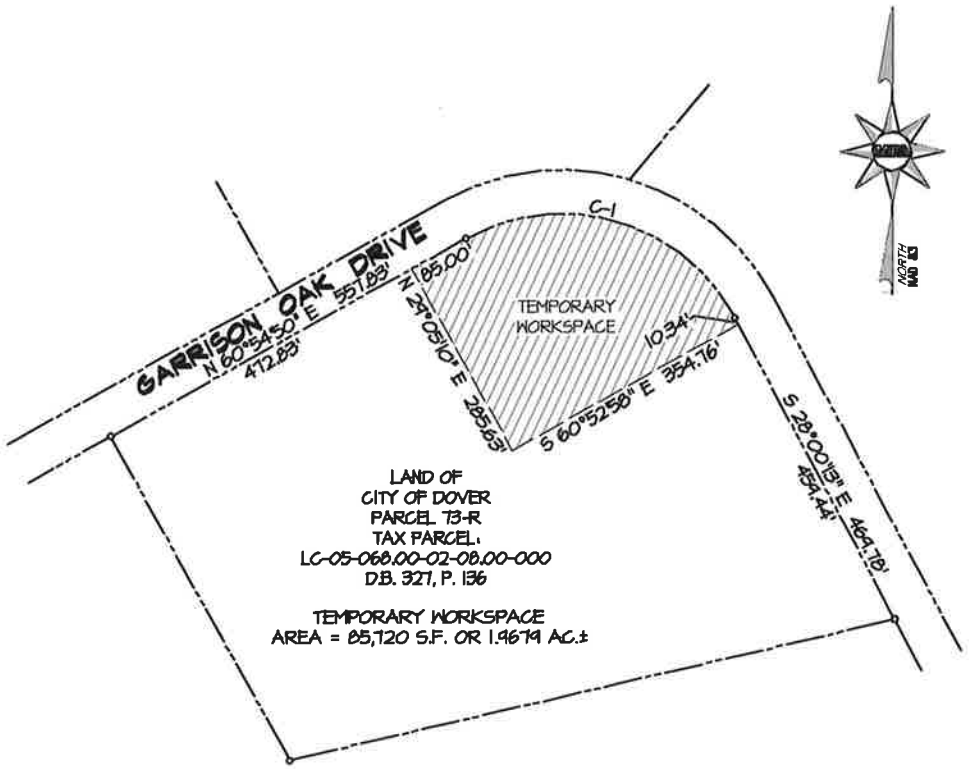
_____
Notary Public
My commission expires: _____

STATE OF DELAWARE :
: **SS**
COUNTY OF KENT :

BE IT REMEMBERED, that on this on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, David Kertis, Manager of Engineering, Procurement and Construction of Eastern Shore Natural Gas Company, a corporation existing under the laws of the State of Delaware, the Grantor to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed of said corporation, that the signature of the said David Kertis thereto is in his own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that this his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

Given under my Hand and Seal of office the day and year first above written.

_____
Notary Public
My commission expires: _____



CURVE TABLE

C-1 RAD.=270.00' ARC=429.22' CHORD=S 73°32'42" E 385.43'

LEGEND

RIGHT-OF-WAY

PROPERTY LINE

AREA OF TEMPORARY WORKSPACE

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
21133 STERLING SQUARE, SUITE 7
GEORGETOWN, DE 19947
(302) 855-5734
FAX: (302) 855-0157

MRAGTA.COM

EXHIBIT A
PARCEL 73-R
CITY OF DOVER
WHITE OAK LATERAL

KENT COUNTY, DELAWARE

SCALE: 1" = 200'	DATE: 9/24/2013	DRAWN BY: PKB	DESIGN BY: CJF	REVIEW BY: GSP	JOB NO. : 17736

EXHIBIT "B"

1. The Grantee will provide a minimum of a 2-week written notice of commencement of work. The notice may be hand delivered or sent via USPS Priority Mail with USPS Tracking at P. O. Box 475, Dover, DE 19903-0475. The Temporary Workspace Agreement for Tax Parcel No. LC-05-068.00-02-08.00-000 will remain in effect for a period of 12-months from the date of the scheduled commencement of work as stated in the written notice.

2. _____

3. _____

4. _____

5. _____

Exhibit D

EASTERN SHORE NATURAL GAS

City of Dover, Department of Public Works
Attn.: Sharon Duca, Director
15 Loockerman Plaza
Dover, DE 19903

RE: White Oak Lateral Gas Pipeline Project
Garrison Oak Technical Park Existing Utility Easement

Dear Ms. Duca:

The White Oak Lateral Gas Pipeline Project (WOL) involves the installation of approximately 5.5 miles of a new 16-inch natural gas pipeline beginning at ESNG's existing regulator station south of Cheswold and continuing to the City of Dover's Garrison Oak Technical Park (PARK).

The pipeline will transport natural gas to the electric generating plant being built by Calpine Energy Services at the PARK.

In order to install the pipeline on the Garrison Oak site and connect it to the generating plant, ESNG has proposed an alignment that includes use of a portion of an existing 40-foot Utility Easement (UTILITY EASEMENT). The UTILITY EASEMENT is generally described herein as being bisected by the lot line between Lot 7 and Lot 15, as shown on Plot Book 111/19 and on Plot Book 117/98. Said Plot Books are intended to be incorporated with this letter by reference.

By signature and date below, the City of Dover concurs with the installation of the said 16-inch natural gas pipeline by ESNG within the UTILITY EASEMENT.

Sincerely,

David Kertis
Engineering Procurement and Construction Manager

cc: Morris & Ritchie Associates, Inc.
Century Engineering, Inc.

Concurrence:

_____

Sharon Duca, Director, Public Works Date
City of Dover

1110 Forrest Avenue, Suite 201, Dover, DE 19904
(302) 734-6710 • Fax (302) 735-5601

ACTION FORM

PROCEEDING: Utility Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: January 22, 2014
PREPARED BY: William G. Neaton, Economic Dev. Manager & Scott D. Koenig, P.E. City Manager
SUBJECT: Easements and Rights-of-Way between City of Dover and Delmarva Power & Light Company
REFERENCE: N/A
RELATED PROJECT: Garrison Oak Technology Park
REVIEWED BY: Scott Koenig, City Manager and William G. Neaton, Economic Development Director for City of Dover
EXHIBITS: Document "A", Document "B", Document "C"
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIME TIMETABLE: Immediate
RECOMMENDED ACTION: Authorize the City Manager to execute the final versions of all components of Document "A", Document "B" and Document "C" for the granting of easements and rights-of-way to Delmarva Power & Light Company for the proposed construction, operation, and maintenance of power lines and structures associated with the transmission of electric power from the Garrison Energy Center (GEC) to the Cartanza substation. In addition, authorize the City Manager to amend the original lease between the City of Dover and the Garrison Energy Center, LLC to add the acres described within the documents (a total of 8.4301 acres) in accordance with the rents described in the lease.

BACKGROUND AND ANALYSIS

The City proposes to grant a series of easements and rights-of-way to Delmarva Power & Light Company for the proposed construction, operation, and maintenance of power lines and structures associated with the transmission of electric power from the Garrison Energy Center (GEC) to the Cartanza substation.

Document "A" describes:

Lot 6&7 (Tax Map No. LC-05-068.00-07.00 Lot 7 and LC-05-068.00-02-06.00 Lot 6), the lands within the Garrison Oak Technical Park, having been granted to Owner by deed dated August 30, 1999, which is recorded in Book 327, Page 136, filed in the Office of the Recorder of Deeds in and for Kent County, Delaware. (1.2494 acres – Lot 7); (2.1410 acres – Lot 6)

Shallow Well (Tax Map No. LC-059.00-01-28.01), the land on the east side of White Oak road, having been granted to Owner by deed filed November 1, 1990, which is recorded in Book C49, Page 84, filed in the Office of the Recorder of Deeds in and for Kent County, Delaware. (0.1872 acres)

Document "B" describes:

An easement of varying width on the Cartanza Substation Property (Tax Map No. LC-00-059.00-01-20.01 (Portion of)) as depicted in the document. (3.7300 acres)

Document “C” describes:

A shared easement and right-of-way across Tax Parcel No. LC-00-059.01-20.01. (1.1225 Acres +/-)

Each of these easements will be conveyed to Delmarva Power & Light Company for a nominal fee as described in the documents. In addition, the City Manager is seeking authorization to amend the original lease between the City of Dover and the Garrison Energy Center, LLC to add the acres described above (a total of 8.4301 acres) in accordance with the rents described in the document.

Document "A"

Tax Parcel No. LC -05-068.00-02-07.00 (Dover)
LC-05-068.00-02-06.00 (Dover)
LC-05-059 00-01-28.01 (Kent County)
(Lot 6 &7 & Shallow Well Easement)

Execution Copy

Prepared by and Return to:
John Watson
Calpine Corporation
500 Delaware, Suite 600
Wilmington, DE 19901

PERMANENT EASEMENT AND RIGHT OF WAY AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2014, by and between the CITY OF DOVER, a Delaware municipality, hereinafter called "Owner" being located at 15 Loockerman Street, Dover, Delaware 19901, and DELMARVA POWER & LIGHT COMPANY, a corporation of the State of Delaware and the Commonwealth of Virginia, whose address is Delmarva Power & Light Company, 500 N. Wakefield Drive, Newark, Delaware 19714-6066,

WITNESSETH, that for and in consideration of the sum of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, Owner does hereby give, grant, bargain, sell, and convey to DELMARVA, its lessees, successors, and assigns, a perpetual right of way, privilege and easement (collectively the "Rights of Way"), to construct, operate, maintain and replace lines for the transmission and/or distribution of electricity, including the right to install or erect towers, poles, cables, and other supports, to guy, brace, relocate, and maintain the same, and to string, stretch, suspend, and construct thereon wires, cross arms, attachments, equipment, accessories, and other fixtures and appliances, necessary or convenient for the transmission and/or distribution of electric current and any other cables, fiber optic and other wires and appurtenances necessary for electric related telecommunication purposes, but excluding any cellular installations or similar uses, (collectively all such improvements are defined as the "Line"), on, over, under, upon, and across certain tracts of land belonging to Owner, or in which Owner has an interest, located in the State of Delaware, County of Kent, City of Dover, which lands are located within the Garrison Oak Technical Park or abut the east side of White Oak Road being:

Lot 6&7 (Tax Map No. LC- -05-068.00-02-07.00 Lot 7 and LC -05-068.00-02-06.00 Lot 6), the lands within the Garrison Oak Technical Park, having been granted to Owner by deed dated August 30, 1999, which is recorded in Book 327, Page 136, filed in the Office of the Recorder of Deeds in and for Kent County, Delaware.
Shallow Well (Tax Map No. LC-059.00-01-28.01), the land on the east side of White Oak Road, having been granted to Owner by deed filed November 1, 1990, which is recorded in Book C49, Page 84, filed in the Office of the Recorder of Deeds in and for Kent County, Delaware.

Specific reference is made to a description, plan or sketch locating said Rights of Way, prepared by Becker Morgan Group, dated August 19 & 21, 2013, attached hereto as Exhibit "A (Lot 7 Plant Take off Structure & Transmission Areas),B (Legal Description for Plant Take off Structure), C (Legal Description for Lot 7 Transmission Area), D (Lot 6 Transmission) & E (Lot 6 Transmission Legal Description), F (Shallow Well Area Transmission), G (Shallow Well Legal Description)" and made part of this document.

Together with the right to patrol, inspect, alter, improve, repair, rebuild, add to, relocate, replace, and remove such poles, supports, wires, cross arms, attachments, equipment, accessories, fixtures, and appliances, and all full enjoyment or use thereof, for the purpose above described, including the right of ingress and egress to, on, over, under, upon and across said Rights of Way, and the right, but not the obligation, to trim, cut, remove, and keep clear any and all trees, limbs, undergrowth, and other obstructions, including structures of all kinds, upon said Rights of Way, that may, in any way, now or hereafter, in the opinion of DELMARVA, endanger or in any way interfere with the proper construction or reconstruction, operation, or maintenance of said Line or in any way impede the access thereto. Owner shall have no right to relocate any of the Rights of Way.

Owner shall not erect or permit the erection of any structures and/or facilities within the limits of the area of the Rights of Way, except the Owner's existing shallow well building on the east side of White Oak Road, without the express written consent and approval of DELMARVA. Notwithstanding the above, Owner shall have the right to use the Rights of Way area for any lawful purpose not inconsistent with or in contravention of the rights hereby conferred upon DELMARVA.

DELMARVA shall pay Owner for any damage done by DELMARVA to crops, roads, fences, bridges, or other improvements of Owner while constructing or making repairs to or reconstructing or removing said Line.

Owner covenants that Owner has the right to convey said Rights of Way, that DELMARVA shall have quiet and peaceful possession, use, and enjoyment of said Rights of Way and the rights hereby conferred, and that Owner will execute such other further assurances thereof as may be requisite.

IN WITNESS WHEREOF, Owner and DELMARVA have hereunto affixed our hands and seals the day and year aforesaid.

OWNER:

THE CITY OF DOVER

_____
Name:

_____
Title: _____
Date: _____

DELMARVA:

DELMARVA POWER & LIGHT COMPANY

_____
Name:
Title: Vice President
Date: _____

It is further agreed that this Agreement and any rights and interest acquired pursuant hereto shall be binding upon and inure to the benefit of Owner and DELMARVA and their respective heirs, personal representatives, successors, and assigns, and same shall run with the land.

THE REMAINDER OF THE PAGE IS LEFT INTENTIONALLY BLANK.

STATE OF DELAWARE)
) SS.
COUNTY OF KENT)

BE IT REMEMBERED, that on this _____ day of _____, 2014, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid ,_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity with the CITY OF DOVER, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument. I certify under penalty of perjury under the laws of the State of Delaware, that the foregoing paragraph is true and correct.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

My commission expires: _____

_____
Notary Public
Print Name: _____

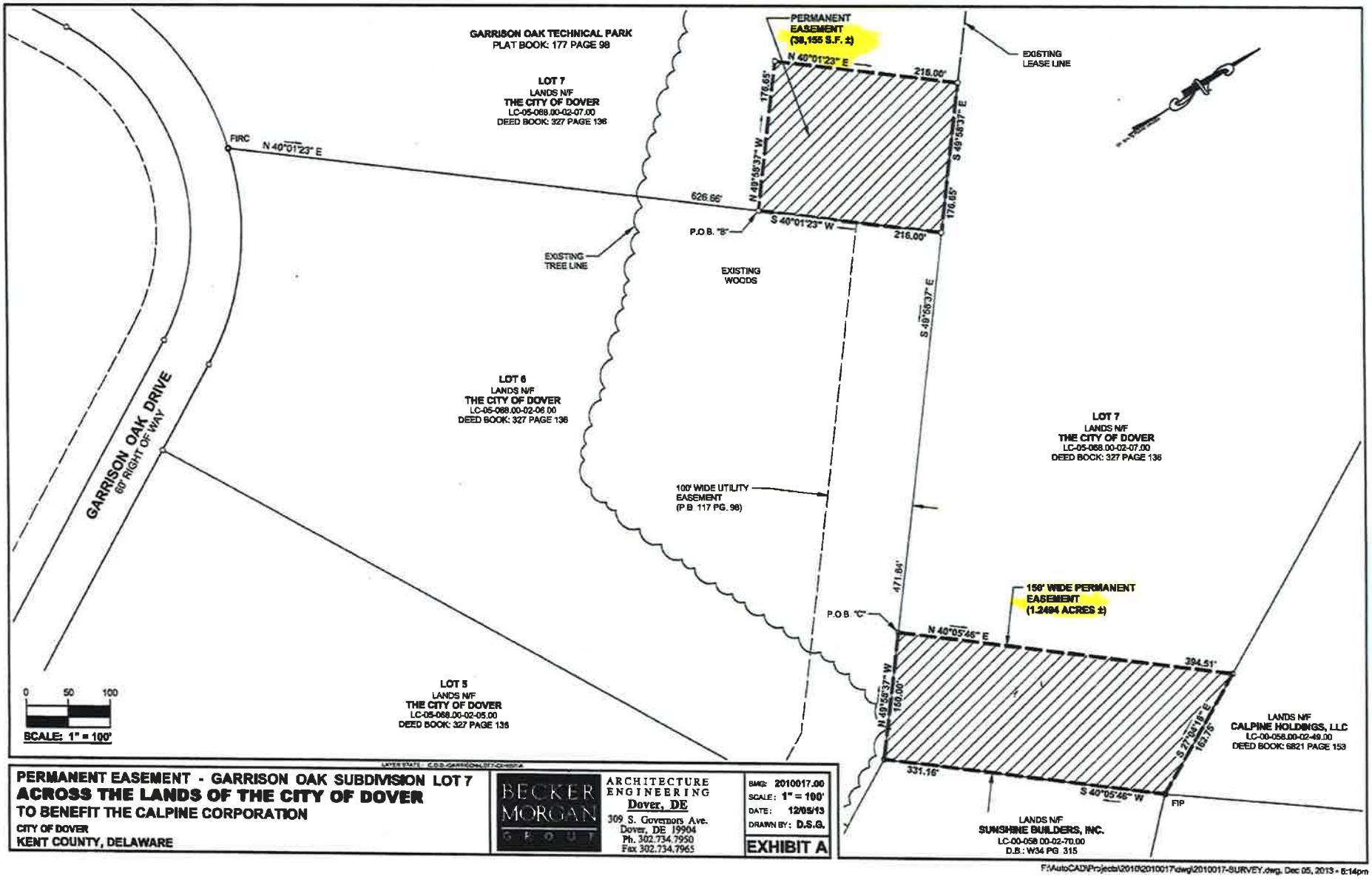
Print Name: _____

STATE/DISTRICT OF _____)
) SS.
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2014, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,_____, Authorized Representative of Delmarva Power & Light Company , who acknowledged himself to be the _____ of Delmarva Power & Light Company, and he, as such _____ of Delmarva Power & Light Company as he, as such _____, being authorized to do so, executed the aforegoing Lease Agreement for the purposes therein set forth
GIVEN under my Hand and Seal of office, the day and year aforesaid.

My commission expires: _____

_____
Notary Public
Print Name: _____



PERMANENT EASEMENT - GARRISON OAK SUBDIVISION LOT 7
ACROSS THE LANDS OF THE CITY OF DOVER
TO BENEFIT THE CALPINE CORPORATION
CITY OF DOVER
KENT COUNTY, DELAWARE

BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2010017.00
SCALE: 1" = 100'
DATE: 12/05/13
DRAWN BY: D.S.G.

EXHIBIT A

F:\AutoCAD\Projects\2010\2010017\dwg\2010017-SURVEY.dwg, Dec 05, 2013 - 8:14pm

Exhibit "B"

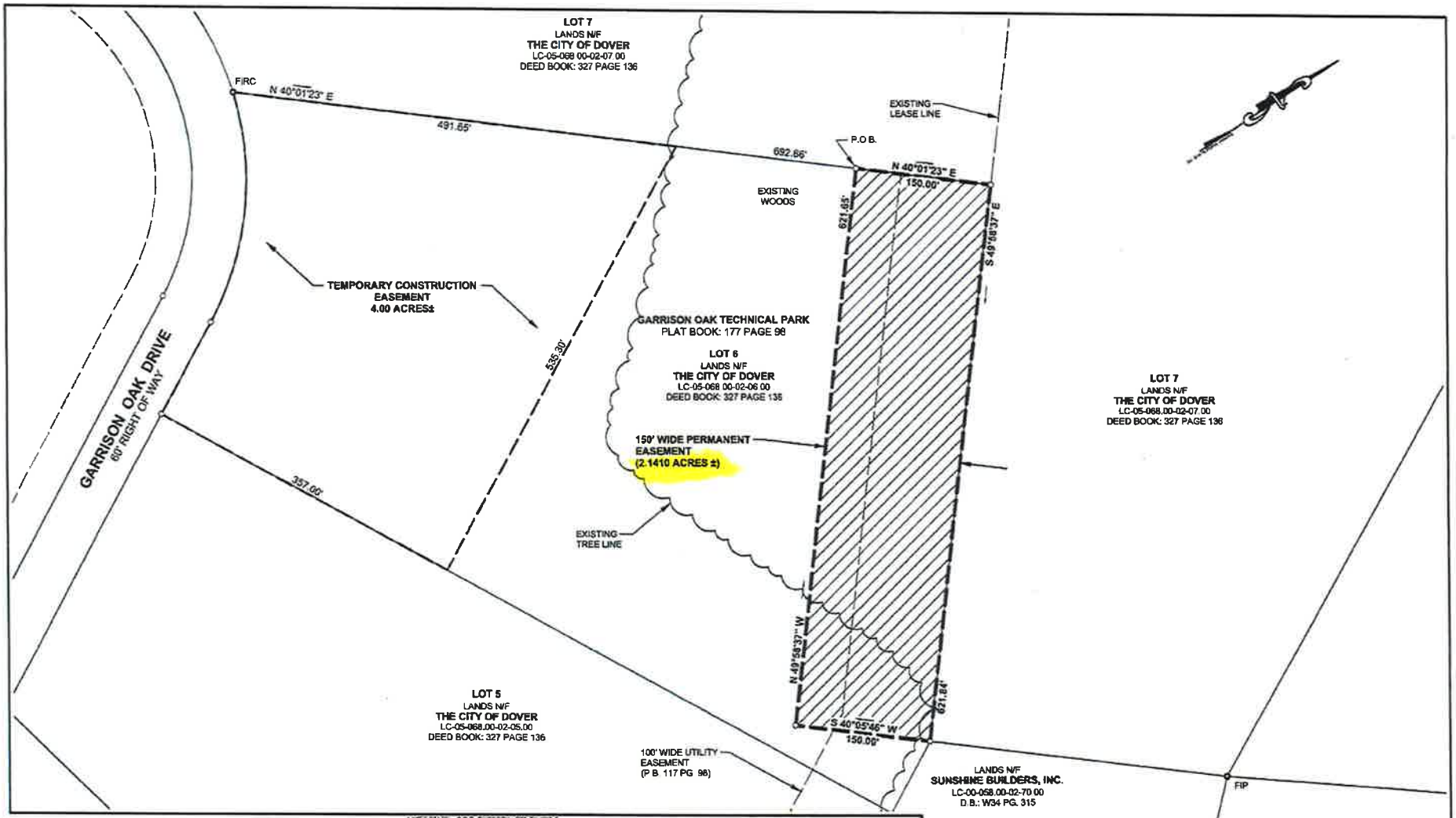
Permanent Easement
Across the lands of The City of Dover
Lot 7 - Garrison Oak Technical Park
To benefit the Calpine Corporation
Tax Map No.: LC-05-068.00-02-07.00

Beginning at a point in line with lands of the City of Dover Lot 6 and Lot 7 (Garrison Oak Technical Park - P.B. 177 Pg. 98) said point being North 40°01'23" East 626.66 feet as measured from a found iron rod with cap in line with easterly right of way of Garrison Oak Drive and at a corner for Lot 6 and Lot 7; thence from the point of beginning and running across lands of the City of Dover (Lot 7) the following three courses and distances 1) North 49°58'37" West 176.65 feet to a point; thence 2) South 40°01'23" West 216.00 feet to a point; thence 3) South 49°58'37" East 176.65 feet to a point at a corner for this parcel and Lot 6; thence running with said Lot 6 6) South 40°01'23" West 216.00 feet to the point and place of beginning and containing 38,155 square feet of land be the same more or less.

Exhibit "C"

150' Wide Permanent Easement
Across the lands of The City of Dover
Lot 7 - Garrison Oak Technical Park
To benefit the Calpine Corporation
Tax Map No.: LC-05-068.00-02-07.00

Beginning at a point in line with lands of the City of Dover Lot 6 and Lot 7 (Garrison Oak Technical Park - P.B. 177 Pg. 98) said point being the following two courses and distances North 40°01'23" East 842.66 feet; thence South 49°58'37" West 471.84 feet as measured from a found iron rod with cap in line with easterly right of way of Garrison Oak Drive and at a corner for Lot 6 and Lot 7; thence from the point of beginning and running across lands of the City of Dover (Lot 7) 1) North 40°05'46" East 394.51 feet to a point in line with lands of Calpine Holdings, LLC; thence running with said lands of Calpine Holdings, LLC 2) South 27°04'18" East 162.75 feet to a found iron pipe at a corner for this parcel and lands of Sunshine Builders, Inc.; thence running with said lands of Sunshine Builders, Inc. 3) South 40°05'46" West 331.16 feet to a point at a corner for this parcel and lands of the City of Dover (Lot 6); thence running with said Lot 6 4) North 49°58'37" West 150.00 feet to the point and place of beginning and containing 1.2494 acres of land be the same more or less.



PERMANENT EASEMENT - GARRISON OAK SUBDIVISION LOT 6
ACROSS THE LANDS OF THE CITY OF DOVER
TO BENEFIT THE CALPINE CORPORATION
CITY OF DOVER
KENT COUNTY, DELAWARE

BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2010017.00
SCALE: 1" = 100'
DATE: 08/19/13
DRAWN BY: D,S,G,

EXHIBIT D

0 50 100
SCALE: 1" = 100'

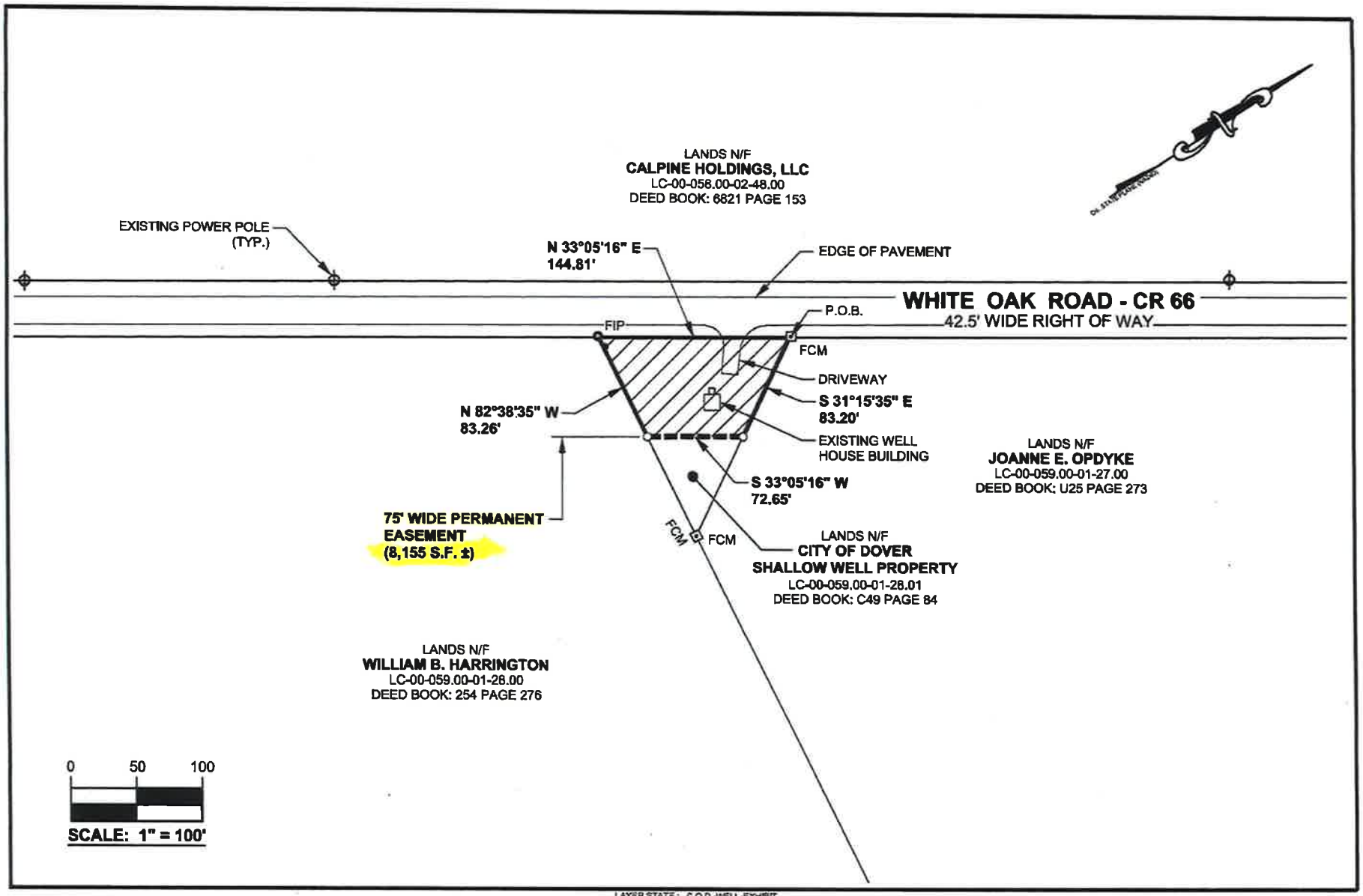
F:\AutoCAD\Projects\2010\2010017\dwg\2010017-SURVEY.dwg, Oct 10, 2013 - 11:49am

Exhibit "E"

Permanent Easement (150' wide)
Across the lands of The City of Dover
Lot 6 - Garrison Oak Technical Park
To benefit the Calpine Corporation
Tax Map No.: LC-05-068.00-02-06.00

Beginning at a point in line with lands of the City of Dover Lot 6 and Lot 7 (Garrison Oak Technical Park - P.B. 177 Pg. 98) said point being North 40°01'23" East 692.66 feet as measured from a found iron rod with cap in line with easterly right of way of Garrison Oak Drive and at a corner for Lot 6 and Lot 7; thence from the point of beginning and continuing with the said Lot 6 and Lot 7 the following two courses and distances 1) North 40°01'23" East 150.00 feet to a point; thence 2) South 49°58'37" East 621.84 feet to a point at a corner for this parcel and lands of Sunshine Builders, Inc.; thence turning and running across lands of the City of Dover (Lot 6) the following two courses and distances 3) South 40°05'46" West 150.00 feet to a point; thence 4) North 49°58'37" West 621.65 feet to the point and place of beginning and containing 2.1410 acres be the same more or less.

201001701cq-desc-COD-Garrison-Lot6.doc



LAYER STATE: C.O.D.-WELL-EXHIBIT

PERMANENT EASEMENT - SHALLOW WELL PROPERTY
ACROSS THE LANDS OF THE CITY OF DOVER
TO BENEFIT THE CALPINE CORPORATION

LITTLE CREEK HUNDRED
KENT COUNTY, DELAWARE

BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2010017.00
SCALE: 1" = 100'
DATE: 12/17/13
DRAWN BY: D.S.G.

EXHIBIT F

F:\AutoCAD\Projects\2010\2010017\DWG\2010017-SURVEY.dwg, Dec 17, 2013 - 11:31am

Exhibit "G"

Permanent Easement (75' wide)
Across the lands of the City of Dover – Shallow Well Property
To benefit the Calpine Corporation
Tax Map No.: LC-00-059.00-01-28.01

Beginning at a found concrete marker in line with the easterly right of way line of White Oak Road (42.5' wide) and at a corner for lands now or formerly of the City of Dover and lands now or formerly of Joanne E. Opdyke; thence from the point of beginning and running with said lands of Opdyke 1) South 31°15'35" East 83.20 feet to a point in line with lands of the City of Dover; thence turning and running across said lands of the City of Dover 2) South 33°05'16" West 72.65 feet to a point in line with lands now or formerly of William B. Harrington; thence turning and running with said lands of William B. Harrington 3) North 82°38'35" West 83.26 feet to a found iron pipe in line with the easterly right of way line of White Oak Road; thence turning and running with the said easterly right of way line of White Oak Road 4) North 33°05'16" East 144.81 feet to the point and place of beginning and containing **8,155** square feet, be the same more or less.

201001701bn-desc-COD-Well.doc

Document "B"

Tax Parcel No. LC -00-059.00-01-20.01 *Execution Copy*

Prepared by and Return to:
John Watson
Calpine Corporation
500 Delaware Avenue, Suite 600,
Wilmington, DE 19801

AMENDED AND RESTATED EASEMENT AGREEMENT

THIS AMENDED AND RESTATED EASEMENT AGREEMENT (this "Easement Agreement" or this "Agreement"), dated as of _____, 2013, is entered into by and between the **CITY OF DOVER**, a municipal corporation of the State of Delaware, whose address is 15 E. Loockerman Street, DOVER, Delaware 19901 ("DOVER") and **DELMARVA POWER & LIGHT COMPANY**, a corporation of the State of Delaware and Commonwealth of Virginia, whose address is Delmarva Power & Light Company, c/o PHI Service Company, 500 N. Wakefield Drive, Newark, Delaware 19714-6066 ("DELMARVA"); and

Whereas, DOVER is the owner in fee simple of a certain tract of real property situate near 431 Donas Landing Road, DOVER, Delaware, upon which it has developed an electrical power substation facility (the "Property"); and

Whereas, DELMARVA is a public utility in the State of Delaware, as well as in other states, engaged in the furnishing of electrical utility service to subscribers throughout its respective service territories; and

Whereas, DOVER's electrical power substation facility is interconnected with the electrical transmission lines of DELMARVA, such interconnection being pursuant to that certain Interconnection Agreement effective September 12, 2004, between DELMARVA and DOVER ("Interconnect Agreement"), and all capitalized terms not otherwise defined in this Agreement, shall have the meaning given such terms in the Interconnect Agreement; and

Whereas, the facilities of DELMARVA necessary to accommodate the aforesaid interconnection have been installed upon a portion of the Property of DOVER's electrical power substation in close proximity to DELMARVA's rights-of-way (such portion of the Property, the "Original Easement Area"), as more particularly described in the Easement Agreement dated October 4, 2004, between DOVER and DELMARVA (the "Original Easement Agreement"); and

Whereas, DELMARVA now desires to expand its easement rights in respect to the Property to include an additional cross hatched area containing approximately 3.73 acres beyond the boundaries of the Original Easement Area, in order to facilitate, among other things, the installation of a new transmission line and related facilities on property of DOVER across that portion of the Property in that expanded easement area and temporary construction easement as shown on Exhibit "A", and described in Exhibit "B" (the "Expanded Easement Area"), attached hereto and made a part hereof.

NOW, THEREFORE, that for good and valuable consideration, the sufficiency, adequacy and receipt of which is hereby acknowledged by the parties, DOVER hereby grants and conveys to DELMARVA, its successors and assigns, a perpetual easement, except as hereafter provided, in, under through, upon, over and across the land of DOVER, to enter upon the same from time-to-time and use the Expanded Easement Area for the purposes of operating, maintaining, repairing, upgrading, cleaning installing erecting, altering, removing, inspecting, constructing, modifying, restoring, rebuilding, replacing and expanding within the Expanded Easement Area the switchyard facilities, transmission facilities and communication facilities required to provide communication services relative to the operation of the switchyard facilities which DELMARVA may, in its exclusive discretion and sole judgment, deem necessary or proper for the current and future conduct of its business; together with the right of ingress and egress along and over said Expanded Easement Area, for any and all of such purposes, and being shown on Exhibit "A" and more fully described on Exhibit "B", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the easement shown on Exhibit "A" and described in Exhibit "B", which is intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the only proper use and benefit, of DELMARVA, its successors and assigns.

SUBJECT, however, to easements, rights of way, restrictions, conditions and covenants of record.

AND SUBJECT, further to the following terms and conditions:

1. **NOTICE FOR ACCESS OVER DOVER'S LAND:** If DELMARVA's work within the Easement Area will require utilizing land of DOVER other than the herein previously described easement or if oversized or heavy equipment is required, seventy-two (72) hour advance notice shall be provided to DOVER and DOVER shall have the right to approve such access, which approval shall not be unreasonably withheld, before the commencement of any such work by DELMARVA, provided that in those situations where it is necessary for DELMARVA to perform emergency work to the switchyard facilities, the aforesaid seventy-two (72) hour advance notification provision shall not be applicable, however, DELMARVA shall notify the appropriate site manager of DOVER of its necessity for such access and the site manager shall specifically designate such access over other lands of DOVER. Notwithstanding anything contained herein to the contrary, any and all access to and over and work performed on the lands of DOVER by DELMARVA shall be

undertaken in such manner as to avoid or otherwise minimize any interference or adverse impact upon the business operations of DOVER. Following completion of any work performed by DELMARVA, DELMARVA shall restore DOVER's facilities, Property and improvements to substantially the same condition as existed before the commencement of such work.

2. **COMPLIANCE REQUIREMENTS:** DELMARVA shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner, in compliance with all applicable laws, ordinances, regulations and other legal requirements, and any damage done to the land or premises of DOVER shall be promptly repaired and restored to substantially the same condition that existed immediately prior to such damage at the sole cost and expense of DELMARVA.

3. **TERMINATION:** In the event DELMARVA shall fail to maintain or use the fixtures, equipment, appurtenances and facilities erected, constructed or installed by it in, under, through, upon, over or across the Expanded Easement Area for a period of twenty-four (24) consecutive months, then the easement herein granted to DELMARVA shall be deemed abandoned, subject to the indemnity of paragraphs 9 and 10 between the parties, and upon the recordation of an affidavit in the land records of Kent County, Delaware, executed by a duly appointed and designated officer of DOVER reciting the abandonment of the easement as aforesaid, the easement herein granted to DELMARVA shall be null and void and of no further force and effect. Additionally, this Easement Agreement may be terminated by written agreement of the parties duly recorded in the land records of Kent County, Delaware.

4. **LOCAL PROPERTY TAXES:** The City of Dover agrees to pay 100% (one hundred percent) of the real estate taxes levied by Kent County, Delaware, upon the Property, excluding the improvements located in the Expanded Easement Area.

5. **RIGHT TO TRIM, ETC.:** Dover further grants and conveys to DELMARVA the right, privilege and authority to trim, cut and remove such tree branches, trees and other vegetation within the Expanded Easement Area which might, within the exclusive discretion and sole judgment of DELMARVA, interfere with or threaten the safe, proper, or convenient use, maintenance or operation of DELMARVA's facilities within the Expanded Easement Area. Additionally, DELMARVA shall have the right, privilege and authority to the non-exclusive use of a strip of land five feet (5) in width around the perimeter of the Expanded Easement Area for the purpose as aforesaid as well as for the purpose or repairs and maintenance to the fence and installation and maintenance of any ground wires installed underground under the perimeter of the easement area.

6. **GOVERNMENTAL COMPLIANCE:** DOVER and DELMARVA shall comply with the requirements of any applicable governmental regulations, codes, orders, standards guidelines or rules, including but not limited to, the National Electric Code and the National Electrical Safety Code, as applicable, to clearances for any buildings or structures.

7. **RELOCATION OF DELMARVA'S FACILITIES:** Except as herein provided, if DOVER shall, at any time, request DELMARVA to relocate any of DELMARVA's facilities within the Expanded Easement Area, to a different location or locations, DELMARVA shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of DOVER, unless otherwise agreed. DELMARVA shall have the same rights and privileges in the new location or locations as in the former location or locations. Further, if DELMARVA shall request DOVER to relocate any of DOVER's facilities located within the Expanded Easement Area, DOVER shall do so at such location or location as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of DELMARVA, unless otherwise agreed, and DOVER shall have the same rights and privileges in the new location or locations as in the former location or locations. If Dover shall, at any time, request DELMARVA to relocate any of those new transmission poles installed within the crosshatched section shown on Exhibit A, to a different location or locations, DELMARVA shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of DELMARVA, unless otherwise agreed.

8. **INSPECTION AND ACCESS RIGHTS:** Each party agrees to grant the other party and the other party's employees and agents such access to the party's property and facilities as is reasonably necessary for the other party to inspect, operate, maintain, test and modify its respective facilities and otherwise carry out the respective obligations of the parties in accordance with the terms of this Easement Agreement and other agreements between the parties; provided, however, that such access will not unreasonably disrupt or interfere with normal operations of such party's business and that the party provided such access adheres to the safety rules and procedures established by the party providing access and observes all applicable safety standards, practices and procedure of the Occupational Safety and Health Administration, the National Electric Safety Code and good utility practices. Any injury shall be immediately reported to appropriate agencies and to the other party's designated representative. Any such inspection and test shall be at the expense of the party requesting such inspection and tests and consistent with good utility practices. As provided in the Interconnection Agreement between the parties, the facility and equipment of DELMARVA situate within the Expanded Easement Area shall have a lockable, visible disconnecting device accessible at all times to DELMARVA and DOVER personnel, which device shall disconnect the equipment and facilities of DELMARVA from the equipment and facilities of DOVER.

9. **LIABILITY AND INDEMNITY:** Neither party, by review, approval or acceptance of the plans, design, strength of material and specifications for any facilities and/or interconnections equipment installed by the other party, assumes any responsibility for the adequacy or accuracy of such plans or fitness of purpose of those plans or for damages or physical injury or death caused by such facilities and/or interconnection equipment to (i) the real or personal property of third persons or entities not a party to this Agreement, (ii) the real personal property and equipment of other party, including the facilities, the DELMARVA system, and the interconnection equipment, or (iii) any person who may come in contact with or upon the facilities, the DELMARVA system, and the interconnection equipment.

A. DELMARVA INDEMITY: DELMARVA hereby agrees to indemnify, protect, save and keep DOVER , its affiliates, directors, officers, shareholders, employees, agents, servants, contractors, invitees and successors (collectively, the "DOVER Indemnitees") harmless from and against any and all liabilities, obligations, losses, damages, claims, demands, government fines, judgments, assessments, actions, suits, costs, expenses and disbursements (including legal and expert fees and expenses) of any kind and nature whatsoever, including , but not limited to, expenses arising from damage to property of, and injury or death to, any person (including any DOVER Indemnitee which may be imposed on, incurred by or asserted at any time against any DOVER Indemnitee in any way relating to or arising out of DELMARVA's operation of the facility, the interconnect equipment or its performance or nonperformance under this Agreement by DELMARVA or any person under contract to DELMARVA, provided that DELMARVA shall not be required to indemnify any DOVER Indemnitee hereunder for any liabilities to the extent such liabilities result from the gross negligence or willful misconduct of any DOVER Indemnitee.

B. DOVER INDEMNITY: Dover hereby agrees to indemnify, protect, save and keep Delmarva , its affiliates, directors, officers, shareholders, employees, agents, servants, contractors, invitees and successors (collectively, the "DELMARVA Indemnitees") harmless from and against any and all liabilities, obligations, losses, damages, claims, demands, government fines, judgments, assessments, actions, suits, costs, expenses and disbursements (including legal and expert fees and expenses) of any kind and nature whatsoever, including , but not limited to, expenses arising from damage to property of, and injury or death to, any person (including any DELMARVA Indemnitee which may be imposed on, incurred by or asserted at any time against any DELMARVA Indemnitee in any way relating to or arising out of DOVER's operation of the facility, the interconnect equipment or its performance or nonperformance under this Agreement by DOVER or any person under contract to DOVER, provided that DOVER shall not be required to indemnify any DELMARVA Indemnitee hereunder for any liabilities to the extent such liabilities result from the gross negligence or willful misconduct of any DELMARVA Indemnitee.

10. **ENVIRONMENTAL RESPONSIBILITY:** It is further agreed that any future unlawful use, discharge, storage, and/or disposal of hazardous materials, as defined by applicable federal and state statutes, which is the result of any act or omission by either DOVER or DELMARVA, shall be the sole responsibility of the party causing such environmental condition, including all monetary expenses and/or fines levied by any governmental entity. The party causing such environmental condition shall also be solely responsible for undertaking such corrective measures as is necessary to remediate any environmental condition caused by that party, as well as restoring any Property affected by the environmental condition to applicable regulatory standards.

11. **WARRANTIES:** Each party covenants to warrant specially the rights granted herein and will execute such further assurances of the same as may be required.

12. **NOTICE:** Except as otherwise provided herein, all notices, demands or requests required or permitted to be given by either party to the other party under this Agreement or any instrument or document required or permitted to be delivered by either party shall be delivered (i) by depositing same in any United States Post Office, postage prepaid, for delivery by certified or registered mail, return receipt requested, addressed to the other party, (ii) by delivering same to any overnight courier service for delivery to the other party, or (iii) personally delivering same to the other party, at the following:

As to Dover:

Post Office Box 475
Dover, DE 19901
ATTN: CITY MANAGER
TELEPHONE: 302 736 7005

WITH COPIES TO:

860 BUTTNER PLAZA
DOVER, DE 19901
ATTN: ELECTRIC DIRECTOR
302 736 7091

AS TO DELMARVA POWER & LIGHT COMPANY
P.O. BOX 9239
NEWARK, DE 19714-9239
ATTENTION: MANAGER OF INTERCONNECTION AND ARRANGEMENTS
TELEPHONE: 302 454 5184

Notwithstanding the foregoing paragraph, any notice required hereunder, with respect to a system emergency or other occurrence requiring prompt attention, may be made orally by telephone, provided such notice shall be confirmed in writing as soon as practical thereafter. DOVER shall make such telephone notice directly to the DELMARVA Transmission Control Center.

Changes to the aforesaid addresses shall be made by the notice procedure hereinabove described.

13. **BINDING EFFECT:** All the covenants, terms, conditions and restrictions contained in this Easement Agreement shall be binding upon and inure to the benefit of the parties hereto, and to their respective heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property of DOVER, except as heretofore provided.

14. **INTERPRETATION:** Except for the provisions of paragraph 3 hereof as to the termination of this Agreement, in the event of a conflict between this Easement Agreement and the Interconnection Agreement, the conflict shall be resolved in favor of the Interconnection Agreement.

15. **FORCE MAJEURE:** An event of Force Majeure means any act of God, labor, disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage, or accident to machinery or equipment, any curtailment, order, regulation or restriction imposed by governmental military or lawfully established civilian authorities, or any other cause beyond a party's control. A Force Majeure event does not include an act of negligence or intentional wrongdoing. Neither DELMARVA nor DOVER will be considered in default as to any obligation under this Agreement if prevented from fulfilling the obligation due to an event of Force Majeure. However, a party whose performance under this Agreement is hindered by an event of Force Majeure shall make all reasonable efforts to perform its obligations under this Agreement.

    If either party is rendered wholly or partially unable to perform its obligations under this Agreement because of Force Majeure, that party shall be excused from whatever performance is affected by the Force Majeure to the extent so affected, provided that:

    1. The non-performing party promptly, upon learning of the occurrence of the Force Majeure, gives the other party notice of such occurrence and within fourteen (14) days after the occurrence of the Force Majeure, gives the other party written notice describing the particulars of the occurrence; and
    2. The suspension of performance is of no greater scope and of no longer duration than is required by the Force Majeure; and

3. The non-performing party uses reasonable efforts to remedy its inability to perform. This sub-paragraph shall not require the settlement of any strike, walkout, lockout or any labor dispute on terms which, in the sole judgment of the party involved in the dispute, is contrary to its interest. It is understood and agreed that the settlement of strikes, walkouts, lockouts and other labor disputes shall be at the sole discretion of the party having the labor dispute; and
4. When the non-performing party is able to resume performance of its obligations under this Agreement that party shall give the other party written notice to that effect.

16. **RECORDATION OF EASEMENT AGREEMENT:** DELMARVA shall record this Easement Agreement in a timely fashion in the Clerk's Office for the Circuit Court of Kent County, Delaware, and may re-record it at any time as may be required to preserve DELMARVA's rights hereunder.

17. **APPLICABLE LAW:** The interpretation of and performance under this Easement Agreement shall be governed by and in accordance with the laws of the State of Delaware.

IN WITNESS WHEREOF, DOVER AND DELMARVA caused the execution of this Easement Agreement by its duly designated officers.

CITY OF DOVER, Delaware

BY: _____ (SEAL)

Its: _____

DELMARVA POWER & LIGHT COMPANY

BY: _____ (SEAL)

Its: _____

State of Delaware)
)
County of Kent)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2013, and executed by _____, City Manager of the CITY OF DOVER, Delaware, on behalf of the municipal corporation.

My Commission Expires: _____

Notary Public: _____

Print Name: _____

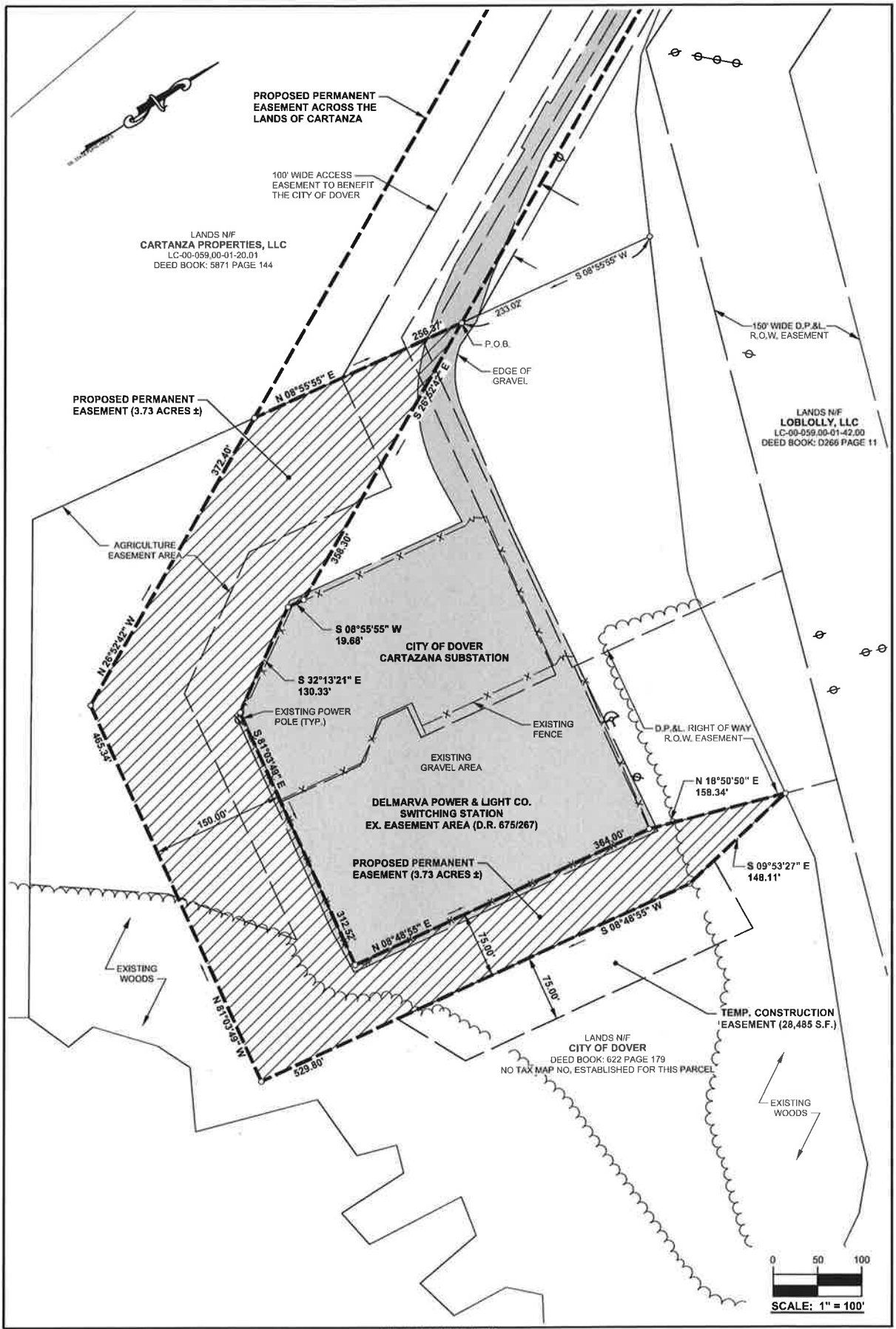
State of _____)
)
County of _____)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2013, and executed by _____, the _____ of DELMARVA POWER & LIGHT COMPANY on behalf of the corporation.

My Commission Expires: _____

Notary Public: _____

Print Name: _____



PERMANENT EASEMENT
ACROSS THE LANDS OF THE CITY OF DOVER
TO BENEFIT THE CALPINE CORPORATION
LITTLE CREEK HUNDRED
KENT COUNTY, DELAWARE

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2010017.00
SCALE: 1" = 100'
DATE: 07/12/13
DRAWN BY: D.S.G.

EXHIBIT A

F:\AutoCAD\Projects\2010\2010017\dwg\2010017-SURVEY2.dwg 7/12/2013 5:38:31 PM EDT

Exhibit "B"

Permanent Easement (Width Varies)
Across the lands of the City of Dover
To benefit the Calpine Corporation
Tax Map No.: LC-00-059.00-01-20.01 (Portion of)

Beginning at a point in line with the lands now or formerly of the City of Dover and Cartanza Properties, LLC, said point being South 08°55'55" East 233.02 feet as measured from a corner for said lands of the City of Dover and Cartanza Properties, LLC; thence leaving said point of beginning and running across lands of the City of Dover the following six courses and distances 1) South 26°52'42" East 358.30 feet to a point; thence 2) South 08°55'55" West 19.68 feet to a point; thence 3) South 32°13'21" East 130.33 feet to a point; thence 4) South 81°03'49" East 312.52 feet to a point; thence 5) North 08°48'55" East 364.00 feet to a point; thence 6) North 18°50'50" East 158.34 feet to a point in line with the lands now or formerly of Loblolly, LLC; thence running back across the lands of the City of Dover the following four courses and distances 7) South 09°53'27" East 148.11 feet to a point; thence 8) South 08°48'55" East 529.80 feet to a point; thence 9) North 81°03'49" West 465.34 feet to a point; thence 10) North 26°52'42" West 372.40 feet to a point in line with said lands of Cartanza Properties, LLC; thence running with said lands of Cartanza Properties, LLC 11) North 08°55'55" East 256.37 feet to the point and place of beginning and containing 3.73 acres of land, be the same more or less.

201001701bn-desc-COD-Substation.doc

Document "C"

Tax Parcel No. LC-00-059.00-01-20.01 *Execution Copy*
(100' Access Easement to Cartanza Substation))

Prepared by and Return to:
John Watson
Calpine Corporation
500 Delaware, Suite 600
Wilmington, DE 19801

EASEMENT AND RIGHT OF WAY ACKNOWLEDGEMENT AND CONSENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2013, by and between the CITY OF DOVER, a Delaware municipality, hereinafter called "Dover" being located at 15 Lookerman Street, Dover, Delaware 19901, and GARRISON ENERGY CENTER LLC, a Delaware limited liability company, for itself, its lessees, successors, and assigns, hereinafter called "GEC" being located at 500 Delaware Avenue, Suite 600, Wilmington, Delaware 19801.

WHEREAS: By Deed dated May 25, 2004, the CITY OF DOVER was granted an Access Road Easement, by Sandra L. Cartanza, across that one hundred (100) foot wide strip of land that runs from Donas Landing Road to the City of Dover's Cartanza substation, as described in the attached deed (Exhibit "A"), shown on plan marked Exhibit "B" & "B II" and described on Exhibit "C".

WHEREAS: GEC and the Cartanza Properties LLC, the current owner of the land under Dover's Access Road Easement, have entered into a Right of Way Option Agreement which, if exercised, will grant GEC a Permanent Easement and Right of Way Agreement across property that includes a portion of Dover's existing one hundred (100) foot wide Access Road Easement.

WITNESSETH, that for and in consideration of the sum of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, Dover hereby accepts, consents and agrees to be bound to and by those rights being granted to GEC by the Cartanza Properties LLC ("Cartanza"), under the attached PERMANENT EASEMENT AND RIGHT OF WAY AGREEMENT (the "Cartanza/GEC Easement"), attached hereto and made a part hereof as Exhibit "D," to the extent such rights under the Agreement relate to the same area of land covered by Dover's rights under its Access Road Easement.

Rights being conveyed to GEC, its lessees, successors, and assigns, are as set forth in the Cartanza/GEC Easement.

THE REMAINDER OF THE PAGE IS LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, Owner and GEC have hereunto affixed our hands and seals the day and year aforesaid.

DOVER:
CITY OF DOVER

_____
Name: _____
Date: _____

GEC:
GARRISON ENERGY CENTER LLC

_____
Name:
Title: Vice President

10-9-13

STATE OF DELAWARE)
) SS.
COUNTY OF KENT)

BE IT REMEMBERED, that on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid ,_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity with the CITY OF DOVER, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument. I certify under penalty of perjury under the laws of the State of Delaware, that the foregoing paragraph is true and correct.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

My commission expires: _____ _____
Notary Public
Print Name: _____

Print Name: _____

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this _____ day of _____, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,_____, Authorized Representative of Garrison Energy Center LLC a Delaware limited liability company, party to this Instrument, known to me personally to be such, and acknowledges this Instrument to be his act and deed and the act and deed of said Limited Liability Company, that the signature of the Authorized Representative is in his own proper handwriting, and that his act of signing, sealing, acknowledging and delivering this Instrument represents consent by 100% of the members of said Delaware Limited Liability Company.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

My commission expires: _____ _____
Notary Public
Print Name: _____

EXHIBIT "A"

R 622PG 179

014478

04 JN-21 P 02 15

RCVD BY BL MCKENNA
KENT CO REC OF DEEDS
$.00 FEES PAID

Tax Map No.: Portion of LC-00-059.00-01-20.01-000

Prepared By:
HUDSON, JONES, JAYWORK & FISHER
225 South State Street, Dover, DE 19901

Realty Transfer Tax Paid
$716 to Delaware (1.5%) 2%
$716 to KCRT Rcvd by P.O.

DEED

THIS DEED, Made This 25 Day of May, in the year of our Lord Two Thousand Four (2004),

BETWEEN, SANDRA L. CARTANZA, party of the first part,

-AND-

THE CITY OF DOVER, a municipal corporation, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One ($1.00) Dollar lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, her heirs and assigns:

Parcel 1 (Land) TRACT A

Portion of Tax Map Parcel No. LC-00-059.00-01-20.01-000

ALL that certain lot, piece or parcel of land with all improvements thereon erected, situate in Little Creek Hundred, Kent County, State of Delaware, lying southeasterly of, but not adjacent to the southerly side of County Road #87 (Dmas Landing Road), a short distance east of County Road #86 (Savannah Road), being bounded on the northeast by lands now or formerly of Loblolly, LLC, on the south by the Herring Branch and lands now or formerly of Walker L. Mifflin Estate, and on the west and north by residue lands of Philip P. and Sandra L. Cartanza, and being all of the parcel of land as depicted upon a Conditional Use Site Plan for Proposed City of Dover Electric Substation as recorded in the Office of the Recorder of Deeds, Kent County Delaware, in Plat Book 70, Pages 80-84, as prepared by Scott Engineering, Inc., Consulting Engineers and Surveyors, Drawing No. 2281-02-1, dated July 16, 2002, last revised October 21, 2003, comprising of five (5) sheets, and being more particularly described as follows to wit:

BEGINNING for the same at a point in the southwesterly line for lands now or formerly of Loblolly, LLC at the headwaters of a ditch near the southeasterly end of an irrigation pond, said point being located the following six (6) courses from the point of commencement, said point of commencement being located in the center of a ditch at a

point of curvature in the southerly right-of-way line of County Road #87 (50.00 feet wide), said point of commencement also being the northeasterly most corner for residue lands of Philip P. and Sandra L. Cartanza and the northwesterly most corner for lands now or formerly of Loblolly, LLC: running from the said point of commencement with the line for lands of said Loblolly, LLC and more or less with the center of said ditch, (1) South 15° 05' 53" East – 47.60 feet to a point; thence (2) South 15° 04' 32" East – 433.93 feet to a point; thence (3) South 22° 35' 52" East – 101.43 feet to a point; thence (4) South 39° 08' 04" East – 64.30 feet to a point in the center of said ditch at the northwesterly end of the aforesaid irrigation pond; thence (5) running through said irrigation pond South 51° 08' 05" East – 521.55 feet to a point at the southeasterly end of said irrigation pond; thence (6) South 62° 58' 16" East – 31.70 feet to the point of beginning; thence from the said point of beginning continuing with the line for lands of Loblolly, LLC and more or less with the center of said ditch, the following ten (10) courses: (1) South 69° 15' 55" East – 323.03 feet to a point; thence (2) South 53° 38' 31" East – 276.12 feet to a point; thence (3) South 57° 56' 50" East – 78.02 feet to a point; thence (4) South 35° 05' 38" East – 56.05 feet to a point; thence (5) South 19° 00' 19" East – 39.23 feet to a point; thence (6) South 70° 02' 09" East – 67.95 feet to a point; thence (7) South 20° 05' 33" East – 41.81 feet to a point; thence (8) South 86° 56' 46" East – 39.52 feet to a point; thence (9) South 04° 11' 53" West – 41.20 feet to a point; thence (10) South 22° 25' 29" East – 47.60 feet to point more or less at the intersection with the center of the Herring Branch in line for lands now or formerly of Walker L. Mifflin Estate at a corner for this parcel and lands of said Loblolly, LLC; thence running more or less with the center of the said Herring Branch and with the line for lands of the said Mifflin Estate the following sixteen (16) courses: (1) South 12° 11' 33" West – 58.47 feet to a point; thence (2) South 33° 55' 00" West – 129.14 feet to a point; thence (3) North 82° 12' 47" West – 79.39 feet to a point; thence (4) South 57° 33' 41" West – 101.94 feet to a point; thence (5) North 46° 48' 15" West – 116.78 feet to a point; thence (6) South 57° 01' 37" West – 42.11 feet to a point; thence (7) South 16° 59' 58" West – 66.67 feet to a point; thence (8) South 88° 57' 43" West – 52.69 feet to a point; thence

(9) North 04° 44' 55" East – 82.87 feet to a point; thence (10) North 66° 12' 55" West – 46.46 feet to a point; thence (11) South 18° 02' 08" West – 115.89 feet to a point; thence (12) North 86° 22' 08" West – 47.28 feet to a point; thence (13) North 12° 26' 09" East – 89.00 feet to a point; thence (14) North 59° 12' 39" West – 92.09 feet to a point; thence (15) South 30° 48' 17" West – 45.86 feet to a point; thence (16) North 80° 14' 30" West – 77.43 feet to a point at a corner for this parcel, residue lands of Philip P. and Sandra L. Cartanza, and lands of said Walker L. Mifflin Estate; thence, running with a new line hereby created dividing this parcel and residue lands of said Cartanza, the following six (6) courses: (1) North 69° 15' 55" West – 483.63 feet to a point; thence (2) North 19° 55' 37" West – 221.23 feet to a point; thence (3) North 20° 44' 05" East - 384.71 feet to a point at the southwesterly side of the aforesaid irrigation pond; thence (4) running more or less with said irrigation pond, South 52° 31' 35" East - 160.16 feet to a point; thence (5) running in part with the same, South 69° 15' 55" East - 138.41 feet to a point; thence (6) North 20° 44' 05" East - 114.92 feet to a point, the **Place of Beginning.**

Containing within the above described metes and bounds 13.718 acres of land, be the same more or less.

Property benefitting from a 100 feet wide access easement as shown or noted on the above referenced Conditional Use Site Plan for Proposed City of Dover Electric Substation.

Hunting is expressly prohibited on the above described lands (Tract A of Parcel 1).

Parcel 1 TRACT B

Portion of Tax Map Parcel No. LC-00-059.00-01-20.01-000

ALL that certain lot, piece or parcel of land with all improvements thereon erected, situate in Little Creek Hundred, Kent County, State of Delaware, lying southeasterly of, but not adjacent to the southerly side of County Road #87 (Donas Landing Road), a short distance east of County Road #86 (Savannah Road), being bounded on the northeast by lands now or formerly of Loblolly, LLC, on the east by lands about to be conveyed to the City of Dover, on the south by the Herring Branch and lands now or formerly of Walker L. Mifflin Estate, and on the southwest and west by

residue lands of Philip P. and Sandra L. Cartanza, and being more particularly bounded and described as follows to wit:

BEGINNING for the same at a point in the southwesterly line for lands now or formerly of Loblolly, LLC in the northwesterly third of an irrigation pond, said point being located the following five (5) courses from the point of commencement, said point of commencement being located at a point of curvature in the southerly right-of-way line of County Road #87 (50.00 feet wide) in the center of a ditch, said point of commencement also being the northeasterly most corner for residue lands of Philip P. and Sandra L. Cartanza and the northwesterly most corner for lands now or formerly of Loblolly, LLC: running from the point of commencement with the line for lands of said Loblolly, LLC and more or less with the center of a ditch (1) South 15° 05' 53" East – 47.60 feet to a point; thence (2) South 15° 04' 32" East – 433.93 feet to a point; thence (3) South 22° 35' 52" East – 101.43 feet to a point; thence (4) South 39° 08' 04" East – 64.30 feet to a point in the center of a ditch at the northwesterly end of the aforesaid irrigation pond; thence (5) running through said irrigation pond South 51° 08' 05" East – 142.45 feet to the point of beginning; thence from the said point of beginning continuing through the said pond and with the line for lands of said Loblolly, LLC, South 51° 08' 05" East – 379.10 feet to a point at the southeasterly end of said pond at the beginning of a ditch; thence running more or less with the center of said ditch and continuing with the line for lands of said Loblolly, LLC South 62° 58' 16" East – 31.70 feet to a point in said ditch in line for lands of said Loblolly, LLC; thence leaving said ditch and the line for said Loblolly, LLC and running the following six (6) courses: (1) South 20° 44' 05" West - 114.92 feet to a point; thence (2) North 69° 15' 55" West - 138.41 feet to a point; thence (3) North 52° 31' 35" West - 160.16 feet to a point; thence (4) South 20° 44' 05" West - 384.71 feet to a point; thence (5) South 19° 55' 37" East - 211.23 feet to a point; thence (6) South 69° 15' 55" East - 483.63 feet to a point in the line for lands now or formerly of Walker L. Mifflin Estate in the center of the Herring Branch; thence running with the line for lands of said Walker L. Mifflin Estate and more

or less with the center of said Herring Branch the following six (6) courses: (1) South 30° 28' 28" West – 141.56 feet to a point; thence (2) North 49° 34' 04" West – 72.47 feet to a point; thence (3) South 78° 30' 30" West – 44.11 feet to a point; thence (4) South 61° 55' 36" West – 75.84 feet to a point; thence (5) South 06° 11' 23" West – 35.60 feet to a point; thence (6) South 81° 41' 15" West – 55.61 feet to a point at a corner for this parcel and residue lands of said Cartanza; thence running with a new line dividing this parcel and residue lands of said Cartanza, the following two (2) courses: (1) North 44° 21' 27" West – 560.98 feet to a point; thence (2) North 20° 44' 05" East – 763.50 feet to a point, the Place of Beginning.

Containing within the above described metes and bounds 5.298 acres of land, . be the same more or less.

Parcel 2 (Access Road Easement)

The party of the first part further grants and conveys unto the party of the second part an easement for ingress and egress to and from Parcel 1 above and the public road for full access to the electrical substation being constructed upon Parcel 1 and all endeavors related thereto, subject to the following:

a. The party of second part, as part of the easement rights, may, and shall, construct a road (herein "Access Road") across the Access Road Easement area, and in doing so the party of the second part shall reinforce the said Access Road to protect the subsurface irrigation piping system of the party of the first part from damage from traffic and use operations on the Access Road.

b. The property subject to this easement granted as Parcel No. 2 is subject to the following Agricultural Preservation Easement Restrictions, to-wit; The easement use shall be limited to only the area necessary to accommodate the public utility and access use; the area of utility and access use shall be located so as to minimize, to the maximum extent practical, the impact on farming activities and operations; and no commercial advertising or commercial activities unrelated to the utility and access use shall be conducted on the area of the utility and access use.

c. The description of the location of said Access Road Easement is as follows:

ALL that certain 100 feet wide strip of land lying on the northeasterly side of the lands of Philip P. and Sandra L. Cartanza, situate in Little Creek Hundred, Kent County, State of Delaware, said strip of land being a 100 feet wide access easement leading from County Road #87 (Donas Landing Road) to the lands for the new City of Dover electric substation, and being all of the parcel of land as depicted upon a Conditional Use Site Plan for Proposed City of Dover Electric Substation as recorded in the Office of the Recorder of Deeds, Kent County Delaware, in Plat Book 71, Pages 67-71, as prepared by Scott Engineering, Inc., Consulting Engineers and Surveyors, Drawing No. 2281-02-1, dated July 16, 2003, last revised March 8, 2004, comprising of five (5) sheets, and being more particularly described as follows to wit:

BEGINNING for the same at a point of curvature in the southerly right-of-way line of County Road #87 (50 feet wide) in the center of a ditch, said point also being the northeasterly most corner for residue lands of Philip P. and Sandra L. Cartanza and the northwesterly most corner for lands now or formerly of Loblolly, LLC; thence from the said point of beginning running in part more or less with the center of said ditch and with the lands of said Loblolly, LLC, South 15° 05' 53" East – 47.60 feet to a point; thence continuing with the same South 15° 04' 32" East – 433.93 feet to a point; thence leaving said ditch and said lands of Loblolly, LLC and running through lands of said Cartanza, South 15° 04' 32" East – 445.38 feet to a point in the westerly line for lands of the City of Dover Electric Substation; thence running with the westerly line of said substation lands South 20° 44' 05" West 170.91 feet to a point; thence leaving the westerly line of said substation lands and running through the lands of said Cartanza, North 15° 04' 32" West – 1,013.45 feet to a point in the southerly line of County Road #87; thence running with the southerly line of County Road #87, N 45° 18' 08" East – 49.67 feet to a point of curvature; thence running with the same in a northeasterly

direction along a 478.45 feet radius curve to the right, said curve having a chord bearing of North 49° 05' 03" East and a chord length of 63.12 feet, an arc length of 63.16 feet to a point, the **Place of Beginning.**

Containing within the above described metes and bounds 97,165 sq. ft. (2.2306 acres) of land, be the same more or less.

EXCEPTING AND RESERVING unto the party of the first part, the following:

1. As to Parcel 1 and as to the Access Road and Access Road Easement area as defined in Parcel 2 herein, the party of the first part, in addition to any other rights not inconsistent with the party of the second part's easement, specifically reserves the following rights:

a. The right to place and maintain in Parcel 2 subsurface irrigation piping system(s) to draw water from the "irrigation pond" (hereinafter defined), provided that if at such time of installation and/or maintenance of same the Access Road is disturbed by the party of the first part, the said party shall be responsible to restore same forthwith to its predisturbance status.

b. The right to operate moving irrigation system(s) on the surface of Parcel 1, the Access Road, and the Access Easement Area, provided that: (i) reasonable access to the electrical substation on Parcel 1 is not denied; (ii) said irrigation system may not be parked on such area when the irrigation system is not in operation; (iii) the irrigation equipment must not physically contact the improvements erected upon Parcel 1.

2. There is an existing pond (herein the "Irrigation Pond") located all or in part on Parcel 1. The party of the first part reserves an easement on Parcel 1 and Parcel 2 to access the Irrigation Pond to improve and maintain it as an Irrigation Pond and to draw the water therefrom to irrigate other lands of the party of the first part.

3. As to Parcel A and Parcel B described hereafter, the party of the first part does reserve the right to farm (planting, growing and harvesting of crops) on said parcels, including all normal farming endeavors related thereto, but the party of the first part must take care not to hit or spray upon the electrical substation itself; and is prohibited from applying fertilizers, lime, etc. in a manner that would drift on to the electrical substation area due to the risk that such chemical agents will result in corrosion of substation components. Said parcels upon which said farming easement covers are as follows:

Parcel A

Agricultural Land

ALL that certain lot, piece or parcel of land situate in Little Creek Hundred, Kent County, State of Delaware, lying between the City of Dover electric substation westerly perimeter fence and the westerly property line of the City of Dover electric substation, and being designated as lands to be used for agricultural purposes as depicted upon a Conditional Use Site Plan for Proposed City of Dover Electric Substation as recorded in the Office of the Recorder of Deeds, Kent County Delaware, in Plat Book 71, Pages 67-71, as prepared by Scott Engineering, Inc., Consulting Engineers and Surveyors, Drawing No. 2281-02-1, dated July 16, 2002, last revised March 8, 2004, comprising of five (5) sheets, and being more particularly described as follows to wit:

BEGINNING for the same at a point in the westerly property line of the City of Dover electric substation parcel at the southwesterly end of a 100 feet wide access easement, said point being located the following six (6) courses from the point of commencement, said point of commencement being located at a point of curvature in the southerly right-of-way line of County Road #87 (50 feet wide) in the center of a

ditch, said point of commencement also being the northeasterly most corner for residue lands of Philip P. and Sandra L. Cartanza and the northwesterly most corner for lands now or formerly of Loblolly, LLC: running from the point of commencement with the line for lands of said Loblolly, LLC and more or less with the center of a ditch (1) South 15° 06' 53" East – 47.60 feet to a point; thence (2) South 16° 04' 32" East – 433.93 feet to a point; thence (3) South 22° 35' 52" East – 101.43 feet to a point; thence (4) South 39° 08' 04" East – 64.30 feet to a point in the center of a ditch at the northwesterly end of an irrigation pond; thence (5) running through said irrigation pond South 51° 05' 05" East – 142.45 feet to a point; thence (6) continuing in part through said irrigation pond and in part along the easterly end of a 100 feet wide access easement, South 20° 44' 05" West – 381.71 feet to the point of beginning; thence from the said point of beginning running across lands of the City of Dover electric substation South 69° 15' 55" East - 135.00 feet to a point; thence running more or less parallel to the City of Dover electric substation fence the following three (3) courses: (1) South 20° 44' 05" West - 175.56 feet to a point; thence (2) South 20° 17' 43" East - 175.27 feet to a point; thence (3) South 69° 15' 39" East - 304.88 feet to a point at the edge of a woods line; thence running more or less with the edge of the woods line South 64° 59' 58" West - 153.77 feet to a point; thence continuing with the same South 49° 14' 34" West - 156.05 feet to a point in the southwesterly property line of the City of Dover electric substation parcel, said line separating the electric substation parcel and residue lands of said Cartanza; thence running with the line separating said lands of the City of Dover electric substation and said residue lands of Cartanza North 44° 21' 27" West - 411.39 feet to a point; thence continuing with the same, North 20° 44' 05" East - 381.79 feet to a point, the **Place of Beginning.**

Containing within the above described metes and bounds 128,312 sq. ft. (2.9456 acres) of land, be the same more or less.

Parcel B
Irrigation Pond

ALL that certain lot, piece or parcel of land situate in Little Creek Hundred, Kent County, State of Delaware, lying between the northerly side of the City of Dover electric substation perimeter fence and the northerly property line of the City of Dover electric substation, and being a portion of the irrigation pond as depicted upon a Conditional Use Site Plan for Proposed City of Dover Electric Substation as recorded in the Office of the Recorder of Deeds, Kent County Delaware, in Plat Book 71, Pages 67-71, as prepared by Scott Engineering, Inc., Consulting Engineers and Surveyors, Drawing No. 2281-02-1, dated July 16, 2002, last revised March 8, 2004, comprising of five (5) sheets, and being more particularly described as follows to wit:

BEGINNING for the same at a point in the southwesterly line for lands now or formerly of Loblolly, LLC in the northwesterly third of an irrigation pond, said point being located the following five (5) courses from the point of commencement, said point of commencement being located at a point of curvature in the southerly right-of-way line of County Road #87 (50 feet wide) in the center of a ditch, said point of commencement also being the northeasterly most corner for residue lands of Philip P. and Sandra L. Cartanza and the northwesterly most corner for lands now or formerly of Loblolly, LLC: running from the point of commencement with the line for lands of said Loblolly, LLC and more or less with the center of a ditch (1) South 15° 05' 52" East – 47.60 feet to a point; thence (2) South 15° 04' 32" East – 433.93 feet to a point; thence (3) South 22° 35' 52" East – 101.43 feet to a point; thence (4) South 39° 08' 04" East – 64.30 feet to a point in the center of a ditch at the northwesterly end of the aforesaid irrigation pond; thence (5) running through said irrigation pond South 51° 08' 05" East – 142.45 feet to the point of beginning; thence from the said point of beginning, continuing through the said pond and with the line for lands of said Loblolly, LLC, South 51° 08' 05" East – 373.68 feet to a point at the southeasterly end of said pond near the beginning of a ditch; thence running with the bank of said pond the following three (3)

courses: (1) South 29° 26' 54" West – 111.18 feet to a point; thence (2) South 71° 44' 44" West – 29.73 feet to a point; thence (3) in a northwesterly direction along a 637.78 feet radius curve to the right, said curve having a chord bearing of North 60° 11' 49" West and a chord length of 333.48 feet, an arc length of 337.40 feet to a point; thence leaving said pond bank and running through said pond North 20° 44' 05" East – 135.93 feet to a point, the Place of Beginning.

Containing within the above described metes and bounds 52,640 sq. ft. (1.2084 acres) of land, be the same more or less.

4. In the exercise of the rights reserved unto the party of the first part in paragraphs 1, 2 and 3 immediately above, the party of the first part shall indemnify and save harmless the party of the second part from liability arising from the party of the first part's exercise of said rights as reserved.

5. Seller shall practice good husbandry on Parcels A and B immediately above.

ALL RIGHTS, interests and obligations herein of the party of the first part and of the party of the second part shall enure to the benefit of, and be binding upon, the heirs, executors, administrators, successors and assigns of the parties hereto.

AND THE LANDS DESCRIBED HEREIN BEING part of the same lands and premises as were conveyed unto Philip P. Cartanza and Sandra L. Cartanza, husband and wife, by deed of Schiff Farm, Inc. of the State of Delaware, dated June 5, 1986, and recorded in the Office of the Recorder of Deeds, in and for Kent County, State of Delaware, in Deed Record Book C, Volume 42, Page 276. Title vested solely in Sandra Cartanza, the party of the second part, as surviving tenant by the entirety upon the death of Philip P. Cartanza October 2, 2001.

SUBJECT, however, to the reservations, restrictions, conditions and covenants of record and subject to such state of facts as an accurate survey and/or inspection of the

lands and premises will disclose; the operation and effect of any zoning laws, and building restrictions imposed by public authority; and easements and public utility grants of record.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness

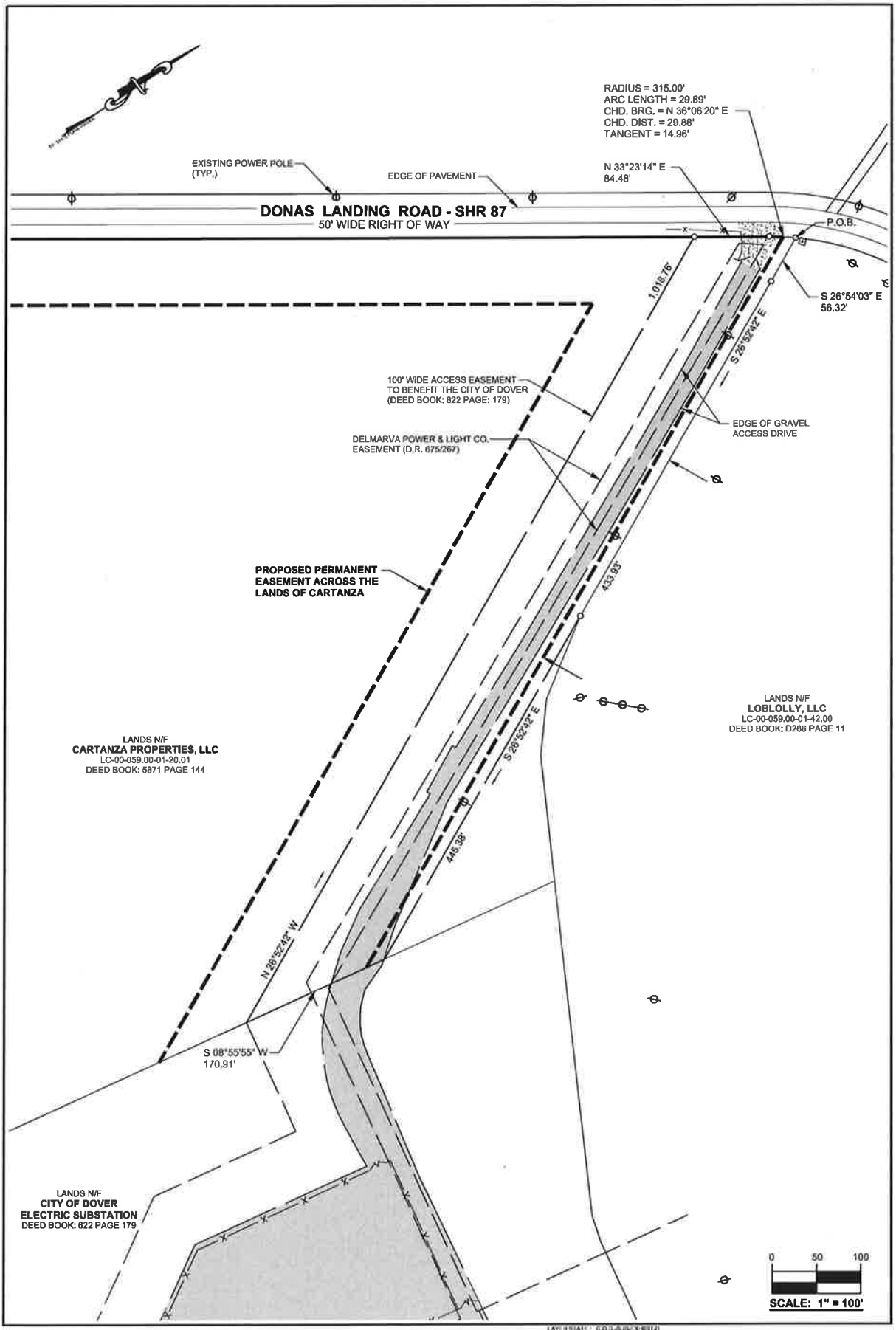
Sandra L. Cartanza (SEAL)
Sandra L. Cartanza

STATE OF DELAWARE :
: ss.
COUNTY OF KENT :

BE IT REMEMBERED, that on this 25 day of May, A.D. 2004, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Sandra L. Cartanza, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her Act and Deed.

Crystal L Carey
Notary Public

CRYSTAL L. CAREY
Delaware Attorney at Law with
Power to Act as Notary Public
Per 29 DEL.C. § 4323(a)(3)



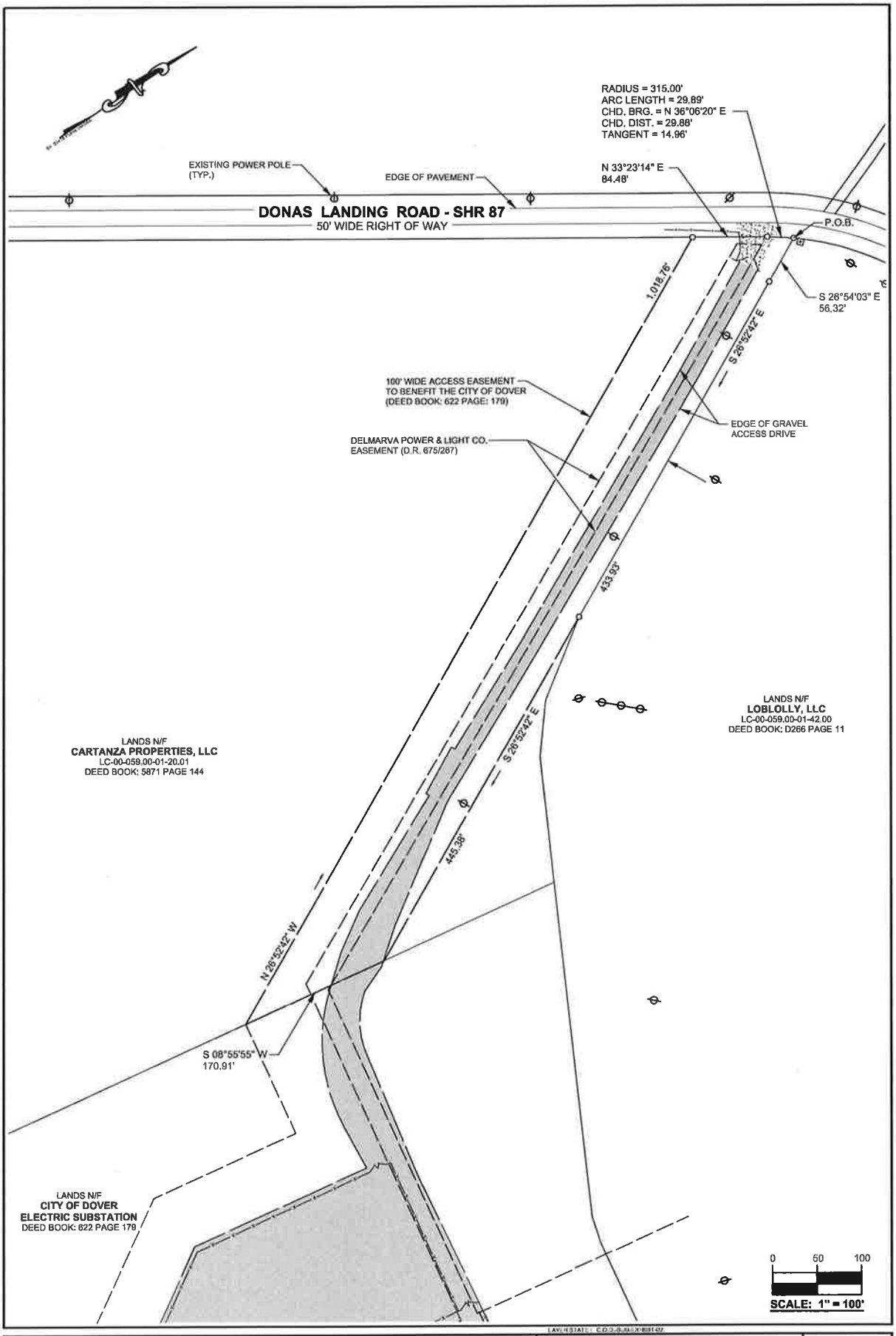
EXISTING ACCESS EASEMENT
ACROSS THE LANDS OF THE CARTANZA
TO BENEFIT THE CITY OF DOVER
LITTLE CREEK HUNDRED
KENT COUNTY, DELAWARE

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2010017.00
SCALE: 1" = 100'
DATE: 07/12/13
DRAWN BY: D.S.G.

EXHIBIT B

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EXISTING ACCESS EASEMENT
ACROSS THE LANDS OF THE CARTANZA
TO BENEFIT THE CITY OF DOVER
LITTLE CREEK HUNDRED
KENT COUNTY, DELAWARE

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BMG: 2010017.00
SCALE: 1" = 100'
DATE: 04/21/13
DRAWN BY: D.S.G.

EXBH. B II

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Exhibit "C"

Permanent Easement (100' wide)
Across the lands of Cartanza Properties, LLC
To benefit the City of Dover
Tax Map No.: LC-00-059.00-01-20.01

Beginning at a point in line with the easterly right of way line of Donas Landing Road (50' wide) and at a corner for lands now or formerly of Cartanza Properties, LLC and lands now or formerly of Loblolly, LLC; thence running with said lands of Loblolly, LLC the following two courses and distances 1) South 26°54'03" East 56.32 feet to a point; thence 2) South 26°52'42" East 433.93 feet to a point at a corner for lands now or formerly of Cartanza Properties, LLC; thence; turning and running across said lands of Cartanza Properties, LLC 3) South 26°52'42" East, 445.38 feet to a point in line with lands now or formerly of the City of Dover; thence turning and running with said lands of the City of Dover 4) South 08°55'55" West 170.91 feet to a point in line with said lands of Cartanza Properties, LLC; thence turning and running across said lands of Cartanza Properties, LLC 5) North 26°52'42" West 1,018.76 feet to a point in line with the easterly right of way line of Donas Landing Road; thence turning and running with said right of way line of Donas Landing road the following two courses and distances 6) North 33°23'14" East 84.48 feet to a point; thence 7) along the arc of a circle curving to the right and having a radius of 315.00 feet and having an arc length of 29.89 feet, chord bearing and distance of said arc being North 36°06'20" East 29.88 feet to the point and place of beginning and containing 97,786 square feet, be the same more or less.

Tax Parcel No. LC-00-059.00-01-20.01 *Execution Copy* Exhibit "D"

Prepared by and Return to:
John Watson
Calpine Corporation
500 Delaware Avenue, Suite 600
Wilmington, DE 19801

PERMANENT EASEMENT AND RIGHT OF WAY AGREEMENT

THIS AGREEMENT made this _____ day of September, 2013, by and between CARTANZA PROPERTIES, LLC, hereinafter called "Owner", and GARRISON ENERGY CENTER, LLC, a Delaware limited liability company, for itself, its lessees, successors, and assigns, hereinafter called "GEC".

WITNESSETH, that for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Owner does hereby give, grant, bargain, sell, and convey to GEC, its lessees, successors, and assigns, a perpetual right of way, privilege and easement (collectively the "Right of Way"), to construct, operate, maintain and replace lines for the transmission and/or distribution of electricity, including the right to install or erect towers, poles, cables, and other supports, to guy, brace, relocate, and maintain the same, and to string, stretch, suspend, and construct thereon wires, cross arms, attachments, equipment, accessories, and other fixtures and appliances, necessary or convenient for the transmission and/or distribution of electric current and any other cables, fiber optic and other wires and appurtenances necessary for electric related telecommunication purposes, but excluding any cellular installations or similar uses, (collectively all such improvements are defined as the "Line"), on, over, under, upon, and across certain tracts of land belonging to Owner, or in which Owner has an interest; located in the State of Delaware, County of Kent, which land located on the east side of Donas Landing Road, north of Rt. 9, Dover, Delaware (Tax Map No. LC-00-059.00-01-20.01) the land having been granted to Owner from Sandra L. Cartanza, by Deed dated July 15, 2011, which is recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 5871, Page 144.

Specific reference is made to a description and plan locating said Right of Way prepared by Becker Morgan Group, dated January 16, 2013, attached hereto as Exhibit "A, B, C, D & E" and made part of this document.

Together with the right to patrol, inspect, alter, improve, repair, rebuild, add to, relocate, replace, and remove such poles, supports, wires, cross arms, attachments, equipment, accessories, fixtures, and appliances, and all full enjoyment or use thereof, for the purpose above described, including the right of ingress and egress to, on, over, under, upon and across said Right of Way, and the right, but not the obligation, to trim, cut, remove, and keep clear any and all trees, limbs, undergrowth, and other obstructions, including structures of all kinds, upon said Right of Way, that may, in any way, now or hereafter, in the opinion of GEC, endanger or in any way interfere with the proper construction or reconstruction, operation, or maintenance of said

Line or in any way impede the access thereto. Owner shall have no right to relocate the Right of Way.

Owner shall not erect or permit the erection of any structures and/or facilities within the limits of the area of the Right of Way, without the express written consent and approval of GEC. Notwithstanding the above, Owner shall have the right to use the Right of Way area for any lawful purpose not inconsistent with or in contravention of the rights hereby conferred upon GEC.

Any poles, towers, supports, structures, guide wires, or any other improvements associated with use of the easement by GEC shall be constructed so as not to interfere with the current irrigation system and, notwithstanding anything else set forth herein to the contrary, GEC shall not have the right to remove, modify, or otherwise alter the existing irrigation system and any repairs or replacements thereof.

GEC shall pay Owner for any damage done by or attributable to the actions of GEC to crops, roads, fences, bridges, or any other improvements of Owner while constructing, repairing, reconstructing, maintaining, accessing or removing said Line, regardless of the theory of liability or recovery.

Owner covenants that Owner has the right to convey said Right of Way, that GEC shall have quiet and peaceful possession, use, and enjoyment of said Right of Way and the rights hereby conferred, and that Owner will execute such other further assurances thereof as may be requisite.

Owner agrees that the pole line along White Oak Road will be installed as close to the edge of the State rights of way as possible.

Only one pole line will be installed under this right of way agreement.

The exact pole locations will be staked in the field prior to installation. The pole location may be adjusted within the right of way in the future should the pole require relocation in conjunction with a highway, governmental or any other project.

It is further agreed that this Agreement and any rights and interest acquired pursuant hereto shall be binding upon and inure to the benefit of Owner and GEC and their respective heirs, personal representatives, successors, and assigns, and same shall run with the land.

IN WITNESS WHEREOF, Owner and GEC have hereunto affixed our hands and seals the day and year aforesaid.

OWNER:

CARTANZA PROPERTIES, LLC

_____
Name: Chris Cartanza

_____
Name: Mark Cartanza

_____
Name: Paul Philip Cartanza, Jr.

GEC:

GARRISON ENERGY CENTER LLC

By: _____
Name Champe A. Fisher, Jr.
Title: Vice-President

9-24-13

STATE OF DELAWARE)
) SS.
COUNTY OF KENT)

BE IT REMEMBERED, that on this _____ day of September, 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Chris Cartanza, Mark Cartanza and Paul Philip Cartanza, Jr., Authorized Representative of Cartanza Properties, LLC, a Delaware limited liability company, party to this Instrument, known to me personally to be such, and acknowledges this Instrument to be his act and deed and the act and deed of said Limited Liability Company, that the signature of the Authorized Representative is in his own proper handwriting, and that his act of signing, sealing, acknowledging and delivering this Instrument represents consent by 100% of the members of said Delaware Limited Liability Company.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

My commission expires: _____

_____
Notary Public
Print Name: _____

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this _____ day of September , 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, Authorized Representative of Garrison Energy Center LLC, a Delaware limited liability company, party to this Instrument, known to me personally to be such, and acknowledges this Instrument to be his act and deed and the act and deed of said Limited Liability Company, that the signature of the Authorized Representative is in his own proper handwriting, and that his act of signing, sealing, acknowledging and delivering this Instrument represents consent by 100% of the members of said Delaware Limited Liability Company.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

My commission expires: _____

_____
Notary Public
Print Name: _____

Council Meeting 1/27/14

CITY OF DOVER
FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014
REVENUE REPORT
As of December 31, 2013

	GENERAL FUND	FY14 BUDGET	FY14 REVISED BUDGET	YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY13 REVENUES	FY12 REVENUES
1	Property Taxes	$ 10,852,300	$ 10,852,300	$ 10,739,816	99.0%	Billed in July	$ 10,768,815	$ 10,765,741
2	Payment In Lieu of Taxes	317,200	317,200	316,672	99.8%		357,580	284,457
3	Transfer from Electric Fund	8,000,000	8,000,000	4,000,000	50.0%		8,000,000	7,876,288
4	Intrafund Service Receipts Electric	3,319,400	3,319,400	1,475,880	44.5%		3,195,818	3,105,015
5	Transfer from Transfer Tax Fund	1,315,500	1,100,000	537,168	48.8%	Under review	1,107,959	1,373,208
6	Business Licenses	1,460,000	1,460,000	1,432,706	98.1%	Billed in July	1,462,503	1,470,097
7	Intrafund Service Receipts Water/Wastewater	1,134,900	1,134,900	541,533	47.7%		1,046,492	894,186
8	Sanitation Fees	2,676,500	2,676,500	1,299,947	48.6%		2,624,877	1,903,623
9	Permits & Other Licenses	1,167,500	1,167,500	563,050	48.2%	Rental dwelling/trailers billed in July	1,162,765	1,346,769
10	Transfer from Municipal Street Aid Fund	527,400	527,400	-	0.0%	Normally receive Oct/Nov	531,121	527,042
11	Fines & Police Revenue	666,000	666,000	284,238	42.7%	Under review	612,193	681,952
12	Police Extra Duty Fees	650,000	650,000	260,604	40.1%		703,575	600,310
13	Transfer from Police Grant Funds	110,000	110,000	32,481	29.5%		113,980	600,310
14	Court of Chancery Fees	863,200	863,200	400,800	46.4%	One month in arrears	917,700	863,220
15	Transfer from Water/Wastewater Fund	500,000	500,000	375,000	75.0%		500,000	424,508
16	Transfer from Civil Traffic Penalties Fund	600,000	600,000	157,830	26.3%	One month in arrears; Under review	299,828	518,638
17	Library Revenues & County Reciprocal Pymt	466,600	466,600	267,636	57.4%	County funds received October	471,065	475,822
18	Franchise Fees	606,200	606,200	157,744	26.0%	Quarterly receipts in arrears	618,347	568,240
19	General Fund Grant Receipts	623,500	623,500	71,000	11.4%	Police Pension ($70k) & I/T Grant	777,987	1,010,452
20	Recreation Revenue	133,000	133,000	66,544	50.0%		144,490	112,480
21	Other Miscellaneous Receipts	213,800	213,800	64,929	30.4%		228,729	232,535
22	Interest Income	75,000	75,000	21,529	28.7%	Under review	93,173	53,175
	TOTALS	$ 36,278,000	$ 36,062,500	$ 23,067,107	63.6%		$ 35,738,997	$ 35,688,068
	Final Budget						**$ 35,569,000**	**$ 35,016,778**

Council Meeting 1/27/14

CITY OF DOVER
FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014
REVENUE REPORT
As of December 31, 2013

	WATER/WASTEWATER FUND	FY14 BUDGET	FY14 REVISED BUDGET	YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY13 REVENUES	FY12 REVENUES
1	Water Fees	$ 4,730,700	$ 4,730,700	$ 2,321,699	49.1%		$ 4,551,840	$ 4,707,918
2	Wastewater Fees	3,642,700	3,642,700	1,825,352	50.1%		3,564,615	3,722,985
3	Wastewater Adjustment Fees - County Trtmt	2,980,300	2,980,300	1,503,077	50.4%		2,926,616	3,050,127
4	Groundwater Inflow Adjustment	1,324,600	1,324,600	674,723	50.9%		1,314,033	1,290,968
5	Water Impact Fees	357,000	357,000	90,475	25.3%	Budgeted to pay debt service; Review	220,362	308,700
6	Wastewater Impact Fees	323,000	323,000	82,022	25.4%	Budgeted to pay debt service; Review	385,986	277,400
7	Water Tank Space Leasing	333,800	333,800	146,194	43.8%		300,067	313,101
8	Interest Income	23,100	23,100	1,940	8.4%	Under review	13,507	31,889
9	Other Miscellaneous Revenues	82,000	82,000	33,867	41.3%		73,312	104,634
10	Grant Receipts	-		-	0.0%		50,876	-
	TOTALS	$ 13,797,200	$ 13,797,200	$ 6,679,349	48.4%		$ 13,401,214	$ 13,807,722
	Final Budget						**$ 13,822,200**	**$ 13,819,800**

	ELECTRIC REVENUE FUND	FY14 BUDGET	FY14 REVISED BUDGET	YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY13 REVENUES	FY12 REVENUES
1	Sales to Customers	$ 76,286,700	$ 76,286,700	$ 40,064,005	52.5%		$ 86,887,345	$ 99,859,602
2	Purchased Power Adjustment	-	-	-	0.0%		-	(2,290,989)
3	Utility Tax	1,492,200	1,492,200	661,364	44.3%	Under review	1,443,852	1,944,543
4	Transfer from Rate Stabilization Reserve	4,000,000	4,000,000	3,000,000	75.0%		5,400,000	-
5	Miscellaneous Revenue	988,800	988,800	399,340	40.4%	Under review	2,026,127	1,381,300
6	Interest Income	119,400	119,400	6,202	5.2%	Under review	137,718	12,662
7	Intrafund Service Fees - Water/Wastewater	98,500	98,500	50,506	51.3%		136,413	171,646
	TOTALS	$ 82,985,600	$ 82,985,600	$ 44,181,417	53.2%		$ 96,031,455	$ 101,078,764
	Final Budget						**$ 95,971,700**	**$ 99,934,036**

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED:** 01/17/14
PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer	
SUBJECT: Evaluation of Bids – Garrison Oak Technical Park Sanitary Sewer Improvements	
REFERENCE: CIP – Garrison Farm Improvements	
RELATED PROJECT: Garrison Oak Technical Park	
APPROVALS: City Manager, Controller	
EXHIBITS:	
EXPENDITURE REQUIRED: $2,572,065	**AMOUNT BUDGETED**: Project Total $ 3,224,200
FUNDING SOURCE (Dept./Page in CIP & Budget): Wastewater Division, Account No.: 417-6900-569.40-31. Revised CIP as submitted 7/22/13. Note - this is just one component of the Sanitary Sewer improvements.	
TIMETABLE: Notice to Proceed to be issued within 30 days of Council approval. Project anticipated to be completed in 270 calendar days.	
RECOMMENDED ACTION: Award a unit price contract for the Garrison Oak Technical Park Sanitary Sewer Improvements to George & Lynch Inc., in response to City of Dover Bid #14-0018PW, for the amount not to exceed $2,572,065.	

BACKGROUND AND ANALYSIS

This project is described as three (3) phases of work, the first phase is generally described as, the removal and replacement of existing pipe, equipment and controls within existing Pump Station No. 5 including pump replacements, control replacement, SCADA integration and associated work. The second phase is generally described as, construction of a new pre-packaged pump station (Pump Station No. 14R) and force main including the complete pump station facility, SCADA integration, and horizontal direction drill and open cut force main construction using HDPE and ductile iron pipe. The third phase is generally described as, demolition and abandonment of existing Pump Station No. 14 including removal of equipment, controls, and piping; abandonment of piping and structures; and restoration of pump station area. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. The total work authorized under this contract will not exceed the available funding.

Bids were opened on Wednesday, January 8, 2014. Three (3) contractors submitted unit price bids for the proposed work to be performed. Based on the proposed quantities, the estimated contract values are as follows:

CONTRACTOR	LOCATION	BID PRICE	EVALUATED BID PRICE
EASTERN STATES CONSTRUCTION	WILMINGTON, DE	$2,528,603.00	$2,528,603.00
GEORGE & LYNCH, INC.	**DOVER, DE**	**$2,572,065.00**	**$2,494,903.05***
TEAL CONSTRUCTION	DOVER, DE	$2,798,780.00	$2,714,816.60*

**=Evaluated Bid, based on Local Vendor Preference*

George & Lynch Inc. submitted all of the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement that were all found to be adequate. In conclusion, staff recommends awarding a construction contract to George & Lynch, Inc. in the amount of $2,572,065.00 for the Garrison Oak Technical Park Sanitary Sewer Improvements.

ACTION FORM

PROCEEDING: City Council **AGENDA ITEM:**

DEPARTMENT OF ORIGIN: Public Works **DATE SUBMITTED:** 01/17/14

PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer

SUBJECT: Evaluation of Bids – Garrison Oak Technical Park

REFERENCE: CIP – Garrison Farm Improvements

RELATED PROJECT: Garrison Oak Technical Park Sanitary Sewer Improvements, Garrison Water Storage Tank (1.5 MG)

APPROVALS: City Manager, Controller

EXHIBITS:

EXPENDITURE REQUIRED: $6,214,700.00 **AMOUNT BUDGETED:** $ 2,596,686

FUNDING SOURCE (Department & Budget):

Infrastructure	Amount Required	Account Number	Budget Remaining	Shortfall	Method of Balancing
Water	$876,605	417-6800-568.40-31	$534,700	$(341,905)	Transfer FY15 Water Quality Imp. monies
Wastewater	$815,952	417-6900-569.40-31	$396,261	$(419,691)	Transfer unused FY14 I & I monies
Street / Storm Sewer / Landscape	$4,522,143	147-1800-554.40-31	$1,665,725	$(2,856,418)	Low Interest Loan - Electric Reserves (Funding Source being reviewed)

Funds will be transferred upon City Council approval.

TIMETABLE: Notice to Proceed to be issued within 30 days of Council approval. Project anticipated to be completed in 270 calendar days.

RECOMMENDED ACTION: Award a unit price contract for the Garrison Oak Technical Park to A-DEL Construction Company, in response to City of Dover Bid #14-0020PW, for the amount not to exceed $6,214,700.

BACKGROUND AND ANALYSIS

This work is which is generally described as furnishing all labor, equipment and materials necessary to grade and install approximately 6,500 linear feet of new road and associated curb and sidewalk, 54 catch basins, 25 storm drain manholes, 9,000 linear feet of storm drain pipe, 41 sanitary manholes, 8,000 linear feet of sanitary sewer, 6,535 linear feet of water main, 12 fire hydrants and 14 water services. In addition, the bid package includes drainage improvements, earthen swales, and the creation of two new storm water management areas and two new road entrances onto White Oak Road. The two new entrances include 100 square yard inches of pavement milling, 50 square yards of Type C overlay, 2,250 square yards of full depth road construction, 1,200 linear feet of curb and the application of tack coat. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. This project is utilizing the funding sources that are being utilized with other projects related to this development. The water account is also being used to construct the Garrison Water Storage Tank (1.5 MG). The wastewater account is also being used to construct the Garrison Oak Technical Park Sanitary Sewer Improvement project.

Bids were opened on Wednesday, January 8, 2014. Six (6) contractors submitted unit price bids for the proposed work to be performed. Based on the proposed quantities, the estimated contract values are as follows:

CONTRACTOR	LOCATION	AMOUNT OF BID	EVALUATED BID PRICE
A-DEL CONSTRUCTION CO.	**NEWARK, DE**	**$6,214,700.00**	**$6,214,700.00**
DIAMOND MATERIALS LLC	WILMINGTON, DE	$7,512,533,25	$7,512,533,25
DIXIE CONSTRUCTION CO.	GEORGETOWN, DE	$6,329,221.10	$6,329,221.10
EASTERN STATES CONSTRUCTION	WILMINGTON, DE	$7,969,255.40	$7,969,255.40
GEORGE & LYNCH, INC.	DOVER, DE	$8,131,211.71	$7,887,275.36*
DAISY CONSTRUCTION	NEWPORT, DE	$7,367,820.55	$7,367,820.55

**=Evaluated Bid, based on Local Vendor Preference*

A-Del Construction Company submitted all of the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement that were all found to be adequate. In conclusion, staff recommends awarding a construction contract to A-DEL Construction Company in the amount of $6,214,700.00 for the Garrison Oak Technical Park.

PETITION TO AMEND THE ZONING DISTRICT
First Reading before the Dover City Council
January 27, 2014

Applicants/Owners:	David and Susan Edgell
Address:	405 North State Street
Location:	Northeast corner of North State Street and Washington Street
Tax Parcel ID #:	ED05-068.17-01-72.00-000
Size:	11,250 SF +/-
Present Use:	Single family residence
Proposed Use:	Single family residence
Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	RG-1 (General Residence Zone)
Reason for Request:	To allow for construction of a detached garage
File Number:	Z-14-02
Ordinance Number:	2014-02

City of Dover

Department of Planning & Inspections

Application No.: Z-14-02



Plan Title: Lands of David & Susan Edgell
Location: 405 N State St.
Plan Type: Rezoning
Tax Parcel: ED05-068.17-01-72.00
Current Zoning: R-8
Proposed Zoning: RG-1
Owners: David & Susan Edgell
Date: 1/21/2014

Legend

- Zoning
- Dover Parcels
- Kent County Parcels
- Dover Boundary

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FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2014-02

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: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-02 - Rezoning - 405 N. State Street - 1st Rdg.wpd

Actions History
January 27, 2014 - Scheduled for First Reading by Council

Draft

PROPOSED AMENDMENTS TO THE *2008 COMPREHENSIVE PLAN*
First Reading before the
Dover City Council
January 27, 2014

Proposed Amendments to the *2008 Comprehensive Plan*: A summary of the proposed amendments to the *2008 Comprehensive Plan* follows.

1) **Addendum to Comprehensive Plan Text** - The addendum relates to a number of ongoing planning projects taking place during 2014. Once these planning projects are complete, the City will use these as part of a full update to the Comprehensive Plan. Staff believes that it would be premature to update the Comprehensive Plan until the current planning projects are done. These projects include the Central Dover Neighborhood Plan, the Transportation Improvement District for the Route 13 and Bay Road Corridor, and a Citywide Recreation Needs Assessment.

   This addendum includes specific addenda to the Transportation Chapter and the Community Development and Housing Chapter of the *2008 Comprehensive Plan*.

2) **Land Development Plan Amendment** – Change of land use classification for on parcel of land located at the northeast corner of McKee and College Roads from Office to Commercial.

   This amendment has been requested by the affected property owner, in conjunction with a rezoning request, as specified in the *2008 Comprehensive Plan*.

Ordinance Number: 2014-03

File Number: MI-14-01

Review of 2008 Comprehensive Plan – 2014 Addendum

In accordance with Delaware Code, Title 22, Chapter 7, §702, the City is required to review its Comprehensive Plan every five years and to update and readopt its Comprehensive Plan at least every ten years. Dover City Council adopted the City of Dover 2008 Comprehensive Plan in February 2009. The Planning Office has been discussing how to go about the five-year review of the Comprehensive Plan, especially in light of several on-going planning activities. Planning Staff believes that once these planning activities are complete, the City will be able to do a complete update and re-adoption of the Comprehensive Plan. The ongoing planning activities are described below:

A. Central Dover Community Plan – This plan, currently under development, is being led by NCALL with funding support from the Wells Fargo Foundation. This Community Plan will address the area bounded by William Street, State Street, Hope Street, and the railroad tracks, and also include the Lincoln Park community. Interface Studios is under contract with NCALL to develop the Plan, and is conducting a detailed assessment of the area that includes in-depth public involvement. The City is not leading this planning effort but is a partner in the process. The Plan will include comprehensive recommendations and will ultimately be the centerpiece of the Housing Chapter of an updated Comprehensive Plan.

B. Transportation Improvement District – The City, DelDOT and the Dover/Kent County MPO are beginning the process of developing a Transportation Improvement District (TID) to include the Route 13 and Bay Road corridors within the City limits. In order to enter into the TID agreement and proceed with the detailed traffic study of the area, the City must amend its Comprehensive Plan to identify this TID. The results of the TID study will be an important component of the Transportation Chapter of an updated Comprehensive Plan.

C. The City will shortly begin the process of performing a Citywide Parks and Recreation Needs Assessment and Plan. This will guide the City's capital improvements in our park system and also be a key component of the City's updated Comprehensive Plan. The 2008 Comprehensive Plan included an implementation item as to "Develop an Open

Space and Parks Master Plan." This needs assessment and plan will satisfy this implementation item.

D. In addition, the Dover Transit Center Neighborhood Plan and Design Book, which was adopted in March 2011, will be incorporated into an updated Comprehensive Plan.

Given the number of ongoing planning projects that will ultimately need to be incorporated into the City of Dover's Comprehensive Plan, the Planning Staff intends to develop an addendum to the 2008 Comprehensive Plan that would identify any amendments to the Land Development Plan that may be currently necessary as well as projects to be implemented over the next year to lay the ground work for a complete Comprehensive Plan update.

Addendum to the Transportation Plan (Chapter 9)

The 2008 Comprehensive Plan identifies the following Transportation goals:

Goal 1: Preserve and Maintain the Existing Transportation System
Goal 2: Increase Coordination with Agencies
Goal 3: Develop and Expand Alternate Modes of Transportation
Goal 4: Create Recommendations and Policies for Roadways and Development
Goal 5: Air Quality: The Ozone Challenge

Additionally, the Land Development Plan (Chapter 12) states the following as it relates to Route 13 and the Bay Road Corridor:

> *US Route 13/113 Corridor*
>
> The US Route 13/113 corridor is dominated by highway commercial development. For the most part, the Comprehensive Land Development Plan proposes to continue US Route 13/113 as the major commercial corridor in Central Delaware.
>
> Few vacant developable parcels exist within this area. However, potential exists for the redevelopment of older retail stores and strip shopping centers. The Comprehensive Plan encourages the renovation and adaptive reuse of older structures within the highway corridor as means of restoring property value, preventing blight and demolition by neglect, and enhancing the overall image of the highway environment. In some cases the demolition of older structures may be beneficial, and should be supported, to enable redevelopment to occur within the corridor.

The constraints of the existing transportation infrastructure along this corridor have created significant challenges to redevelopment along Route 13 and Bay Road. In an effort to support the goals of the Transportation Plan and support the redevelopment of underutilized properties along the Route 13 and Bay Road Corridors, the City intends to work with the Delaware Department of Transportation and the Dover/Kent County MPO to develop a memorandum of understanding for the creation of a Transportation Improvement District (TID) and to complete the associated transportation study of the area. The plan developed to implement the TID will establish acceptable levels of service and ensure that bicycle, pedestrian, and transit needs are addressed as redevelopment moves forward. The TID will create a predictable and fair framework for developers to contribute to transportation improvements, while also identifying projects that may be appropriate for the State's Capital Transportation Plan.

***Implementation Item**:* Work with DelDOT and the Dover/Kent County MPO to develop a Transportation Improvement District for the Route 13/Bay Road Corridor in Dover.

Addendum to Housing and Community Development Plan (Chapter 11)

The 2008 Comprehensive Plan identifies the following Housing and Community Development goals:

> **Goal 1:** Encourage Balanced Housing Opportunities for All Income Levels and Phases in Life
> **Goal 2:** Preserve Existing Housing Stock
> **Goal 3:** Provide Safe Livable Neighborhoods
> **Goal 4:** Provide Homeownership Opportunities for Low/Moderate Income

In recent years, the City has encountered challenges to implementing the Housing and Community Development goals within the long-established downtown neighborhoods. Home ownership rates have continued to decline, the quality of housing stock has deteriorated, and crime has caused many residents to feel unsafe. In 2012, the CenDel Foundation convened a Downtown Safety Task Force to provide an inclusive mechanism for stakeholders to come together and improve safety in the downtown. Through the leadership of NCALL, this task force applied for a grant from the Wells Fargo Foundation to develop a community based plan for improvement of the downtown neighborhood. While the City is an active partner in this planning process, it is being led by NCALL, and a community planning consultant has been retained. The completed plan is expected in late spring 2014.

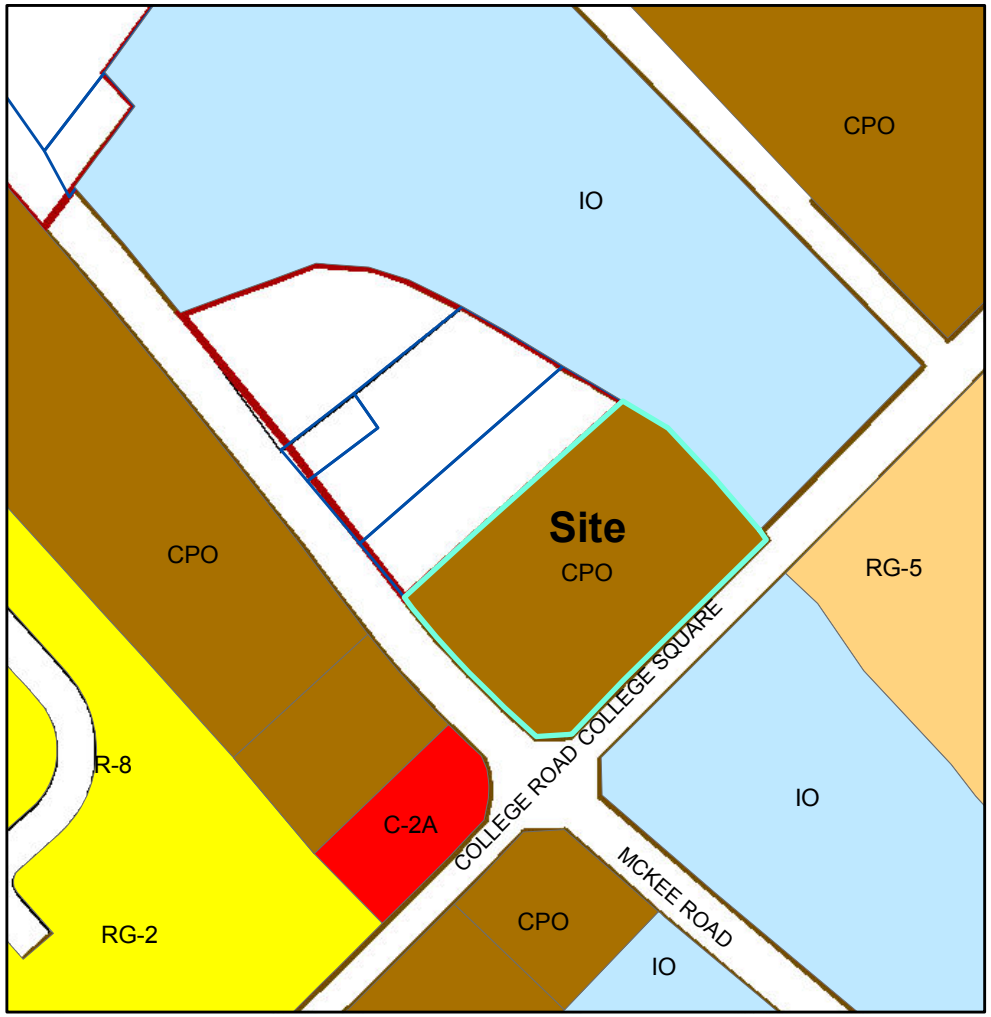
Implementation Item: Work with NCALL and other partners to complete and implement the Downtown Dover Community Plan. The results of this effort will be a key component to the Housing and Community Development chapter of the Comprehensive Plan Update.

City of Dover

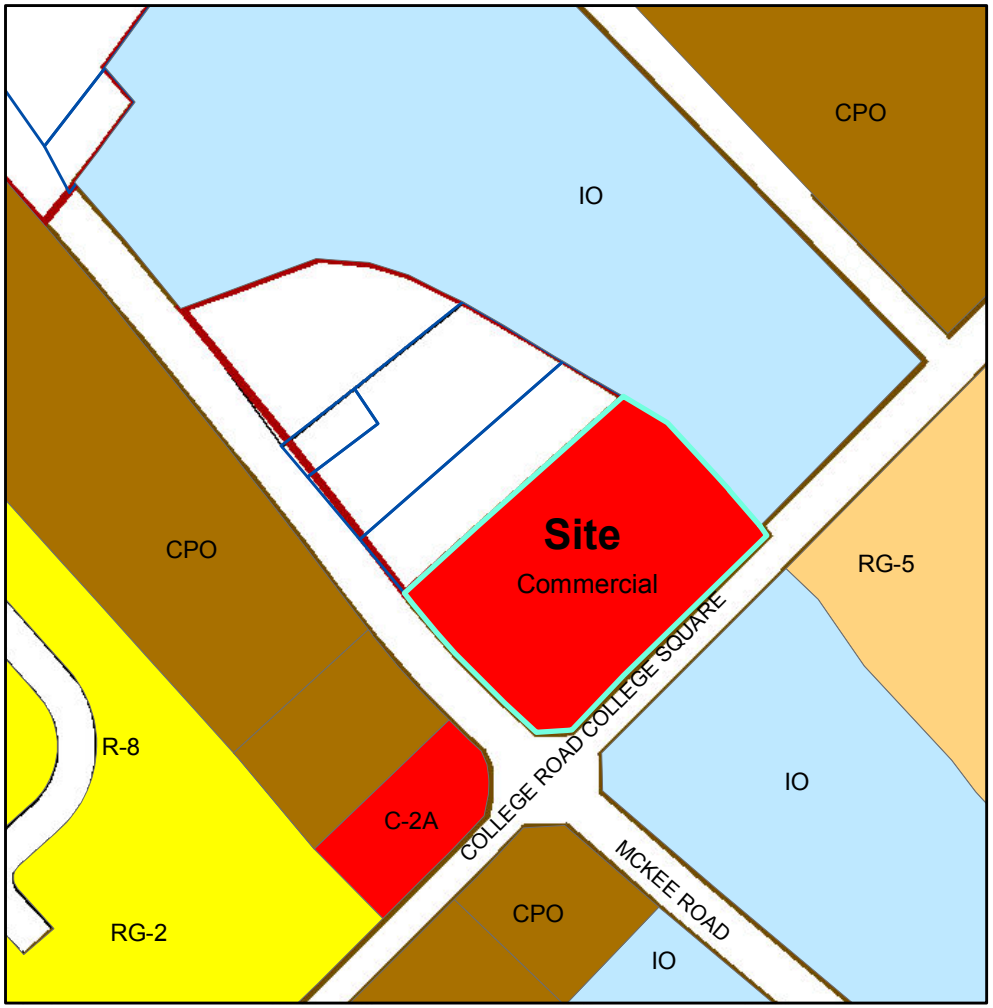
Department of Planning & Inspections

2014 Comprehensive Plan Amendment

Current Designation



Proposed Designation



Plan Title: College Road Offices LLC.
Location: 1205 Mckee Road
Plan Type: Comprehensive Plan Amendment
Tax Parcel: ED05-067.00-02-51.00
Current Land Use: Office
Proposed Land Use: Commercial
Owners: College Road Offices LLC.
Date: 1/2/2014

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Legend

Land Use Classifications

- Active Agriculture
- Commercial
- DoverAFB
- Industrial and Public Utilities
- Institutional
- Mixed Use
- Office
- Open Space, Conservation, Recreation
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Train Track
- Water

Proposed Use

- Commercial
- Dover Boundary
- Zoning
- Dover Parcels

FIRST READING

CITY OF DOVER
ORDINANCE #2014-03

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY INCLUDING TEXT ADDENDA TO THE TRANSPORTATION AND COMMUNITY DEVELOPMENT CHAPTERS, AND BY REPLACING MAP 12-1: LAND DEVELOPMENT PLAN.

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, one property owner has requested an amendment to the Land Development Plan Map (Map 12-1) in accordance with the process set forth in the 2008 Comprehensive Plan; 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 and amendments to the Land Development Plan related to the above request.

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. Replacing Map 12-1: Land Development Plan of the 2008 Comprehensive Plan, as amended on November 23, 2009; March 14, 2011; April 11, 2011; and March 12, 2012, with the Amended Map 12-1 presented to City Council on March 10, 2014; and

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

SYNOPSIS

The proposed ordinance would adopt amendments and addenda to the 2008 Comprehensive Plan, as amended on November 23, 2009; March 14, 2011; April 11, 2011; and March 12, 2012.

Draft

PETITION TO AMEND THE ZONING DISTRICT
First Reading before the Dover City Council
January 27, 2014

Applicants/Owners:	College Road Offices LLC
Address:	1205 McKee Road
Location:	Northeast corner of McKee and College Roads
Tax Parcel ID #:	ED05-067.00-02-51.00-0001
Size:	3.46 acres +/-
Present Use:	Vacant
Proposed Use:	Commercial
Current Comprehensive Plan Designation:	Office
Proposed Comprehensive Plan Designation:	Commercial
Present Zoning:	CPO (Commercial and Professional Office Zone)/COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)/COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for commercial development of the property
File Number:	Z-14-01
Ordinance Number:	2014-04

City of Dover

Department of Planning & Inspections

Application No.: Z-14-01



Plan Title: Lands of College Road Offices, LLC
Location: 1205 Mckee Rd.
Plan Type: Rezoning
Tax Parcel: ED05-067.00-02-51.00
Current Zoning: CPO with COZ-1
Proposed Zoning: C-2A with COZ-1
Owners: College Road Offices, LLC
Date: 1/21/2014

Legend

- Zoning
- Dover Parcels
- Kent County Parcels
- Dover Boundary

N
W
E
S

0 110 220 440 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2014-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1205 McKEE ROAD

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 CPO (Commercial Professional Office) and subject to the COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial) and subject to the COZ-1 (Corridor Overlay Zone).

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 CPO (Commercial Professional Office) and subject to the COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial) and subject to the COZ-1 (Corridor Overlay Zone) on that property located at 1205 McKee Road (northeast corner of McKee Road and College Road), consisting of $3.46^{+/-}$ acres, owned by College Road Offices, LLC.
   (Tax Parcel: ED-05-067.00-02-51.00-000; Planning Reference Z-14-01)

ADOPTED: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-04 Rezoning - 1205 McKee Road - 1st Reading.wpd

Actions History
January 27, 2014 - Scheduled for First Reading by Council

Draft

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2014-01

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

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-111 - Purpose, be amended by inserting the blue, bold text and deleting the text indicated in red, bold, strikeout, as follows:

In the ~~**option**~~ **opinion** of city council, the abatement of city real estate taxes for certain qualifying industries and businesses defined herein best promotes the public welfare by providing incentives for them to expand or locate in the city, thereby creating new employment opportunities for the citizens of the city and ultimately strengthening the city's tax base.

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, be amended by adding a new Section 102-118 - Revocation of Eligibility, to read as follows:

Sec. 102-118 - Revocation of Eligibility

The beneficiary of the incentives provided by this Article must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

BE IT FURTHER ORDAINED:

That Appendix C - Downtown Redevelopment, Article II - Definitions, be amended by deleting it in its entirety and inserting in lieu thereof the following:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Section 1. Beneficiary of the incentives.

The *beneficiary of the incentives* shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

Section 2. Downtown Dover Partnership.

The *Downtown Dover Partnership* shall be established for the purpose of fostering redevelopment within the target area.

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Section 3. Eligible project.

Eligible project shall mean a new construction or renovation which:

(a) Is located within the target area; and

(b) The fair market value of the materials to be used in and the labor to be performed on the project exceeds the sum of $15,000.00; and

(c) Is for commercial, office, or a residential use; and

(d) Conforms to the intent of this ordinance.

In order for a residential use to be an eligible project, the object of the construction or renovation must be a dwelling unit as defined in article 12 of the City of Dover zoning ordinance [appendix B]. Construction or renovation of accessory buildings as defined in article 12 of the City of Dover zoning ordinance [appendix B] shall not be eligible for development incentives. Construction or renovation which constitutes ordinary replacement or routine maintenance shall not qualify as an eligible project.

Section 4. Target area.

Target area shall mean that part of the city more particularly described as follows:

Beginning at a point at the intersection of the centerlines of Cecil and North State Streets, then continuing on the centerline of North State Street in a southerly direction to the intersection of the centerline of State Street and an extension of the centerline of Delaware Avenue, then continuing on the centerline and an extension of the centerline of Delaware Avenue in an easterly direction to the point of intersection of an extension of the centerline of Delaware Avenue and the St. Jones River, then following the centerline of the St. Jones River in a southerly direction to the point of intersection of the centerline of the St. Jones River and the southerly property line of lands now or formerly of the Catholic Diocese of Wilmington, being the site of Holy Cross Roman Catholic Church, then proceeding in a westerly direction along said property line to the easterly right-of-way line of South State Street (U.S. Route 13-A), then crossing the right-of-way line of South State Street in a westerly direction and joining the centerline of Hope Street and proceeding in a westerly direction to the centerlines of Hope Street and South Governors Avenue, then proceeding in a southerly direction along the centerline of South Governors Avenue to the point of intersection of the centerlines of South Governors Avenue and Dover Street, then proceeding in a westerly direction along the centerline of Dover Street to the point of intersection of the centerlines of Dover Street and Westview Terrace, then continuing in a northerly direction on the centerline of Westview Terrace to the point of intersection of the centerline of Westview Terrace and New Burton Road, then proceeding in a northeasterly direction on the centerline of New Burton Road to the point of intersection of New Burton Road and West Street, then continuing in a northerly direction along the westerly right-of-way line of West Street to the point of intersection of the westerly side of the right-of-way of West Street and the northerly property line of lands now or formerly of Dover Rent-All, Inc., then continuing in a westerly direction along said property line to the point of intersection of said property line and the lands of Conrail Railroad, then proceeding in a northerly direction along the easterly right-of-way line of Conrail Railroad in a northerly direction to the point of intersection of the centerline of West North Street and then westerly along the centerline of West North Street to a point of intersection with an extension of the westerly property line of lands now

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or of late of Michael Nash, being the site of the former Diamond Ice Company, then proceeding in a northerly direction along the westerly property line of the Nash property and in a line extending to the intersection of the southerly property line of lands now or of late Paul T. and Aiko Moore, and then northwesterly and then northerly along the southern and western property line of the Moore property and extending north to an intersection with the centerline of Lincoln Street, and then easterly along the centerline of Lincoln Street to a point of intersection of an extension of the westerly property line of lands now or formerly of Frank Moore et al., and then northerly along the western property of Frank Moore et al. and extending to a point of intersection with the centerline of Forest Street, then easterly along the centerline of Forest Street to a point of intersection with an extension of the westerly property of the lands now or formerly of the Salvation Army, and then northerly and easterly along the western and north property line of the Salvation Army property to the point of intersection with lands now or of late Conrail Railroad, then northerly along the westerly property line of Conrail Railroad and extending to a point of intersection with the centerline of West Division Street, and then easterly along the centerline of East Division Street to the intersection of the easterly right-of-way line of Conrail Railroad, and then northerly along the easterly right-of-way line of Conrail Railroad to the intersection of the right-of-way of Conrail Railroad and the northerly property line of lands now or of late of Southern States Cooperative, Inc., then proceeding in an easterly direction a distance of 52.76 feet to the northeasterly corner of the lands now or of late of Southern States Cooperative, Inc., then proceeding in a southerly direction along the easterly property line of lands now or of late of Southern States Cooperative, Inc., to the point of intersection of said property and the centerline of Cecil Street, then proceeding in an easterly direction along the centerline of Cecil Street to the point of beginning, being the point of intersection of the centerline of Cecil and North State Streets.

NOTE: This amendment deletes Section 2, Reserved, (which read: Section 2. Reserved. Editor's note - An ordinance adopted Jan. 10, 2000, repealed section 2 which pertained to the eligibility period and derived from an ordinance adopted March 13, 1995, and an ordinance adopted Jan. 11, 1999.) and re-orders the definitions alphabetically.

BE IT FURTHER ORDAINED:

That Appendix C - Downtown Redevelopment, Article III - Eligibility, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout, as follows:

~~**Section 1. Issuance of building permit.**~~

~~**Issuance of a city building permit for an eligible project must be obtained during the eligibility period.**~~

NOTE: The eligibility period expired on December 31, 1999 and was repealed by an ordinance adopted January 10, 2000.

Section ~~2~~ **1**. ~~[~~Development incentive eligibility.~~]~~

In order to be eligible for development incentives, the owner of an eligible project must agree to contribute ten percent of the total value of the incentives received to the Downtown Dover Partnership for reinvestment in downtown Dover.

Draft

Section ~~3~~ **2**. ~~[~~Development incentive ineligibility.~~]~~

An otherwise eligible project shall be ineligible for development incentives if:

(a) An application for ~~[~~a~~]~~ building permit for the project ~~[~~was~~]~~ filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; **or**

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for development incentives is received~~.~~**; or**

(d) The subject property is exempt from City of Dover real estate taxes; or

(e) The beneficiary of the incentives is delinquent on any of the obligations listed in Section 1-13(b).

Section 3. Revocation of Eligibility

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

BE IT FURTHER ORDAINED:

That Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout, as follows:

Section 1. Eligible project.

Eligible project shall mean the renovation and establishment of a business in an existing commercial or industrial building or tenant space which:

(a) Is a minimum of 5,000 square feet of floor area; **and**

(b) The fair market value of the materials to be used in and the labor to be performed on the project exceeds the sum of $15,000.00; **and**

(c) Is for commercial, industrial, or office use; **and**

(d) The establishment of a new business is proposed; and

(e) Conforms to the intent of this ordinance.

Construction or renovation of accessory buildings as defined in Appendix B - Zoning, Article 12 - Definitions, of the Dover Code of Ordinances shall not be eligible for redevelopment incentives.

Draft

Construction or renovation which constitutes ordinary replacement or routine maintenance shall not qualify as an eligible project. Construction of new buildings shall not qualify as an eligible project.

Section 2. Redevelopment incentive ineligibility.

An otherwise eligible project shall be ineligible for redevelopment incentives if:

(a) An application for a building permit for the project was filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; **or**

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for redevelopment incentives is received; **or**

(d) Construction or renovation commenced prior to the issuance of a building permit by the city of Dover; **or**

~~**(e) Applications for incentives provided in this ordinance shall be subject to the provisions of Chapter 1 - General Provisions, Section 1-13 - Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings.**~~

(e) The subject property is exempt from City of Dover real estate taxes; or

(f) The beneficiary of the incentives is delinquent on any of the obligations listed in Section 1-13(b).

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

Section 3. Revocation of eligibility.

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

ADOPTED: *

Draft

SYNOPSIS

The proposed ordinance would amend the Downtown Redevelopment incentives, the Commercial and Industrial Building Redevelopment incentives, and the Tax Abatement incentives to require compliance with Section 1-13 - Clean Hands, and provide for revocation of the incentives for beneficiaries who are delinquent on obligations to the City. It would also make tax exempt properties ineligible for the incentives.

(SPONSORS: Hutchison and Koenig)

Actions History
01/27/2014 - Scheduled for First Reading
01/13/2014 - Introduced at Legislative, Finance, and Administration Committee

Draft

CITY OF DOVER ORDINANCE # 2013-18
2013-2014 BUDGET ORDINANCES - FIRST AMENDMENT

GENERAL FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Forty Million, Five Hundred Forty Three Thousand, Three Hundred dollars ($40,543,300) or so much thereof as may be necessary are hereby appropriated from current revenues and ther funds for the use by several departments of the Municipal Government for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 3,455,200	$ 4,219,800
REVENUES		
FINES AND POLICE REVENUE	666,000	666,000
INVESTMENT INCOME	75,000	75,000
LIBRARY REVENUES	66,600	66,600
KENT COUNTY BOOK REIMBURSEMENT	400,000	400,000
BUSINESS LICENSES	1,460,000	1,460,000
PERMITS AND OTHER LICENSES	1,167,500	1,167,500
MISCELLANEOUS CHARGES	63,300	63,300
POLICE EXTRA DUTY	650,000	650,000
PROPERTY TAXES	11,120,000	11,120,000
BID REVENUE	49,500	49,500
RECREATION REVENUE	133,000	133,000
FRANCHISE FEE	606,200	606,200
TRASH FEES	2,676,500	2,676,500
RENT REVENUE - GARRISON FARM	118,500	118,500
COURT OF CHANCERY FEES	863,200	863,200
REVENUES SUBTOTAL	20,115,300	20,115,300
INTERFUND SERVICE RECEIPTS		
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	1,134,900	1,134,900
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,319,400	3,319,400
INTERFUND SERVICE RECEIPTS SUBTOTAL	4,454,300	4,454,300
GRANTS		
POLICE RELATED	110,000	151,800
POLICE PENSION GRANT	500,000	500,000
GREEN ENERGY GRANT	98,500	98,500
MISCELLANEOUS GRANTS	25,000	25,000
GRANTS SUBTOTAL	733,500	775,300
TRANSFERS FROM		
TRANSFER TAX	1,315,500	1,315,500
MUNICIPAL STREET AID	527,400	531,100
CIVIL TRAFFIC PENALTIES	600,000	600,000
WATER/WASTEWATER	500,000	500,000
ELECTRIC	8,000,000	8,000,000
OTHER RESERVES	32,000	32,000
TRANSFERS FROM SUBTOTAL	10,974,900	10,978,600
TOTAL REVENUES	36,278,000	36,323,500
TOTALS	**$ 39,733,200**	**$ 40,543,300**

2013-2014 BUDGET ORDINANCES - CONTINUED

GENERAL FUND - EXPENDITURES AND BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
DEPARTMENT EXPENSES		
CITY CLERK	$ 334,400	$ 334,400
COUNCIL	107,800	107,800
TAX ASSESSOR	198,300	198,300
FIRE	692,100	692,100
GROUNDS MAINTENANCE	948,500	948,500
LIBRARY	1,330,400	1,330,400
RECREATION	708,200	708,200
LIFE SAFETY	468,200	468,200
CODE INFORCEMENT	377,100	377,100
PLANNING	444,800	444,800
INSPECTIONS	540,300	540,300
ECONOMIC DEVELOPMENT	215,200	215,200
POLICE	13,571,800	13,571,800
POLICE EXTRA DUTY	760,000	801,800
STREETS	603,700	603,700
SANITATION	2,153,800	2,153,800
CITY MANAGER	457,300	457,300
INFORMATION TECHNOLOGY	660,500	660,500
FINANCE	906,500	906,500
PUBLIC SERVICES - ADMINISTRATION	425,800	425,800
FACILITIES MANAGEMENT	632,600	632,600
CENTRAL SERVICES	517,600	517,600
FLEET MAINTENANCE	720,700	720,700
CUSTOMER SERVICES	1,109,400	1,109,400
HUMAN RESOURCES	334,300	334,300
MAYOR	83,300	83,300
DEPARTMENT SUBTOTALS	29,302,600	29,344,400
OTHER EXPENSES		
DEBT SERVICE	557,300	557,300
CONTRIBUTION TO DDP	162,400	162,400
MISCELLANEOUS GRANT RELATED EXPENSES	25,000	25,000
INSURANCE	658,900	658,900
RETIREES HEALTH CARE	1,636,500	1,636,500
OTHER EMPLOYMENT EXPENSES	400,000	400,000
PENSION UNFUNDED LIABILITY	1,159,100	1,923,700
POLICE PENSION FUND - STATE GRANT	500,000	500,000
POLICE PENSION FUND - UNFUNDED LIABILITY	307,400	307,400
UNCOLLECTIBLES - TRASH AND OTHER	10,000	10,000
STREET LIGHTS	836,000	836,000
OTHER EXPENSE SUBTOTAL	6,252,600	7,017,200
TRANSFERS		
TRANSFER TO CAPITAL FUND - PROJECTS	1,278,300	1,278,300
TRANSFERS SUBTOTAL	1,278,300	1,278,300
TOTAL EXPENDITURES	36,833,500	37,639,900
CURRENT YEAR BALANCE	2,899,700	2,903,400
TOTALS	**$ 39,733,200**	**$ 40,543,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

GENERAL FUND CONTINGENCY
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Seven Hundred Forty Six Thousand, Five Hundred dollars ($746,500) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 732,100	$ 734,000
INTEREST EARNED	12,500	12,500
TOTALS	**$ 744,600**	**$ 746,500**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
TRANSFER TO OPERATING ACCOUNT	$ 21,000	$ 21,000
CARRY FORWARD TO NEXT YEAR	723,600	725,500
TOTALS	**$ 744,600**	**$ 746,500**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

GOVERNMENTAL CAPITAL PROJECTS FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Five Million, One Hundred Sixty Three Thousand, One Hundred dollars ($5,163,100) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 2,2013 and ending June 30, 2014:

REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 241,200	$ 2,801,800
BEGINNING BALANCE - LIBRARY PROJECT	(74,700)	256,500
REVENUES		
STATE GRANTS - OTHER	15,000	15,000
CONTRACTOR'S CONTRIBUTIONS	-	264,800
TRANSFER FROM COMMUNITY TRANSPORTATION		60,500
TRANSFER FROM GENERAL FUND FOR PROJECTS	1,278,300	1,278,300
TRANSFER FROM MUNICIPAL STREET AID - CAPITAL	-	251,200
TRANSFER FROM PARKLAND RESERVE	95,000	80,000
SUBTOTAL PROJECT RECEIPTS	1,388,300	1,949,800
STATE GRANTS - LIBRARY	-	150,000
LIBRARY CAPITAL PLEDGES	-	5,000
SUBTOTAL LIBRARY PROJECT RECEIPTS	-	155,000
TOTAL REVENUES	1,388,300	2,104,800
TOTAL BEGINNING BALANCE AND REVENUES	**$ 1,554,800**	**$ 5,163,100**

EXPENSE SUMMARY

DEPARTMENT EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
FIRE	$ 238,500	$ 238,500
GROUNDS MAINTENANCE	50,100	50,100
LIBRARY	-	411,500
RECREATION	95,000	95,000
CODE ENFORCEMENT	30,000	30,000
POLICE	257,300	363,300
STREETS	251,500	1,459,600
STREETS - GARRISON FARM INFRASTRUCTURE	-	1,936,100
SANITATION	402,100	402,100
INFORMATION TECHNOLOGY	7,000	7,000
FACILITIES MANAGEMENT	17,800	17,800
PROCUREMENT & INVENTORY	55,000	55,000
DEPARTMENT SUBTOTAL	1,404,300	5,066,000
CURRENT YEAR BALANCE	150,500	97,100
TOTALS	**$ 1,554,800**	**$ 5,163,100**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

GENERAL CAPITAL ASSET RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Five Hundred Fifteen Thousand, Threes Hundred dollars ($515,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	REVISED 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 504,000	$ 507,300
RECEIPTS		
INTEREST EARNINGS	8,000	8,000
TOTAL RECEIPTS	8,000	8,000
TOTALS	**$ 512,000**	**$ 515,300**

EXPENSE SUMMARY

	REVISED 2013/14 BUDGET	REVISED 2013/14 BUDGET
CARRY FORWARD TO NEXT YEAR	$ 512,000	$ 515,300
TOTALS	**$ 512,000**	**$ 515,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

PARKLAND/RECREATION RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Two Hundred Five Thousand, Four Hundred dollars ($205,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE	$ 202,500	$ 202,900
INTEREST INCOME	2,500	2,500
TOTALS	**$ 205,000**	**$ 205,400**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
TRANSFER TO CAPITAL PROJECTS FUND	$ 95,000	$ 80,000
CURRENT YEAR BALANCE	110,000	125,400
TOTALS	**$ 205,000**	**$ 205,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

WATER/WASTEWATER FUND
REVENUES AND BUDGET FOR 2013-2014

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

The amount hereinafter named aggregating Fourteen Million,Nine Hundred Fifty Four Thousand, dollars ($14,954,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE - WATER	$ 770,800	$ 732,700
BEGINNING BALANCE - WASTEWATER	412,600	441,400
BEGINNING BALANCE - KCSA	141,600	(17,300)
TOTAL BEGINNING BALANCES	1,325,000	1,156,800
BASE REVENUE		
WATER FEES	4,730,700	4,730,700
WASTEWATER FEES	3,642,700	3,642,700
WASTEWATER ADJUSTMENT FEES	2,980,300	2,980,300
GROUNDWATER INFLOW ADJUSTMENT	1,324,600	1,324,600
WATER TANK SPACE LEASING	333,800	333,800
SEWER IMPACT FEES	323,000	323,000
WATER IMPACT FEES	357,000	357,000
INTEREST - WATER	9,100	9,100
INTEREST - WASTEWATER	14,000	14,000
MISCELLANEOUS SERVICE FEE	82,000	82,000
TOTAL REVENUES	13,797,200	13,797,200
TOTAL BEGINNING BALANCES AND REVENUES	**$ 15,122,200**	**$ 14,954,000**

2013-2014 BUDGET ORDINANCES - CONTINUED

WATER/WASTEWATER FUND - EXPENDITURES AND BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
DIRECT EXPENSES		
ENGINEERING & INSPECTION	$ 664,400	$ 631,200
WATER CONSTRUCTION	351,400	351,400
WATER DEPARTMENT	433,900	433,900
WATER TREATMENT PLANT	1,501,800	1,501,800
WASTEWATER DEPARTMENT	945,100	945,100
DIRECT EXPENDITURE SUBTOTAL	3,896,600	3,863,400
OTHER EXPENSES		
DEBT SERVICE - WATER	403,800	403,800
DEBT SERVICE - WASTEWATER	615,700	615,700
RETIREES HEALTH CARE	200,000	200,000
OTHER EMPLOYMENT EXPENSES	25,000	25,000
PENSION UNFUNDED LIABILITY	339,400	339,400
KENT COUNTY TREATMENT CHARGE	3,524,800	3,524,800
INTRAFUND SERVICE FEES	1,233,400	1,233,400
OTHER EXPENSES SUBTOTAL	6,342,100	6,342,100
TRANSFER TO		
GENERAL FUND FROM WATER	250,000	250,000
GENERAL FUND FROM WASTEWATER	250,000	250,000
WATER IMP AND EXT	1,200,000	1,233,200
WASTEWATER IMP AND EXT	1,330,000	1,330,000
TRANSFER TO SUBTOTAL	3,030,000	3,063,200
TOTAL EXPENSES	13,268,700	13,268,700
CURRENT YEAR BALANCES		
CURRENT YEAR BALANCE WATER	1,056,400	1,018,300
CURRENT YEAR BALANCE WASTEWATER	797,100	825,900
CURRENT YEAR BALANCE KCSA	-	(158,900)
CURRENT YEAR BALANCE SUBTOTALS	1,853,500	1,685,300
TOTAL CURRENT YEAR BALANCES AND EXPENSES	**$ 15,122,200**	**$ 14,954,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

WATER/WASTEWATER CONTINGENCY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Two Hundred Ninety Seven Thousand, Four Hundred dollars ($297,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE - WATER	$ 103,800	$ 104,100
BEGINNING BALANCE - WASTEWATER	188,300	188,300
TOTAL BEGINNING BALANCES	292,100	292,400
RECEIPTS		
INTEREST EARNINGS	5,000	5,000
TOTAL RECEIPTS	5,000	5,000
TOTALS	**$ 297,100**	**$ 297,400**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR BALANCE - WATER	$ 105,600	$ 106,600
CURRENT YEAR BALANCE - WASTEWATER	191,500	190,800
CURRENT YEAR BALANCE SUBTOTALS	297,100	297,400
TOTAL EXPENSES AND CURRENT YEAR BALANCES	**$ 297,100**	**$ 297,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Fifteen Million, Four Hundred Fifty Four Thousand, Nine Hundred dollars ($15,454,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE - WATER	$ 1,620,000	$ 4,473,800
PRIOR YEAR BALANCE - WASTEWATER	660,900	2,807,000
TOTAL BEGINNING BALANCES	2,280,900	7,280,800
RECEIPTS		
BOND PROCEEDS - WATER - 2013 ISSUE	-	3,000,000
BOND PROCEEDS - WASTEWATER - 2013 ISSUE	-	1,067,900
BOND PROCEEDS - WASTEWATER - 2011 ISSUE (DRLP)		62,000
ARBITRAGE REBATE - IRS REFUND	-	66,000
TRANS FROM OPERATING FUND FOR WATER	1,200,000	1,233,200
TRANS FROM OPERATING FUND FOR WASTEWATER	1,330,000	1,330,000
TRANSFER FROM WATER IMPACT FEE RESERVE	390,000	390,000
TRANSFER FROM WASTEWATER IMPACT FEE RESERVE	-	1,000,000
INTEREST INCOME	25,000	25,000
TOTAL RECEIPTS	2,945,000	8,174,100
TOTALS	**$ 5,225,900**	**$ 15,454,900**

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
WATER	$ 1,476,800	$ 7,499,700
WASTEWATER	1,251,000	5,252,400
WATER CONSTRUCTION	90,000	90,000
TOTAL EXPENSES	2,817,800	12,842,100
CURRENT YEAR BALANCE - WATER	1,655,700	1,552,800
CURRENT YEAR BALANCE - WASTEWATER	752,400	1,060,000
CURRENT YEAR BALANCE SUBTOTALS	2,408,100	2,612,800
TOTALS	**$ 5,225,900**	**$ 15,454,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

WATER/WASTEWATER CAPITAL ASSET RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating One Million, Twenty Six Thousand, Nine Hundred dollars ($1,026,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE - WATER	$ 504,400	$ 505,400
BEGINNING BALANCE - WASTEWATER	503,700	504,300
TOTAL BEGINNING BALANCES	1,008,100	1,009,700
RECEIPTS		
INTEREST EARNINGS - WATER	8,600	8,600
INTEREST EARNINGS - WASTEWATER	8,600	8,600
TOTAL RECEIPTS	17,200	17,200
TOTALS	**$ 1,025,300**	**$ 1,026,900**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR BALANCE - WATER	$ 513,000	$ 514,000
CURRENT YEAR BALANCE - WASTEWATER	512,300	512,900
CURRENT YEAR BALANCE SUBTOTALS	1,025,300	1,026,900
TOTALS	**$ 1,025,300**	**$ 1,026,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC REVENUE FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Eighty Nine Million, Six Hundred Six Thousand, Five Hundred dollars ($89,606,500) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 7,152,400	$ 6,620,900
BASE REVENUE		
DIRECT SALES TO CUSTOMER	76,286,700	76,286,700
UTILITY TAX	1,492,200	1,492,200
MISCELLANEOUS REVENUE	602,000	602,000
RENT REVENUE	251,000	251,000
GREEN ENERGY	135,800	135,800
INTEREST EARNINGS	119,400	119,400
TRANSFER FROM RATE STABILIZATION	4,000,000	4,000,000
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	98,500	98,500
TOTAL REVENUES	82,985,600	82,985,600
TOTALS	**$ 90,138,000**	**$ 89,606,500**

2013-2014 BUDGET ORDINANCES - CONTINUED

ELECTRIC REVENUE FUND - EXPENDITURES & BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
EXPENSES		
POWER SUPPLY	$ 23,832,000	$ 23,832,000
SOLAR ENERGY	1,565,800	1,565,800
SOLAR RENEWAL ENERGY CREDITS	300,000	300,000
POWER SUPPLY MANAGEMENT	996,000	996,000
PJM CHARGES - ENERGY	12,812,900	12,812,900
PJM CHARGES - TRANSMISSION & FEES	4,740,000	4,740,000
CAPACITY CHARGES	15,787,200	15,787,200
SUB-TOTAL POWER SUPPLY	60,033,900	60,033,900
PLANT OPERATIONS	6,015,800	6,015,800
PJM SPOT MARKET ENERGY	(230,500)	(230,500)
PJM CREDITS	(397,000)	(397,000)
CAPACITY CREDITS	(15,079,800)	(15,079,800)
GENERATION SUBTOTAL	(9,691,500)	(9,691,500)
POWER SUPPLY & GENERATION SUBTOTAL	50,342,400	50,342,400
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	3,302,500	3,302,500
ELECTRICAL ENGINEERING	1,192,200	1,192,200
ADMINISTRATION	597,000	597,000
METER READING	220,300	220,300
SYSTEMS OPERATIONS	543,600	543,600
DIRECT EXPENDITURE SUBTOTALS	5,855,600	5,855,600
OTHER EXPENSES:		
UTILITY TAX	1,492,200	1,492,200
ALLOW FOR UNCOLLECTIBLES	200,000	200,000
CONTRACTUAL SERVICES - RFP'S	100,000	100,000
RETIREES HEALTH CARE	513,300	513,300
OTHER EMPLOYMENT EXPENSES	150,000	150,000
TRANSFER TO PENSION UNFUNDED LIABILITY	1,314,200	1,314,200
OPEB UNFUNDED LIABILITY	975,700	975,700
GREEN ENERGY PAYMENT TO DEMEC	135,800	135,800
INTRAFUND SERVICE FEES	3,319,400	3,319,400
INTEREST ON DEPOSITS	27,000	27,000
DEBT SERVICE	3,301,900	3,301,900
OTHER EXPENSES SUBTOTAL	11,529,500	11,529,500
TRANSFER TO		
IMPROVEMENT & EXTENSION	5,448,600	4,918,600
GENERAL FUND	8,000,000	8,000,000
TRANSFER TO SUBTOTAL	13,448,600	12,918,600
TOTAL EXPENSES	81,176,100	80,646,100
CURRENT YEAR BALANCE	8,961,900	8,960,400
TOTALS	**$ 90,138,000**	**$ 89,606,500**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC UTILITY CONTINGENCY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Eight Hundred Twenty Six Thousand, Four Hundred dollars ($826,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 814,300	$ 814,200
RECEIPTS		
INTEREST EARNINGS	12,200	12,200
TOTAL RECEIPTS	12,200	12,200
TOTALS	**$ 826,500**	**$ 826,400**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR BALANCE	$ 826,500	$ 826,400
TOTALS	**$ 826,500**	**$ 826,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC UTILITY INSURANCE STABLIZATION RESERVE
SOURCES AND USE OF FUNDS FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Seven Hundred Forty Three Thousand, Nine Hundred dollars ($743,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 728,000	$ 733,000
INTEREST EARNINGS	11,000	10,900
TOTALS	**$ 739,000**	**$ 743,900**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR BALANCE	$ 739,000	$ 743,900
TOTALS	**$ 739,000**	**$ 743,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC UTILITY RATE STABLIZATION RESERVE
SOURCES AND USE OF FUNDS FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Seventeen Million, Six Hundred Forty Two Thousand, Five Hundred dollars ($17,642,500) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 17,383,600	$ 17,382,100
INTEREST EARNINGS	260,400	260,400
TOTALS	**$ 17,644,000**	**$ 17,642,500**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
TRANSFER TO ELECTRIC FUND	$ 4,000,000	$ 4,000,000
CURRENT YEAR BALANCE	13,644,000	13,642,500
TOTALS	**$ 17,644,000**	**$ 17,642,500**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Nine Million, Three Hundred Sixty Four Thousand dollars ($9,364,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 3,091,000	$ 3,980,200
RECEIPTS		
TRANSFER FROM ELECTRIC	5,448,600	4,918,600
GENERAL SERVICE BILLING	440,000	440,000
INTEREST EARNINGS	25,200	25,200
TOTAL RECEIPTS	5,913,800	5,383,800
TOTALS	**$ 9,004,800**	**$ 9,364,000**

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
ELECTRIC GENERATION	$ 2,117,800	$ 2,130,000
TRANSMISSION AND DISTRIBUTION	1,100,000	1,144,600
ELECTRICAL ENGINEERING	2,405,800	2,627,500
TOTAL EXPENSES	5,623,600	5,902,100
CURRENT YEAR BALANCE	3,381,200	3,461,900
TOTALS	**$ 9,004,800**	**$ 9,364,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC UTILITY DEPRECIATION RESERVE
SOURCES AND USE OF FUNDS FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Ten Million, Three Thousand, One Hundred dollars ($10,003,100) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 9,829,700	$ 9,855,700
INTEREST EARNINGS	147,400	147,400
TOTALS	**$ 9,977,100**	**$ 10,003,100**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR BALANCE	9,977,100	10,003,100
TOTALS	**$ 9,977,100**	**$ 10,003,100**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

ELECTRIC UTILITY FUTURE CAPACITY RESERVE
SOURCES AND USE OF FUNDS FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Ten Million, One Hundred Forty Five Thousand, Eight Hundred dollars ($10,145,800) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 9,989,800	$ 10,004,200
INTEREST EARNINGS	141,600	141,600
TOTALS	**$ 10,131,400**	**$ 10,145,800**

EXPENSE SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR BALANCE	$ 10,131,400	$ 10,145,800
TOTALS	**$ 10,131,400**	**$ 10,145,800**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

MUNICIPAL STREET AID FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Seven Hundred Eighty Two Thousand, Four Hundred dollars ($782,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 100	$ 251,500
STATE GRANT - OPERATIONS	527,400	530,900
TOTALS	**$ 527,500**	**$ 782,400**

BUDGET SUMMARY

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
TRANSFER TO GENERAL FUND - OPERATIONS	$ 527,400	$ 531,100
TRANSFER TO GENERAL FUND - CAPITAL	-	251,200
CURRENT YEAR BALANCE	100	100
TOTALS	**$ 527,500**	**$ 782,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

COMMUNITY TRANSPORTATION IMPROVEMENT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating One Million, Five Hundred Nintey Seven Thousand, Three Hundred dollars ($1,597,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE	$ -	$ 209,200
GRANTS REVENUE - DELDOT	500,000	1,387,600
INTEREST INCOME	500	500
TOTAL REVENUES	500,500	1,388,100
TOTALS	**$ 500,500**	**$ 1,597,300**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PROGRAM EXPENSES - DELDOT	$ 500,000	$ 1,457,900
TRANSFER TO GENERAL CAPITAL PROJECT FUND	-	60,500
TOTAL EXPENDITURES	500,000	1,518,400
CURRENT YEAR BALANCE	500	78,900
TOTALS	**$ 500,500**	**$ 1,597,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

WORKERS COMPENSATION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating One Million, Seven Hundred Sixty Nine Thousand, One Hundred dollars ($1,769,100) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 2, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE	$ 1,200,600	$ 1,267,800
INTEREST INCOME	10,600	10,600
PREMIUM FROM CITY	490,700	490,700
TOTALS	**$ 1,701,900**	**$ 1,769,100**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PROGRAM EXPENSES/SUPPLIES - CLAIMS	$ 450,000	$ 450,000
INSURANCE	76,500	76,500
BANK FEES	600	600
STATE OF DEL - SELF INSURANCE TAX	37,000	37,000
CONTRACTUAL SERVICES	57,000	57,000
TOTAL EXPENSES	621,100	621,100
CURRENT YEAR BALANCE	1,080,800	1,148,000
TOTALS	**$ 1,701,900**	**$ 1,769,100**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

LIBRARY GRANT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Three Hundred Four Thousand, Four Hundred dollars ($304,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ -	$ 27,800
STATE GRANT	270,100	274,100
FEDERAL GRANT		2,500
TOTALS	**$ 270,100**	**$ 304,400**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PROGRAM EXPENSES/SUPPLIES	$ 28,000	$ 28,000
OFFICE SUPPLIES	24,000	24,000
PRINTING/DUPLICATING	8,900	8,900
POSTAGE	100	100
BOOKS	124,900	124,900
FURNITURE	2,000	2,000
AUDIO VISUAL SUPPLIES	74,000	74,000
TRAINING/CONF/FOOD/TRAV	3,500	3,500
OFFICE EQUIPMENT/REPAIRS & MAINT	2,000	2,000
COMPUTER HARDWARE	2,700	2,700
SUBTOTAL EXPENSES	270,100	270,100
CURRENT YEAR BALANCE	-	34,300
TOTALS	**$ 270,100**	**$ 304,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

POLICE GRANT FUNDS
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Five Hundred Sixty Five Thousand, Seven Hundred dollars ($565,700) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 100	$ 175,200
GRANTS RECEIVED	413,000	390,500
TOTALS	**$ 413,100**	**$ 565,700**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PROGRAM EXPENSES/SUPPLIES	$ 191,000	$ 224,700
COMPUTER HARDWARE	60,000	60,000
TELEPHONE/FAX	15,000	15,000
TRAINING/CONF/FOOD/TRAV	36,000	36,000
CONSULTING/AUDIT FEES	1,000	1,000
TRANSFER TO GENERAL FUND	110,000	151,800
SUBTOTAL EXPENSES	413,000	488,500
CURRENT YEAR BALANCE	100	77,200
TOTALS	**$ 413,100**	**$ 565,700**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

CDBG FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Two Hundred Forty Nine Thousand, Six Hundred dollars ($249,600) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE - CDBG	$ -	$ 2,000
BEGINNING BALANCE - NSP	-	2,800
GRANTS RECEIVED	223,600	244,800
TOTALS	**$ 223,600**	**$ 249,600**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CURRENT YEAR CLOSING COST/DOWNPAYMENT PROG	$ 40,000	$ 40,000
CURRENT YEAR DOVER INTERFAITH MINISTRY	27,500	27,500
CURRENT YEAR MHDC EMERGENCY HOME REPAIR	40,000	40,000
CURRENT YEAR ELIZABETH W MURPHEY SCHOOL	32,700	39,700
CURRENT YEAR NCALL RESEARCH INC	6,000	8,900
CURRENT YEAR MILFORD HOUSING H/O REHAB	32,700	39,700
CURRENT YEAR SALARIES	44,700	49,000
SUBTOTAL EXPENSES	223,600	244,800
CURRENT YEAR BALANCE	-	4,800
TOTALS	**$ 223,600**	**$ 249,600**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

AFTER SCHOOL PROGRAM
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating One Hundred Ten Thousand Nine Hundred dollars ($110,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE	$ -	$ 41,000
GRANTS RECEIVED	-	36,900
RECREATION REVENUE	-	33,000
TOTALS	**$ -**	**$ 110,900**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PROGRAM EXPENSES	$ -	$ 36,900
TEMPORARY EMPLOYEES/BENEFITS	-	54,000
TOTAL EXPENSES	-	90,900
CURRENT YEAR BALANCE	-	20,000
TOTALS	**$ -**	**$ 110,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCE-FIRST AMENDMENT - CONTINUED

CJC GRANTS
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Thirty Four Thousand dollars ($34,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

OPERATING REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE	$ -	$ -
GRANTS RECEIVED	-	34,000
TOTALS	**$ -**	**$ 34,000**

OPERATING EXPENSES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PROGRAM EXPENSES	$ -	$ 34,000
TOTAL EXPENSES	-	34,000
CURRENT YEAR BALANCE	-	-
TOTALS	**$ -**	**$ 34,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED: