REGULAR COUNCIL MEETING

The Regular Council Meeting was held on December 9, 2013 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, Mr. Koenig, Mrs. Townshend (departed at 8:02 p.m.), 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 as presented, seconded by Mr. Hare and unanimously carried.

Mr. Lynn requested the removal of Item #6-A - a-1 - Electric Supply & Generation - McKee Run Units 1 & 2 - Cost/Benefit Analysis, from the Consent Agenda.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 25, 2013

The Minutes of the Regular Council Meeting of November 25, 2013 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Hare and bore the written approval of Mayor Carey.

CERTIFICATE OF APPRECIATION - ALBERT W. (BILL) HOLMES, JR.

The City Clerk read the following Certificate of Appreciation into the record:

> ***CERTIFICATE OF APPRECIATION*** *presented to* ***ALBERT W. HOLMES, JR.*** *for more than 20 years of volunteerism and service during numerous holiday events held throughout the City of Dover, including serving as the "face" of Santa for the community. His energy and spirit have added to the success of each event and have helped to make each holiday memorable.*
>
> *In grateful appreciation from the Mayor, Council, staff, and citizens of the City of Dover.*

Mayor Carey presented the Certificate of Appreciation to Mr. Holmes and, on behalf of the Central Delaware Chamber of Commerce, Ms. Cristal Brenneman thanked Mr. Holmes for the years of service provided to the community.

Mr. Holmes relayed appreciation for the recognition and special thanks to the late Mayor Crawford Carroll for appointing him to serve as Santa in 1971 and all the firemen who hauled him for 42 years in the back of the fire truck. He also thanked the City of Dover employees and several generations of citizens. He wished everyone a very Merry Christmas.

Mr. Hutchison thanked Mr. Holmes and his father for the service provided to the community and for serving as Santa for the City of Dover for many years.

Mr. Hare also thanked Mr. Holmes and stated that, because Mr. Hare will now fill Mr. Holmes' shoes, he hoped he does a good job serving as Santa and can also do so for over 40 years.

Council President Bonar relayed appreciation for the opportunity to work with Mr. Holmes and his pleasure in serving with him in other capacities, such as the County Planning Commission.

RECOGNITION OF SERVICE - WILLIAM M. COOPER, JR. - PRESENTATION BY SILVER LAKE COMMISSION (CERTIFICATE OF APPRECIATION)

The City Clerk read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

WHEREAS, William "Bill" M. Cooper, Jr. has demonstrated his commitment to the betterment of Silver Lake Park, Silver Lake, Mirror Lake Park, and the St. Jones River throughout his 35 years of service to the City of Dover; and

WHEREAS, Bill Cooper has been an advocate for sound land use planning, as well as proactive maintenance and beautification of the City's park system, including the areas surrounding Silver Lake; and

WHEREAS, Bill Cooper's leadership and expertise have led to the cultivation of partnerships between the Department of Natural Resources and Environmental Control, the Silver Lake Commission, and other individuals and organizations to improve and maintain the water quality in Silver Lake and the St. Jones River through landscaping, bank stabilization, and other conservation strategies; and

WHEREAS, Bill Cooper and his Staff have consistently given freely and generously of their time, frequently on weekends and during other off-duty hours, to assist the Silver Lake Commission with volunteer clean-up and beautification projects.

NOW, THEREFORE, the Silver Lake Commission expresses sincere appreciation to ***WILLIAM M. COOPER, JR.*** *for his faithful and exemplary service to the citizens of the City of Dover and wishes him great success in all future endeavors.*

Mayor Carey, joined by Mr. Zach Carter and Mr. Jim Burcham of the Silver Lake Commission, presented the Certificate of Appreciation to Mr. Cooper, noting that he was responsible for the several thousands of beautiful plantings in the City of Dover, which had made the City known for its beauty.

Mr. Cooper noted that the majority of the Grounds Division employees were in attendance and recognized that his success had been the result of such good people. He thanked the City of Dover for his employment, explaining that 35 years ago Mr. Orville Myers gave him the opportunity, as a 21-year old, to learn all he could, resulting in the City providing him the opportunity to serve as Grounds Superintendent 27 years ago. He thanked the City for all the support he was provided during these past years.

Mr. Hutchison relayed his congratulations and remembered that there was concern regarding the individuals who would be taking Mr. Orville Myers' place. It was his opinion that no one could have filled those "shoes" better than Mr. Cooper. Mr. Hutchison stated that one of the highlights of serving as Mayor was receiving compliments about how beautiful the City was, which was a reflection of Mr. Cooper, his employees, and other City employees.

RECOGNITION OF SERVICE - WILLIAM M. COOPER, JR. - PROPOSED RESOLUTION NO. 2013-27

The City Clerk read proposed Resolution No. 2013-27 recognizing William M. Cooper, Jr., for his years of employment with the City of Dover.

By motion of Mr. Hare, seconded by Mr. Dixon, Council, by a unanimous roll call vote (Anderson and Williams absent), adopted Resolution No. 2013-27, as follows:

WHEREAS, William "Bill" M. Cooper, Jr. began his employment with the City of Dover on August 30, 1978 as a Tree Trimmer II, advanced to Superintendent of Grounds in 1986 and, after 35 years of service, has chosen to retire effective January 3, 2014; and

WHEREAS, through Bill's efforts, the City of Dover was named a Tree City USA by the National Arbor Day Foundation in 1989 and has maintained that designation for 24 years, a record unmatched in Delaware. Bill has actively participated in countless community events over the years, including Arbor Day, Earth Day, Dover Days, Caroling on the Green, the Festival of Lights, Flag Day, and Silver Lake clean-up projects; and

WHEREAS, Bill's exceptional work performance has demonstrated that he values each park, street tree, ball field, flower bed, and Christmas light in the City, and every fish in Silver Lake, and he has taken personal pride in caring for and nurturing all of them; and

WHEREAS, Bill Cooper has personified the selfless dedication of an outstanding public servant and a visionary horticulturist as he worked tirelessly to design, create, and tend beautiful landscapes that continue to inspire compliments and bring joy to visitors and residents alike.

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

1. *That the Mayor and Council express sincere appreciation and thanks to William M. Cooper, Jr. for his contributions to the community and highly commend him for the manner in which he has carried out his responsibilities and duties as a City employee.*

2. *That, as a lasting gesture of appreciation and gratitude to William M. Cooper, Jr., the Mayor and Council hereby designate the North Dover Gateway as the "William M. Cooper, Jr. Gateway to Dover" with a commemorative plaque placed there in his honor.*

3. *That the Mayor and Council wish William M. Cooper, Jr. and his family success in all future endeavors and direct the City Clerk to make this Resolution a part of the permanent records of the City of Dover.*

ADOPTED: DECEMBER 9, 2013

Mayor Carey presented the Resolution and Dover Cup to Mr. Cooper and announced that a dedication plaque will be placed at North Dover site.

Ms. Sharon Duca, Public Works Director, expressed her appreciation for the cooperation provided by Mr. Cooper during her tenure with the City of Dover. She stated that she had observed the Grounds Department serving as the forefront of the Public Works Department to the citizens and that they make Dover a place where people want to be. She thanked Mr. Cooper for the work he had done and for the crew he was leaving to carry on the work with the City.

Mr. Scott Koenig, City Manager, stated that Mr. Cooper had given the City 35 strong years of employment and thanked his family for their sacrifices, explaining that many extra hours were required of Mr. Cooper, resulting in his absence from home. He again wished him and his family the best in the future.

Council President Bonar relayed appreciation for the work Mr. Cooper had done for the City for and the crews he had established in assisting in the beautification of Dover.

ANNEXATION/REZONING OF PROPERTY LOCATED AT 508 ACORN LANE, OWNED BY RAUL M. JUAREZ

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Petition to Annex and Zone property. The Planning Commission recommended the annexation of the property with the zoning designation of R-8 (One-Family Residence), as submitted.

Public Hearing - Zoning Classification

Members considered a request for rezoning of property proposed for annexation located at 508 Acorn Lane, consisting of two (2) parcels totaling $2.45^{+/-}$ acres (Parcel No. 1: located on the westerly side of Acorn Lane, containing $1.35^{+/-}$ acres; and Parcel No. 2: located on the easterly side

of Acorn Lane, containing $1.135^{+/-}$ acres), owned by Raul M. Juarez. The property is currently zoned RS-1 - Single Family Residence (Kent County zoning classification) and the proposed zoning is R-8 - One-Family Residence (City of Dover zoning classification).

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 508 Acorn Lane, owned by Raul M. Juarez.

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

Mr. Hare moved for approval of the Planning Commission's recommendation, seconded by Mr. Dixon and unanimously carried.

Adoption of Annexation Resolution No. 2013-28

Members considered Annexation Resolution No. 2013-28 for property located at 508 Acorn Lane, owned by Raul M. Juarez.

By motion of Mr. Slavin, seconded by Mr. Hare, Council, by a unanimous roll call vote (Anderson and Williams absent), adopted Resolution No. 2013-28, as follows:

APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City in accordance with Title 22, Chapter 1, Section 101 of the Delaware Code (22 Del.C.§ 101); and

WHEREAS, the Mayor and Council deem it to be in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described, within the limits of the City of Dover; and

WHEREAS, the Charter of the City of Dover provides that if an annexation is petitioned by all owners of all property considered for annexation, no election shall be required. For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, along with all adjacent paths, sidewalks, roadways, and rights-of-way in their entirety, shall be annexed to and included within the limits of the City of Dover:

PARCEL NO. 1 (Westerly Parcel)
Beginning at an iron pipe situate on the westerly side of Acorn Lane (50' wide), said pipe being further located 644' $^{+/-}$ southerly of the centerline of White Oak Road and being a corner for these lands and lands of the City of Dover; thence by and with said City of Dover lands the following three (3) courses and distances: S 83° 24' 00" W, 35.05' to an iron pipe; thence N 19° 51' 00" W, 123.17' to an iron pipe; thence N 20° 33' 00" W, 478.80' to an iron pipe on the southerly side of White Oak Road (50' wide), said pipes being corners for these lands and said City of Dover lands; thence by and with the southerly side of White Oak Road N 70° 55' 00" E, 155.56' to an iron pipe located at the intersection of the southerly side of White Oak Road with the westerly side of Acorn Lane, said pipe being a corner for these lands; thence by and with the westerly side of Acorn Lane S 09° 05' 00" E, 618.76' to an iron pipe, said pipe being the point and place of beginning.

The above-described parcel contains 1.315 acres of land, more or less.

PARCEL NO. 2 (Easterly Parcel)
Beginning at an iron pipe situate on the easterly side of Acorn Lane (50' wide), said pipe being located 644' $^{+/-}$ southerly of the centerline of White Oak Road and being further located N 83° 24' 00" E, 50.05' from the Point of Beginning of PARCEL NO.1 and being a corner for these lands and lands of C. Robert Probst; thence by and with the easterly side of Acorn Lane N 09° 05' 00" W, 220.00' to an iron pipe, said pipe being a corner for these lands and lands of Florence Garrison; thence by and with said Florence Garrison lands N 83° 24' 00" E, 225.00' to an iron pipe on line of lands of Bangalore T. Laksham, said pipe being a corner for these lands and said Florence Garrison lands; thence by and with said Bangalore T. Laksham lands S 09° 05' 00" E, 220.00' to an iron pipe, said pipe being a corner for these lands and lands of C. Robert Probst; thence by and with said C. Robert Probst lands S 83° 24' 00" W, 225.00' to an iron pipe on the easterly side of Acorn Lane, said pipe being the point and place of beginning.

The above-described parcel contains 1.135 acres of land, more or less.

Being the same lands and premises which were conveyed unto Gamaliel E. Garrison and Mary R. Garrison, by deed of Trailer Village, Inc. dated February 15, 1979, and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware, on February 23, 1979, in Deed Book P, Volume 33, Page 137.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of this resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 10th day of December, 2013 at 12:01 a.m.

ADOPTED: DECEMBER 9, 2013

Final Reading/Adoption of Rezoning Ordinance #2013-16

Members considered Ordinance #2013-16, rezoning property located at 508 Acorn Lane, owned by Raul M. Juarez.

Mr. Slavin moved that the Final Reading of Ordinance #2013-16 be acknowledged by title only, seconded by Mr. Hare and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of October 14, 2013.)*

Mr. Slavin moved for approval of the rezoning, as recommended by the Planning Commission. The motion was seconded by Mr. Lynn and, by a unanimous roll call vote (Anderson and Williams absent), Council adopted Ordinance #2013-16, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 508 ACORN LANE

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 RS-1 - Single Family Residence (Kent County zoning classification) to R-8 - One-Family Residence (City of Dover zoning classification).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RS-1 - Single Family Residence (Kent County zoning classification) to R-8 - One-Family Residence (City of Dover zoning classification) on that property located at 508 Acorn Lane, consisting of two (2) parcels totaling 2.45+/- acres (Parcel No. 1: located on the westerly side of Acorn Lane, containing 1.315+/- acres; and Parcel No. 2: located on the easterly side of Acorn Lane, containing 1.135+/- acres), owned by Raul M. Juarez.
(TAX PARCEL: ED-00-068.15-01-10.00-000; COUNCIL DISTRICT: 3; PLANNING REFERENCE: AX-13-02)

ADOPTED: DECEMBER 9, 2013

ANNEXATION/REZONING OF PROPERTY LOCATED ON THE WESTERLY SIDE OF ACORN LANE, OWNED BY THE CITY OF DOVER

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Petition to Annex and Zone property. The Planning Commission recommended the annexation of the property with the zoning designation of R-8 (One-Family Residence), as submitted.

Public Hearing - Zoning Classification

Members considered a request for rezoning of property related to annexation located on the westerly side of Acorn Lane, consisting of $0.075^{+/-}$ acres ($3{,}264^{+/-}$ s.f.), owned by the City of Dover. The property is currently zoned RS-1 - Single Family Residence (Kent County zoning classification) and the proposed zoning is R-8 - One-Family Residence (City of Dover zoning classification).

A public hearing was duly advertised for this time and place to consider the rezoning of property located on the westerly side of Acorn Lane, owned by the City of Dover.

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

Mr. Hare moved for approval of the Planning Commission's recommendation, seconded by Mr. Dixon and unanimously carried.

Adoption of Annexation Resolution No. 2013-29

Members considered Annexation Resolution No. 2013-29 for property located on the westerly side of Acorn Lane, owned by the City of Dover.

By motion of Mr. Slavin, seconded by Mr. Hare, Council, by a unanimous roll call vote (Anderson and Williams absent), adopted Resolution No. 2013-29, as follows:

APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City in accordance with Title 22, Chapter 1, Section 101 of the Delaware Code (22 Del.C.§ 101); and

WHEREAS, the Mayor and Council deem it to be in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described, within the limits of the City of Dover; and

WHEREAS, the Charter of the City of Dover provides that if an annexation is petitioned by all owners of all property considered for annexation, no election shall be required. For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All

annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, along with all adjacent paths, sidewalks, roadways, and rights-of-way in their entirety, shall be annexed to and included within the limits of the City of Dover:

> All that certain piece and parcel of land situated on the west side of Acorn Lane just south of White Oak Road, bounded on the east by Acorn Lane, on the north by lands now or late of Gamaliel Garrison, and on the west by other lands of the City of Dover, more particularly described as follows, to-wit:
>
> Beginning at a point on the east side of Acorn Lane (a 50 foot street) at a corner for this parcel and other lands of the City of Dover; thence and binding with City of Dover land North nineteen (19) degrees fifty-one (51) minutes West 194.99 feet to a corner for this parcel and lands now or late of Gamaliel Garrison; thence and binding with Garrison land in an easterly direction 34 feet to a point on the west side of Acorn Lane; thence and binding with the west side of Acorn Lane, South nine (9) degrees five (5) minutes East 192 feet to the place of beginning, and containing approximately .075 acres of land, be the same more or less.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of this resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 10th day of December, 2013 at 12:01 a.m.

ADOPTED: DECEMBER 9, 2013

Final Reading/Adoption of Rezoning Ordinance #2013-17

Members considered Ordinance #2013-17, rezoning property located on the westerly side of Acorn Lane, owned by the City of Dover.

Mr. Dixon moved that the Final Reading of Ordinance #2013-17 be acknowledged by title only, seconded by Mr. Slavin and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of October 14, 2013.)*

Mr. Hare moved for approval of the rezoning, as recommended by the Planning Commission. The motion was seconded by Mr. Dixon and, by a unanimous roll call vote (Anderson and Williams absent), Council adopted Ordinance #2013-17, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF ACORN LANE

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 RS-1 - Single Family Residence (Kent County zoning classification) to R-8 - One-Family Residence (City of Dover zoning classification).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RS-1 - Single Family Residence (Kent County zoning classification) to R-8 - One-Family Residence (City of Dover zoning classification) on that property located on the westerly side of Acorn Lane, consisting of 0.075+/- acres (3,264 s.f.), owned by the City of Dover.
(TAX PARCEL: ED-00-068.15-01-12.00-000; COUNCIL DISTRICT: 3; PLANNING REFERENCE: AX-13-03)

ADOPTED: DECEMBER 9, 2013

PRESENTATION - ANNUAL REPORT - DOWNTOWN DOVER PARTNERSHIP

Members received the Downtown Dover Partnership (DDP) Annual Report. As representatives of the DDP, Mr. Greg Moore, President, DDP, and Mr. Lou Colón, Executive Director, DDP, reviewed highlights of the Report (Page 3). Mr. Colón expressed the importance of the volunteers and the work they provide in assisting the DDP and City of Dover in keeping the downtown presentable and welcoming. He noted the opening of nine (9) new businesses. Referring to the real estate holdings, Mr. Colón advised members that the property located at 120 S. Governors Avenue (former Acme site) is currently being marketed; EZ Pass will be located at 22-24 W. Loockerman Street in March 2014; and the parking lots at 133-143 S. Governors Avenue were recently re-striped by the City. He advised members that the Department of Natural Resources and Environmental Control (DNREC) had afforded the DDP the ability to clean up the site at 238 Railroad Avenue (former Chesapeake Supply) and, with the City's assistance, the building had been demolished. Mr. Colón noted that the Delaware Department of Transportation (DelDOT) loaned 15 Jersey barriers to block off the site, which will keep the site clean and eliminate unwanted access. Mr. Colón reported that the Inner City Cultural League will be located at the east side of the N. West Street property and development was

progressing. He stated that Loockerman Way (114-128 West Loockerman Street) had been the site of many functions since the ribbon cutting on March 28, 2013 (First Friday events, Farmer's Market on Wednesdays, etc.). Mr. Colón thanked members of City Council and Staff for all the support provided to the DDP.

Referring to the relocation of EZ Pass to 22-24 W. Loockerman Street, Mr. Moore stated that they will begin moving into the building and testing all equipment in February 2014. He advised members that Wesley College is opening the Frear Building as a Nursing School at the end of 2013 and the program will begin in the Spring Semester. Lastly, he unveiled the final design of the new "pocket" park ***(Exhibit #1)***, which is a result of a great team effort with the City of Dover.

Mr. Lynn moved for acceptance of the Annual Report for the Downtown Dover Partnership, seconded by Mr. Slavin and unanimously carried.

UTILITY COMMITTEE REPORT - NOVEMBER 25, 2013

The Utility Committee met on November 25, 2013 with Chairwoman Williams presiding.

Electric Supply & Generation

Members were provided information regarding Electric Supply and Generation, as follows:

McKee Run Units 1 & 2 - Cost/Benefit Analysis

Mr. Scott Koenig, City Manager, reviewed a Presentation - Cost/Benefit Analysis for City of Dover for McKee Run Units 1 & 2, as prepared by Mr. Robert Trinnear, The Energy Authority (TEA).

Referring to Slide 13, Mr. Blakeman questioned if there were a means of quantifying the risk of operational failure. Responding, Mr. Koenig stated that he would contact representatives of both TEA and North American Energy Services (NAES) to obtain this information.

In response to Mr. Blakeman with reference to Slide 14, Mr. Koenig stated that borescope inspection logs did not indicate any required repairs and/or improvements that were not already included in the City's Capital Improvement Plan (CIP). Based on current knowledge, he assured members that the only repairs and/or improvements anticipated were those listed in the CIP.

Responding to Mrs. Williams regarding the cost of "mothballing" these Units, Mr. Koenig stated that TEA and NAES had been requested to provide a price; however, staff anticipated that this amount would be costly (in the high six to low seven figure range) due to asbestos and other issues associated with the Units.

Mr. Snaman questioned if the new power plant (Calpine) could affect the details regarding Units 1 and 2. Responding, Mr. Koenig explained that if the City entered into a purchase power agreement with Calpine, the City could replace the capacity of Units 1 and 2 with capacity from the Calpine Project, which would be a negotiated item and was scheduled for discussion later in the meeting, under Item #1C.

Mrs. Williams relayed concern with proceeding since there were so many uncertainties.

Mr. Kirk Betts, Betts & Holt LLP, the City's Energy Attorney, stated that there was not as much uncertainty as there appeared to be but there were several risks. He explained that some life extensions were previously done to Units 1 and 2 to keep them "alive;" however, prior to the Calpine project, the lease arrangement at the Garrison Tract included the opportunity to purchase 50 MW of capacity based on the belief that Units 1 and 2 would not survive. He stated that the Units are not as reliable as needed, which poses a risk. When the Units are supposed to come up and they do not, the City is penalized financially as well as with regard to reserve requirements and does not get the capacity credits needed. While these costs have not yet been quantified, they exist. He advised members that another risk was the capacity price of $119 per megawatt day (MWd) which was expected to be in the range of $150, $180, and $200 per MWd, but noted that this was not fully quantified because the PJM market only extends out three (3) years. He explained that this type of spread reduces the value of the plant and, with the addition of the costs for operating those Units including the NAES costs and the capital costs indicated in the CIP, there is a very low margin. With a low margin area of approximately $250,000, for example, the City would be totally at risk and one (1) or more operational failure or forced outage could result in the City being "in the hole." While these numbers had not been quantified, he explained that they appear more and more threatening in terms of the value of the plant.

Mr. Betts explained that another issue with old units such as these is that spare parts are not available and must be manufactured. He explained that manufacturing parts for an antique piece of equipment costs more and the value is not recovered; therefore, the cost just to repair Units 1 and 2 would be extraordinarily high. He reminded members that Units 1 and 2 were being kept for capacity plays, and when the capacity market goes down, the value disappears. Although the City does not need the Units for energy, they must be able to operate. He noted that the heat rate for these Units is very high, at least 13,000 btu's per kilowatt hour, whereas the competing Calpine unit is approximately half of that. Therefore, the Units are a non-competitive resource that the City pays a lot of money for in order to have capacity and the value is continuously decreasing. While not fully quantified, these are the real risks involved with these two (2) Units.

Responding to Mrs. Williams, Mr. Betts explained that maintenance for Units 1 and 2 should have been done gradually over time but was deferred in previous years to avoid the additional capital cost, which is the reason for the major $2.4M "hit" in budget for Fiscal Year 2018. He stated that the capacity market has dropped significantly, and the PJM capacity market has many components. He advised members that Converge, an Arrow Electronic Company, has been working, primarily with refrigeration, to find ways to replace capacity in the marketplace by allowing customers to go offline for a couple of minutes at a time. In the past, customers had generation in reserve or brought up generation to meet the voltage requirements; however, since customers are able to meter the load precisely and changes are computerized, they are able to go offline and reduce load instead of bringing capacity on. He stated that last summer in this region, more than 1,000 MW(the amount of a nuclear plant) were taken offline voluntarily by customers who received a notice the day before indicating if they went offline the next day between certain hours, they would be compensated a certain amount per kilowatt hour not used, which had a huge impact on the marketplace. The current market is very different and continuously changing; therefore, the way in which customers invest and

adapt to the changes are also different. Mr. Betts expressed his opinion that the market is not fixed but in some areas it is very tight; for example, in New Jersey the current capacity price is almost $300 per MWd, whereas in Dover it has dropped. He explained that the Garrison Plant's 300 MW has a huge impact on costs on the Delmarva Peninsula because it is gas operated, fast, has relatively low personnel costs, and can bid into the market very aggressively.

In regard to transmission costs, Mr. Betts explained that there has been a huge amount of transmission expansion in PJM, which has resulted in a reduction of the number of power plants constructed. It is a very dynamic market and, with 13,000 heat rate units, the City must consider whether, even if investment were made in Units 1 and 2, there would be value going forward and how much value that investment would have in the next five (5) to 10 years.

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the 2016/2017 forecast was completed last May and, at that time, the capacity price was $193 per MWd. The price was now at $119 per MWd; therefore, she stated that the capacity revenue would change accordingly. She noted that a leak on a gasket on Unit 1 had to be repaired last year and the costs were over budget. In addition, she expressed concern regarding costs involving Unit 3. She stated that it had been borescoped and will be opened up for repair. This was scheduled as a three (3) year project which started with a $1.21M budget for the turbine repair and generator; however, the bids received for the turbine were excessive, so the generator was done separately at a cost of $276,000. The costs for the turbine repairs for Unit 3 were currently up to $1.6M, and she noted that when it is opened, additional repairs may be required which would increase the costs.

In response to Mr. Perza, Mrs. Mitchell stated that staff's recommendation would not include bidding Units 1 and 2 in the PJM market beyond Fiscal Year 2017 since staff anticipated a joint agreement with Calpine or another capacity agreement to pick up 34 MW. She confirmed that it was staff's recommendation not to fund capital improvements to bring the Units up to current standards and not to fund these Units beyond the next three (3) years. If the Units began to fail in the next year or two (2), she stated that the City would have the option to pull the Units out of the PJM market instead of investing capital into them; however, the City would have to pay for the capacity and pay a forced outage penalty if the Units went down when scheduled to run. In order to meet the December 1, 2013 deadline, it was staff's plan to bid the Units into the capacity auction for the 2017/2018 planning year at $311per MWd to ensure they do not get called on and the City recoups the money, as recommended by TEA.

Noting that the City was obligated to keep Units 1 and 2 operating since they have been included in the auction for the next couple of years, Mr. Slavin questioned if the Units would be revenue positive to the City based on the assumption that the market does not completely bottom out on the capacity side. Responding, Mrs. Mitchell confirmed that they would be revenue positive through Fiscal Year 2017 based on the analysis. She indicated that if the Units were unavailable to run when required, the City would be able to decide whether or not to pay for repairs at that time.

Mr. Slavin questioned the net effect on the City's revenue if it was decided not to keep Units 1 and 2 online beyond 2018. In response, Mrs. Mitchell stated that staff had only forecasted out to the 2018 PJM year; however, according to Mr. Betts, the replacement capacity costs would define whether the City was "in the money or not" for those Units.

Responding to Mr. Blakeman, Mrs. Mitchell referred to the projected incremental operating costs indicated on Page 19 of the presentation and indicated her opinion that the $1M amount could decrease more since staff was currently negotiating contracts.

Staff recommended, for the short term, that Units 1 and 2 not be offered into PJM's capacity auction for the 2017/18 delivery year; that a comprehensive analysis be performed that lays out all the decision options for the City of Dover; that a similar analysis on other parts of the generation portfolio be completed; and that all supply options be surveyed, including new generation projects in and around Dover and Power Purchase Agreement (PPA) opportunities.

Mr. Perza questioned the future impact on revenues if these Units are shut down, irrespective of how much it would cost to get the turbines up and running, and how members could make an assessment and final decision regarding this matter if staff had not planned beyond 2017. Responding, Mrs. Mitchell stated that one (1) of the factors to consider in determining whether the Units should be shut down or not would be the capacity auction, as well as the figures received from TEA. She noted that if the City can obtain the capacity cheaper from Calpine, it may not be advantageous to keep Units 1 and 2 running. Elaborating, Mr. Betts indicated that there were a lot of "moving pieces," one (1) of which was the renegotiation of the NAES Agreement, which may lower operating costs. The other was whether the City would be able to have Garrison or some other entity buy replacement capacity, noting that if the City were able to obtain a longer-term offer, it would provide a benchmark price to compare with the cost to operate the Units. Both of these were on a relatively "fast track," which would allow for a longer-term budget analysis for members to review.

Mr. Betts stated that it is an imperfect system. In a dynamic market, no one knows what the energy prices will be in four (4) years, but the hope is that energy will still be consumed at a consistent rate. It is known that the capacity market is changing, so staff, including himself, must consider the best case, examine the alternatives of keeping the Units running, and make projections based on historic costs versus replacement capacity. It was his opinion that this would be the basis for the estimate built into the City's overall operating budget for the utility.

Mrs. Williams questioned whether Mr. Betts had any concern regarding negotiating an agreement with Calpine since the City incurred great expense and gave land to them. Responding, Mr. Betts stated that he and staff would do their best to hold Calpine to the terms of the contract, which provided for at least 50 MW at a cost that was established as the actual construction costs less the development costs. If Calpine is willing to abide by the contract terms, he believed there could be an opportunity for negotiation that may be favorable for the City. As a competitive strategy, he stated that the City should also consider other available capacity. He stated that the City not only offered the benefit of the land provided to Calpine but can also provide constant cash flow, which they cannot necessarily get from PJM. He also suggested that the City use its monopoly power as a water supplier to encourage negotiation.

In response to Mrs. Williams, Mr. Betts confirmed that Calpine does not have internal "inside the fence" capacity, which could also effect negotiations. Mr. Betts advised members to consider the cost and value of the City's reliability to "island" the City, notwithstanding occurrences in the region. He stressed the importance of the comprehensive analysis proposed by TEA, and that consideration be given to the reasons the City is in the municipal utility business, including reliability, costs, and

the attractiveness of the City to outside potential buyers. He stressed that reliability is critical and if it were desired to bring in a data center, as was discussed in previous years, reliability must be at 99.9%. He stated that, with PJM, there had been huge investments in transmission that was not in existence 10 years ago. He noted that there are many rules that apply to the City, in regard to reliability under requirements with PJM and this zone, that have federal implications. The current environment for reliability is very different than it was 10 - 15 years ago, which should be taken into account when considering pricing and value for internal versus external generation.

In response to Mr. Perza, Mr. Koenig stated that, to his knowledge, the City had not had a negative cash flow similar to what was projected for Fiscal Year 2017/2018 since contracting with PACE, approximately 15 years ago.

Responding to Mr. Perza, Mr. Koenig stated that the Units would last as long as the City would be willing to invest in maintenance, which would depend upon economic feasibility. It was staff's opinion that, at this point, maintaining the Units would probably not be in the City's best interest financially. Mr. Blakeman stated that prior to his retirement from the City of Dover, approximately 10 years ago, all similar units that were built in 1962 had been retired.

Mr. Betts suggested that a comparison of the costs to operate the Units (capital, operating, and gas) with the amount purchased through the PJM power grid or TEA, would provide an indication as to whether the Units should be maintained or not. He suggested that TEA be requested to provide this information to members for their consideration in making a determination.

The Committee recommended approval of staff's recommendations that, for the short term, Units 1 and 2 not be offered into PJM's capacity auction for the 2017/18 delivery year; that a comprehensive analysis be performed that lays out all the decision options for the City of Dover; that a similar analysis on other parts of the generation portfolio be completed; and that all supply options be surveyed, including new generation projects in and around Dover and Power Purchase Agreement (PPA) opportunities.

[City Clerk's Office Note: Subsequent to the meeting, members were provided a memorandum dated December 4, 2013, from Donna Mitchell, Controller Treasurer - Response to Questions, Utility Committee Meeting November 25, 2013, relating to this matter, as well as an Outage Status Report - Week 9, dated November 27, 2013.].

During the Council Meeting, Mr. Lynn stated his objections to the Utility Committee's recommendation, explaining his opinion that not offering Units 1 and 2 into PJM's capacity auction for the 2017/18 delivery year would be a tacit endorsement of the culture of neglect engendered by years of Council's austerity budgets that have artificially kept the City's tax rates low at the expense of the City's necessary infrastructure. He reminded members that, as explained by the City's Attorney, Mr. Betts, maintenance for Units 1 and 2 should have been done gradually over time but was deferred in previous years due to the additional capital costs, which was the reason for the major $2.4M hit in 2018. Mr. Lynn stated that, unfortunately, that the reality is that many City residents will soon learn that the bills are now coming due - parks and recreation facilities need to be demolished as a result of neglect, streets are not being paved, pump stations are aging, etc. Mr. Lynn

noted that the City's infrastructure was showing the signs of City Council's decisions to defer necessary maintenance and the City had failed to provide preventative care throughout the years; therefore, he stated that he could not support the Committee's recommendation.

Mr. Dixon moved for approval of the Committee's recommendations that, for the short term, Units 1 and 2 not be offered into PJM's capacity auction for the 2017/18 delivery year; that a comprehensive analysis be performed that lays out all the decision options for the City of Dover; that a similar analysis on other parts of the generation portfolio be completed; and that all supply options be surveyed, including new generation projects in and around Dover and Power Purchase Agreement (PPA) opportunities. The motion was seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Dixon, Perza, Slavin, Hare, Hutchison, and Bonar), one (1) no (Lynn), and two (2) absent (Anderson and Williams).

VanSant Generating Station Capacity Increase - Cost/Benefit Analysis

Mr. Scott Koenig, City Manager, reviewed a Presentation - Cost/Benefit Analysis for City of Dover - Update on VanSant Generating Station Capacity Increase.

Staff recommended that staff be authorized to continue to proceed with project implementation and reassess economics after bids for project installation are received and before submitting an offer into PJM for the 2017/18 capacity auction on May 12, 2014, noting that PJM must be notified of intent to bid in Units 1 & 2 by March 1, 2014.

Mr. Blakeman questioned whether staff had considered installing a waste heat recovery boiler to create a combined cycle unit. Responding, Mr. Koenig stated that it had been discussed previously; however, it was not included in the most recent reviews. He speculated that there must have been a technical or regulatory issue associated with it.

Responding to Mrs. Williams regarding the Indian River Coal Plant, Mr. Koenig stated that it will have an effect on the market, which may have an indirect effect on the City; however, he was not aware of the time frame.

The Committee recommended approval of staff's recommendation.

[City Clerk's Office Note: Subsequent to the meeting, members were provided a memorandum dated December 4, 2013, from Donna Mitchell, Controller Treasurer - Response to Questions, Utility Committee Meeting November 25, 2013, relating to this matter, as well as an Outage Status Report - Week 9, dated November 27, 2013.]

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

Purchase Power Agreement - Calpine

Mr. Scott Koenig, City Manager, advised members that staff intends to seek the assistance of Mr. Kirk Betts, Betts & Holt LLP, the City's Energy Attorney, for discussions regarding a mutually beneficial contract arrangement for the potential Power Purchase Agreement (PPA) with Calpine.

He stated that this information was provided for informational purposes only and that no further action was required at this time.

Discussion - Joint Agreement with the Delaware Municipal Electric Corporation (DEMEC) for New Generation

Mr. Scott Koenig, City Manager, explained that as a part of staff's due diligence to examine the possibilities for replacing the capacity of Units 1 and 2, should they be taken out of service, staff intends to meet with the Delaware Municipal Electric Corporation (DEMEC) and/or another partner they may have, to discuss the potential for joint projects, such as capacity improvements, provided a Purchase Power Agreement (PPA) with Calpine cannot be arranged. He stated his preference for keeping the City's options open moving forward and that he will keep Council updated in regard to all discussions.

In response to Mr. Blakeman, Mr. Koenig stated that staff would complete financial analyses on all of the available options, and the potential for DEMEC to own part of the City's units would be open for discussion.

Mr. Koenig stated that this information was provided for informational purposes only and that no further action was required at this time.

Mr. Slavin moved for acceptance of the Utility Committee Report, seconded by Mr. Hare and carried with Mr. Lynn voting no.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - NOVEMBER 25, 2013

The Legislative, Finance, and Administration Committee met on November 25, 2013 with Chairman Lynn presiding.

Vehicle Purchase/Transfer - Mayor

Police Chief James Hosfelt informed members that the Police Department currently had a new Dodge Charger, and it was staff's desire to replace the Mayor's vehicle with the Dodge Charger and bring the Mayor's Crown Victoria back into the Police Department's fleet of vehicles. He stated that Crown Victorias were no longer made; therefore, as the City transitions from Crown Victorias to Dodge Chargers, equipment used in the Crown Victorias would no longer be usable. Chief Hosfelt stated that staff would like to bring the Mayor's Crown Victoria back into the fleet while the equipment needed to outfit the vehicle was still available in the Department. He noted that this would cost less than equipping the Charger.

Staff recommended approval of the vehicle transfer.

Responding to Mr. Slavin, Mayor Carey stated that there were approximately 20,400 miles on the Crown Victoria.

In response to Mr. Slavin, Chief Hosfelt stated that, according to normal procedure, the Crown Victoria would be rotated out of active use when 80,000 - 85,000 miles were accumulated and that the condition of the vehicle would also be taken into consideration. He advised members that he was

uncertain when this mileage would be reached. Chief Hosfelt stated that this depends on the serviceability of the particular vehicle, noting that dependable vehicles are used quite often; however, the average time span for a dependable vehicle to reach this mileage was approximately five (5) to six (6) years. He reminded members that, unlike State Police vehicles that typically have one (1) user, City vehicles are used 24/7 by multiple operators.

Responding to Mr. Hare, Chief Hosfelt confirmed that the requested action would save the Police Department money in the long run as they would not have to buy new equipment for the Charger or waste equipment that was already available.

In response to Mr. Slavin, Chief Hosfelt estimated that the cost of the equipment that would be installed in the Charger, if it were outfitted, would be approximately $10,000.

Responding to Mr. Lynn, Chief Hosfelt stated that aftermarket equipment would be installed in the vehicle after the Mayor's use and would include police inserts used to separate prisoners from the vehicle operator and light bars.

The Committee recommended acceptance of staff's recommendation to approve the vehicle transfer as requested.

During the Council meeting, Mr. Hutchison moved to deny the request, seconded by Mr. Perza.

Prior to a vote, at the request of Mr. Lynn, Mayor Carey explained that when the Mayor became full-time, the Mayor's car came from the Police Department and every two (2) to three (3) years, the car would be transferred back to the Police Department, due to the minimal number of miles put on by the Mayor. This allowed for the Mayor's vehicle to be upgraded and gave the police the Mayor's used car, which would be like an almost new car. In addition, he reminded members that the vehicle equipment used by the police could fit on the Crown Victoria; therefore, there would be no equipment costs.

Police Chief Hosfelt stated that, during the Committee meeting, he was asked about the costs of the equipment for the vehicle. After speaking with Ms. Robin Adkins, Budget Administrator for the Police Department, Chief Hosfelt indicated that the cost of the equipment that would be installed in the Charger, if it were outfitted, would be approximately $18,000, rather than the $10,000 previously reported.

Mr. Hare indicated his feeling that it would be better for the Police Department to have a new vehicle.

In response to Mr. Lynn, Police Chief Hosfelt stated his support for the Mayor's current vehicle to be transferred to the Police Department.

For clarification, Council President Bonar explained that a "no" vote for the motion would approve the Committee's recommendation to approve the Mayor's request for the vehicle purchase/transfer.

The motion to deny the request for the vehicle transfer was carried by a roll call vote of five (5) yes (Perza, Slavin, Hare, Hutchison, and Bonar), two (2) no (Dixon and Lynn), and two (2) absent (Anderson and Williams).

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

Mr. Scott Cook, 256 Holly Hill Drive, Smyrna, advised members that he was a black belt in judo at the Elizabeth W. Murphey School in Dover, where children and adults are taught the art of judo through the instruction of Mr. Tommie Little. He noted that this program had begun in April 2013 and the class was expanding. Mr. Cook explained that there were approximately 26 participants using 20' x 30' mats in the Elizabeth W. Murphey Hall and there was not a great deal of mat space for practice. Students were required to take turns using mats and he indicated that support was being sought to purchase additional mats so that students could be trained properly. He noted approximately six (6) Murphey School residents were involved in the class, as well as one (1) staff member and the class was continuing to grow. He requested assistance from the City of Dover to purchase mats for the School.

Mr. Thomas Little, 400 N. DuPont Highway, B-23, explained that he worked at Family Court for the last eight (8) years and when he moved to the area last March, he received permission from the Murphey School to use their hall for judo instruction. He noted that he initially purchased mats for $3,000 and paid $1,200 for gis (uniforms) for the children. He indicated that the class had been very successful, required no fees, and was open to the entire community, including police agencies. He expressed the organization's hope to expand the program.

Responding to Mr. Lynn, Mr. Cook stated that the cost of a two (2) inch thick, 5' x 10' mat was $239.

Mr. Little stated that10-12 mats were desired.

Mr. Slavin noted that the total cost would be approximately $2,500. He stated that he would recuse himself from any vote on this request because he had financial dealings with the Murphey School through his job with the State of Delaware but he would vet this matter with legal counsel to verify his standing before the request would be considered by Council.

Mr. Hare inquired if it was possible for the City to make a $2,500 donation to the Murphey School. Responding, Mr. Koenig suggested that perhaps the Council budget could be examined to determine if there were funds available; however, Mrs. Traci McDowell, City Clerk, indicated that there were not adequate funds within this budget.

Mr. Hare offered to donate $250 and noted that if each Council member donated the same, the desired amount could be raised.

Mr. Lynn requested Mr. Koenig to provide a recommendation for funding the project at the next meeting.

Responding to Mr. Lynn regarding the status of a City grant-in-aid policy, Mrs. Donna Mitchell, Controller/Treasurer, indicated that the City was in the process of developing such a policy. She noted that the only contributions of this type made by the City each year were going to Kent County

Tourism and the Downtown Dover Partnership (DDP). She noted that she had drafted a grant-in-aid policy for the City mirroring the State's policy and this would be brought forward for the Committee's review at a subsequent meeting. Mrs. Mitchell expressed her belief that Council had adopted policies regarding gifts and donations that would prohibit cash donations and offered to provide this information to members. She explained that staff was in the process of preparing a revised Budget Ordinance which was planned for presentation at the next Committee meeting that would include project funding and budget balance carry-forwards and suggested that funding for this matter could be incorporated if Council so chose.

Responding to Mr. Lynn regarding whether mats could be provided to the School, rather than a donation of funds, and if this would comply with the policy, Mrs. Mitchell stated that she did not believe that this would be in compliance.

In response to Mr. Shevock regarding the existing policy and procedure for grants in aid from the City, Mrs. Mitchell stated that there was no grant-in-aid policy as yet; however, a gift policy had been approved by Council some time ago. She indicated that this prohibited cash donations and stated her belief that permitted donations were limited to items like City flags and shirts.

Mrs. Williams stated her opinion, as an executive of a private non-profit group and as a Councilwoman, that opening a grant-in-aid type program for private non-profit organizations in the City would result in the receipt of thousands of applications.

In response to Mr. Lynn regarding the auspices under which the City provides funds to Kent County Tourism, Mrs. Mitchell stated that these funds were provided to support the Dover Days Festival.

Mr. Lynn inquired why this donation was not a violation of City policy. Responding, Mrs. Mitchell stated that this had been approved in the past and was incorporated in the City's budget because it is a Dover festival.

In response to Mr. Lynn, Mr. Koenig indicated that the City had also provided funds in support of the African American Festival.

Noting that Mr. Little was a lawyer, Mr. Rushe suggested that Mr. Little reach out to the Kent County Bar Association for assistance. He offered to speak with Mr. Little after the meeting to discuss other avenues for assistance.

Mrs. Williams suggested that Kent County Levy Court also be contacted since they have an appropriate program and do make cash grants. She offered to provide contact information.

The Committee recommended tabling the request until the next meeting so that more information could be obtained regarding where the money may come from.

During the Council meeting, Mr. Slavin announced that he would abstain from voting on this issue due to a conflict of interest.

Mr. Lynn moved for approval of the Committee's recommendation to table the matter, seconded by Mr. Hare and unanimously carried with Mr. Slavin abstaining.

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

MONTHLY REPORTS - OCTOBER 2013

By motion of Mr. Slavin, seconded by Mr. Hare, 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
Dover Fire Department Reports *(April, May, June, July, August, September, and October)*
Police Chief's Report

EVALUATION OF BIDS - CABLE PULLER

Members considered a request for the purchase of a cable puller to replace the aging 2002 Sherman & Reilly equipment. Mr. Scott Koenig, City Manager, advised members that the Electric Department has one cable puller typically used every day for installing main electric feeders, distribution lines, and house services. He explained that cable pullers are similar to bucket truck use and should be replaced every ten (10) years to minimize break downs and repairs.

Mr. Koenig indicated that the Electric Department had received a quote in January 2013 and budgeted $125,000 for the purchase of a cable puller. Since then, the cable puller had been redesigned for proper ergonomics and safety and the last of the vintage models were sold in June 2013. Due to the changes in the design, he explained that the overall cost for the cable puller exceeded the budgeted amount of $125,000.

Mr. Koenig advised members that two (2) bids were received: 1) Sherman & Reilly; and 2) Condux. He stated that the specifications were based on the components equal to that of the Sherman & Reilly cable puller and the City's specifications were developed based on safety, pulling capabilities, and operator ergonomics. He stated that the Sherman & Reilly machine was developed to help improve employee safety and reduce workman's compensation claims with the use of hydraulic pulling and lifting devices, including the machines' ability to maneuver over transformers, pull boxes and manholes. Prior to writing the specifications, staff evaluated and demonstrated both machines. Mr. Koenig assured members that the Sherman & Reilly machine met all safety and operational requirements of the Department. He noted that the Condux machine required additional components to meet the pulling requirements and that the machine failed the demonstration as the machine bent while trying to pull the City's feeder cable. Additionally, he noted that the Condux machine did not meet all of the City's safety requirements because it lacked proper grounding components and US Department of Transportation (DOT) approved lighting.

Staff recommended purchasing the replacement cable puller from Sherman & Reilly for a total cost of $152,584.

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

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hutchison commended the Police Chief and members of the Dover Police Department on the efforts taken regarding armed robberies, noting that there is an increase in these crimes during the Christmas Season.

Mayor Carey thanked the Police Chief and his staff for bringing forward another means of trying to save the City money (relative to the vehicle purchase/transfer for the Mayor). In addition, Mayor Carey wished all a very Merry Christmas and a Happy New Year.

Mr. Hare stated that Ms. Diane Glenn, Victim Services with the Dover Police Department, does an outstanding job.

Council President Bonar echoed the wishes for a Happy Holiday Season and felt that 2014 would be a challenging year and suggested that the public be expecting a lively debate by City Council when considering the City's budget. Regarding the Mayor's vehicle, he stated that he would support the Mayor riding in a Suburban but, unfortunately, the City does not have adequate funds. Council President Bonar reminded everyone that the Council/Committee meetings for the remainder of the year were cancelled due to the holidays and, since there would be no meetings until 2014, he wished everyone a Happy New Year.

By unanimous consent, the meeting adjourned at 8:28 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of December 9, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibit
Exhibit #1 - Rendering - Design of Pocket Park - South Governors Avenue and North Street

EXHIBIT #1
Regular Council Meeting of 12/09/2013

CROSSING SIGNAL

STREET LIGHT

REPLACE BRICK SIDEWALK

EXISTING BRICK

NORTH STREET
RIGHT-OF-WAY VARIES
(CITY OF DOVER)

REMOVE EXISTING ENTRANCE APRON
AND REPLACE WITH BRICK

STREET LIGHT

EXISTING BRICK

EXISTING UTILITY BOX

LIGHT BALLARDS

RAISED BRICK PLANTERS

LANDS N/F
CITY OF DOVER
ED-05-077.09-04-36.00-000
ZONED C2

LIGHT BALLARD

RAISED BRICK PLANTERS

LANDS N/F
GOLDEN R. MYERS
ED-05-077.09
-04-37.00-000
ZONED C2

S. GOVERNORS AVE.
60' RIGHT-OF-WAY
(STATE OF DELAWARE)

LANDS N/F
CHERYL L. DEZWARTE
ED-05-077.09-04-65.00
ZONED C2

EXHIBIT #1
Regular Council Meeting of 12/09/2013

DOWNTOWN DOVER PARTNERSHIP

PROPOSED POCKET PARK
S. GOVERNORS AVENUE AND NORTH STREET

12.02.2013 / 2011104.04

BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING