REGULAR COUNCIL MEETING
A G E N D A

NOVEMBER 25, 2013 - 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 COUNCIL PRESIDENT BONAR

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 - Regular Council Meeting of November 12, 2013**

2. Proclamation - Pancreatic Cancer Awareness Month

3. Public Hearing - Request for Abandonment of Street (Improved) - Harmony Lane/Proposed Resolution No. 2013-26 Approving Abandonment

* **4. Parks, Recreation, and Community Enhancement Committee Report - November 12, 2013**

A. Benchmarks Established for the Economic Development Office
(Committee Action Not Required)

B. Update - CDBG Program
(Committee Action Not Required)

C. Future Use of Dover Park Recreation Center
(Committee Recommended Acceptance of Staff's Recommendation to Demolish the Dover Park Recreation Center and That the City Manager Be Authorized to Earmark the Balance of the Construction/Demolition Project up to $80,000 for Future Capital Improvements, in the City's Future Budgets, to Dover Park after a Needs Assessment Is Accomplished)

5. Utility Committee Report - November 12, 2013

* **A. Engineering Design and Projects**

a-1. Engineering Design of Water and Wastewater Upgrades - West Dover Connector

(Committee Recommended Acceptance of the Proposal from URS Corporation to Perform Engineering Design Work Necessary for Water and Wastewater Upgrades Associated with the West Dover Connector in the Amount of $44,100)

a-2. Engineering Design - Miscellaneous Stormwater Projects

(Committee Recommended Acceptance of the Three (3) Proposals from URS Corporation to Perform Engineering Design Work Necessary for Flooding Issues at Buttner Place, Susan Place, and Lakeview Drive in the Amounts of $9,450, $9,300 and $24,400 Respectively ($43,200 Total - Rounded to $100))

B. Rate Classification/Tariff Amendment for Churches

(Committee Took No Action on Staff's Recommendation That No Action Be Taken on Amending the Current Electric Rate Tariffs and That Staff Be Directed to Assist the Presbyterian Church of Dover with a Green Energy Grant Application to Facilitate Energy Efficiency Within the City's Electric System)

* **C. Temporary Suspension of Acceptance of Solar Applications - Green Energy Fund**

(Committee Recommended Temporarily Suspending Solar Photovoltaic Applications to the City and Green Energy Fund)

* **D. TEA/NAES Report (August and September)**

(Committee Took No Action)

* **E. Updates**

(Committee Recommended Acceptance of the Updates)

6. Legislative, Finance, and Administration Committee Report - November 12, 2013

* **A. "Safe Whistles" - National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers (Background Screening for Youth Coaches and Sports Officials for All City Recreation Offerings) *(Lynn and Slavin)***

(Committee Recommended That Background Checks Be Performed for All Parks and Recreation Volunteers and Contractors, Including Officials, Who Will Be Working Directly With Youth, Every Three (3) Years, and That Staff Implement a Staggered Approach That Would Require Compliance by Officials by a Certain Date in 2014)

B. Request for Economic Inclusion Study

(Committee Recommended Approval of the Request to Fund the Economic Inclusion Study in the Amount of $6,000)

C. Request for Property Revaluation - Wild Meadows

(Committee Recommended That the Wild Meadows Neighborhood Be Permitted This Request for Reassessment and That the City Pursue This Change in Two (2) Ways: 1) By Allowing a Group Appeal on Behalf of the Community in April 2014; and 2) By Pursuing the Charter Change Necessary to Effectuate the Committee's Intent and Requesting Deputy City Solicitor Pepper to Address the Required Change)

7. Evaluation of Bids - Tree Trimming Contract

(Staff Recommends Awarding a Three (3) Year (2014, 2015, 2016) Tree Trimming Contract to Low Bidder: Asplundh Tree Experts, with a City Option to Extend it an Additional Two (2) Years (2017, 2018), Five Years Total. The Contract Work Will Be Adjusted to Stay Within Budget Each Year)

8. Amendment to Intended Purchases - Fund to Combat Violent Crime - FY14 Grant Approved on September 23, 2013

(Staff Recommends Approval of the Requested Amendment)

* **9. <u>Election of Officers - Robbins Hose Company - Year 2014 Fire Line Officers</u>**

Fire Chief	**-**	**Matthew Carey**
Deputy Fire Chief	**-**	**Jack Fortney** *(Unopposed)*
First Assistant Fire Chief	**-**	**David Carey**
Second Assistant Fire Chief	**-**	**Mark Hall** *(Unopposed)*
Third Assistant Fire Chief	**-**	**Carl Troubetaris Sr.** *(Unopposed)*
Fourth Assistant Fire Chief	**-**	**Duane Reeder** *(Unopposed)*
First Fire Line Captain	**-**	**Ben Smetana** *(Unopposed)*
Second Fire Line Captain	**-**	**William Kelly II**

10. Council Members' Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 12, 2013 at 7:30 p.m. with Councilwoman Williams presiding in the absence of Council President Bonar. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

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

OPEN FORUM

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

There was no one 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. Hare noted the absence of Mayor Carey and suggested that the Geographic Information Systems (GIS) Day and Geographic Awareness Week and Pancreatic Cancer Awareness Month Proclamations be deferred until the next Council Meeting.

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

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

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

The Minutes of the Regular Council Meeting of October 28, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF OCTOBER 30, 2013

The Minutes of the Regular Council Meeting of October 30, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Carey.

UTILITY COMMITTEE REPORT - OCTOBER 28, 2013

The Utility Committee met on October 28, 2013 with Chairwoman Williams presiding.

Annexation Request - 508 Acorn Lane, Owned by Raul M. Juarez

Mr. Scott Koenig, City Manager, reviewed a Petition to Annex and Zone Property located at 508 Acorn Lane, consisting of $1.315^{+/-}$ acres, owned by Raul M. Juarez. Mr. Koenig advised members that the property owner had requested annexation, mainly for utility purposes. He

explained that this property was designated as a Category 1 - High Priority Annexation Area in accordance with the City's Comprehensive Plan because it represents an in-fill area. Staff recommended annexation of the property in order to further "square up" the City boundaries and provide the sewer utility to this property in the future. He explained that a sewer line was installed on Acorn Lane and that if the property owner connects to the sewer, he would be subject to the assessment associated with that project and would also pay a connection fee as a per foot assessment.

Staff recommended that the City proceed with annexation of the subject property.

Responding to Mrs. Williams, Mr. Koenig stated that Fox Hall Drive was also a Category 1 - High Priority Annexation Area and that the Acorn Lane situation would be similar, if there are failing utility systems and City utilities are needed. He confirmed that the annexation would not only capture an enclave but would eventually build customers.

In response to Mr. Bonar, Mr. Koenig stated that the City's Comprehensive Plan includes an annexation map that shows all Category 1, Category 2, and Category 3 areas that may be considered for annexation. He noted that Category 1 areas, such as Fox Hall Drive, Acorn Lane, and some areas of Governors Avenue, are in-fill areas; Category 2 areas are located at the borders of the City where growth is anticipated; and that the Category 3 designation includes areas that are further out that may potentially be annexed at an undetermined time in the future.

The Committee recommended annexation of the property located at 508 Acorn Lane, owned by Raul M. Juarez.

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

Annexation Request - Westerly Side of Acorn Lane, Owned by City of Dover

Mr. Scott Koenig, City Manager, reviewed a Petition to Annex and Zone Property located on the westerly side of Acorn Lane, consisting of $.075^{+/-}$ acres (3,264 SF), owned by the City of Dover. Mr. Koenig advised members that the property was part of an enclave outside the City limits. He noted that the property was currently vacant and was proposed to be zoned R-8, should it be annexed into the City. He explained that anything built on this land and connected to the sewer would be subject to a per foot charge.

Staff recommended that the City proceed with annexation of the subject property.

In response to Mr. Perza, Mr. Koenig confirmed that the City owns other properties outside of the City, such as the Cartanza Substation and various wellheads. He stated that he was unsure of the history of the property being discussed but advised members that it was immediately adjacent to City limits.

Mrs. Williams questioned if enclaves within the City could be bundled and brought in all at one time. Responding, Mr. Koenig stated that he would prefer to bundle them at one time but felt that this would be a "hostile" approach; therefore, the City had adopted a "wait and see" strategy. He

advised members that when residents in these areas need utilities, they must request annexation. He estimated that there were at least 50 in-fill properties within the City.

The Committee recommended annexation of the property located on the westerly side of Acorn Lane, owned by the City of Dover.

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

Request for Abandonment of Street (Improved) - Harmony Lane

Mr. Scott Koenig, City Manager, advised members that correspondence had been received from Mr. Russell Huxtable, Vice President, Milford Housing Development Corporation (MHDC) proposing to consolidate parcels within the Walker Woods subdivision and renovate this development. The letter included a request for the abandonment of Harmony Lane for a number of reasons, many beneficial to the developer but some beneficial to the City. He explained that Harmony Lane was an improved public street. He referred members to the table previously provided for information regarding the existing infrastructure and the easements associated with the property.

Staff recommended: 1) abandonment of the subject right-of-way with conveyance of sixty feet (60') of said right-of-way to Milford Housing Development Corporation. Abandonment shall be conditioned upon the completion of the Site Development Plan and parcel consolidation plan. Cross access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. Ownership shall not be relinquished until such time as the parcel consolidation plan is recorded; 2) abandonment of all stormwater, street, wastewater, and water infrastructure to Milford Housing Development Corporation in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only; and 3) adoption of a resolution by Council setting a public hearing regarding the proposed abandonment for November 25, 2013.

Responding to Mr. Blakeman's inquiries regarding trash pick-up and snow removal, Mr. Koenig explained that trash pick-up currently takes place in the middle of the development. He noted that there were approximately ten 330-gallon trash containers and staff had been struggling for 20 years with collection in this area. Under the proposed re-development, trash pick-up would be converted to private collection using larger dumpsters and more defined areas for collection. Snow collection beyond the right-of-way of Walker Road would also be private.

In response to Mrs. Williams, Mr. Koenig stated that, in his opinion, there would not be confusion or conflict caused by the operation of the Milford Housing Authority in the City of Dover, where the Dover Housing Authority also operates.

The Committee recommended: 1) abandonment of Harmony Lane with conveyance of sixty feet (60') of said right-of-way to Milford Housing Development Corporation. Abandonment shall be conditioned upon the completion of the Site Development Plan and parcel consolidation plan. Cross access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. Ownership shall not be relinquished until such

time as the parcel consolidation plan is recorded; 2) abandonment of all stormwater, street, wastewater, and water infrastructure to Milford Housing Development Corporation in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only; and 3) adoption of a resolution by Council setting a public hearing regarding the proposed abandonment for November 25, 2013, as recommended by staff.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Resolution No. 2013-25 setting a public hearing for November 25, 2013 regarding the abandonment of Harmony Lane *(Exhibit #1)*.

Public Notification - Power Outages

During the Utility Meeting held on September 9, 2013, members considered the existing Electric Outage Public Notification Procedure and the Internal Standing Orders for the City's Electric Department. Members recommended that this matter be referred back to staff for their consideration in implementing the comments and suggestions made by members of the Committee. During the City Council meeting held on September 23, 2013, Council approved the Committee's recommendation.

During the Utility Committee meeting of October 28, 2013, Mr. Scott Koenig, City Manager, explained that staff had investigated several options to try to remedy members' concerns. He indicated that staff did not recommend implementing outage management software at this time due to the costs associated with this option but noted that it might be a viable option in the future. He felt that the City's system was extremely reliable and reported that the City's annual outage statistics for FY 2009 through FY 2013 exceeded the Delaware standard of 295 minutes per customer, set by the Public Service Commission. He indicated that most of the outages were the result of car accidents or animal intrusions rather than wires "burning up."

Mr. Koenig explained that staff did not recommend using Facebook to notify customers of outages as this would involve additional staff resources and the number of customers using this medium was unknown. Current postings on Facebook are done by Kay Dietz-Sass, Public Affairs/Emergency Management Coordinator, whose normal work hours are 8:00 a.m. - 5:00 p.m., Monday through Friday; therefore, after-hours posting would incur costs through compensatory time or overtime for her services, and at this point having Systems Operators post to Facebook had not been discussed because they are a major part of system restoration. Mr. Koenig explained that staff would make an effort to bring in additional staff to answer phone calls and update the phone message system when it is believed that this is needed and that specific thresholds needed to be developed as to how this would occur. Staff would also be evaluating the costs associated with an automated phone/push notification system in future budgets if Council indicated an interest. He noted that reverse 911 calling had been researched previously and recalled that the installation cost was approximately $30,000; however, he cautioned members that the electric system was extensive (approximately 50 square miles) and extends outside of the City limits. Mr. Koenig was unsure if the City should be investing funds in this type of project, reminding members that he and staff were very proud of the reliability of the City's system. He wanted to be sure that information posted was accurate if such a system were installed because inaccurate information may be worse than no information. He indicated that staff would be looking at these types of notification systems in future budgets, but would not plan to include it in the FY15 budget unless asked to do so by Council.

Staff recommended authorization to call in additional resources during outages to assist with phone calls and new phone messages to address the concerns identified by the Committee and to evaluate an automated phone/push notification system to be considered in future budgets.

Mr. Slavin stated that notification via social media could be as easy as directing an email that is already going to be sent out to a Twitter or Facebook account and that this could be sent from a cell phone inside the plant and posted automatically. He suggested that very low-cost solutions that are currently available be considered. He indicated that he would not recommend reverse 911. It was his belief that Capital School District was using those types of calls in abundance and that people were beginning to ignore the calls because they are receiving so many of them.

Responding to Mr. Koenig regarding the level of detail for information to be conveyed during an outage, Mr. Slavin confirmed he was simply looking for a statement that there is an outage in a particular area and an estimate of when it was anticipated that power would be restored.

In response to Mrs. Williams, Steven Enss, Interim Electric Director, indicated that the City's electric system had better reliability than both of its local counterparts.

Mr. Bonar stated that a reliability study for Delmarva Power was being conducted at the State level and that when Delmarva Power's forward-looking rate plan becomes effective, their threshold for outages would drop to 175 minutes per year. He felt that the City was well ahead of the curve compared to other commercial providers.

Mr. Slavin inquired what the costs would be to bring in additional staff and if they would be paid an overtime rate. Mr. Koenig stated that if staff were called in they would receive overtime pay or compensatory time at a reimbursement rate of 1.5 hours per hour. He was unsure of what the dollar value would be.

The Committee recommended acceptance of staff's recommendation to authorize staff to call in additional resources during outages to assist with phone calls and new phone messages to address the concerns identified by the Committee and to evaluate an automated phone/push notification system to be considered in future budgets.

Mr. Blakeman noted that, in previous years, Council members had volunteered to man phones during outages and were not compensated for their service.

Mrs. Williams stated that Council members and other City staff had worked on a volunteer basis during several emergencies.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation to authorize staff to call in additional resources during outages to assist with phone calls and new phone messages to address the concerns identified by the Committee and to evaluate an automated phone/push notification system to be considered in future budgets. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson and Bonar absent).

Rate Classification/Tariff Amendment for Churches

During the Utility Committee meeting held on September 23, 2013, Mr. Scott Koenig, City Manager, reviewed a request from the Presbyterian Church of Dover (the Church) to consider a change in tariff language for the C/C1 (Small Commercial) description. Specifically, he stated that the request was to have the wording "or have instrument rated metering" removed from the C/C1 classification description. At that time, members recommended that this matter be referred back to staff to determine, if the requested change were granted, based on a possible amendment to the tariff that would eliminate the phrase "or have instrument rated metering," what impact it would have on the City in terms of revenue or other unforeseen possibilities; how many customers would be impacted (including other non-profits, churches, commercial customers, etc.); and, historically, how similar changes had been made in the past, for a report back to the Utility Committee by no later than their meeting scheduled for October 28, 2013. The Committee's recommendation was approved by City Council during their meeting held on October, 14, 2013.

During the Utility Committee meeting held on October 28, 2013, Mr. Koenig explained that the request was related to the discussion of the C5 classification assigned to the Church. The demand profile for the Church would allow it to be assigned to the C/C1 classification if it did not have an instrument rated meter. Based on a "look back" period of one (1) year, it was staff's belief that as many as 51 customers could be reclassified if the above referenced language was removed from the C/C1 classification. This was determined based on using an average demand of less than 3,500 kWh/month. He noted that electric use was dynamic; therefore, the actual number of customers could vary from year to year, depending upon when the calculation was made. Using these customers, it was estimated that such a change in the tariff language could result in a loss of revenue of approximately $128,458.00 for this group of customers related to the demand charge. Since electric usage is dynamic in nature, Mr. Koenig estimated the loss of revenue at between $75,000 and $125,000 per year, based on the information available.

Staff indicated to the Church that the Green Energy Grant Fund could assist in making energy efficiency improvements to the facility, such as replacement of the metering infrastructure. Using the Green Energy Fund to improve the facility would achieve the same goal as amending the tariff. The current estimate to improve the facility was less than $5,000.

Amending the tariff would have a direct financial impact on the City's rate structure and could have unanticipated consequences related to rates. Staff recommended against any alterations to the tariff, unless they were altered in the context of a comprehensive rate review that was not scheduled to be considered until future budgets.

Mr. Koenig explained that this information was relayed to Mr. Gary Patterson, Secretary of the Trustees of the Presbyterian Church of Dover, who had asked to postpone action on this item and was unable to attend the meeting. Mr. Koenig noted that staff offered to help church members to fill out the grant application and shepherd them through the application process, as this would meet the Church's goal to become more efficient and would put the Church in a proper rate classification for its demand profile.

Mr. Slavin stated that he had also received a call from Mr. Patterson, who had asked for more time for discussion between City staff and the Church. He told Mr. Patterson that he would ask for this issue to be tabled until the first meeting in November.

The Committee tabled the matter until the Utility Committee meeting of November 12, 2013.

No further action was taken by City Council.

Quarterly Review of Utility Related to Capital Investment Plan (CIP) Electric and Water/Wastewater (July, August, and September)

Mr. Scott Koenig, City Manager, reviewed the Capital Investment Plan (CIP) Project Tracking Report - September 30, 2013. He noted that much work had been done to complete water, sewer and electric projects. He assured members that staff was working diligently on these projects.

The Committee took no action.

By consent agenda, Mr. Hare moved for acceptance of the Utility Committee Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson and Bonar absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 28, 2013

The Legislative, Finance, and Administration Committee met on October 28, 2013 with Chairman Lynn presiding.

Request to General Assembly to Amend Title 29 - State Government - General Regulations for State Agencies - Chapter 100 - Freedom of Information Act

Mayor Carey advised members that, in recent months, the City of Dover had been actively negotiating the proposed sale of various pieces of land within the City limits and that, under current law, the sale and/or lease of land owned by the City could not be discussed in executive session. Mayor Carey indicated that he had worked with Senator Brian Bushweller to draft an amendment to the Delaware Freedom of Information Act that would add language to allow preliminary discussions regarding the sale or lease of publicly funded capital improvements in executive session. Mayor Carey presented the proposed amendment to members for consideration.

In response to Mr. Shevock, Mayor Carey confirmed that the amendment would allow only discussion of such sales and leases in executive session; however, any Council action would occur in a public forum.

Mayor Carey reminded members that recent negotiations regarding Garrison Park were open to the public, which restricted the City's ability to negotiate the price for the property. He believed that this restriction could have potentially cost the City a great deal of money.

Mr. Lynn thanked Mayor Carey for his efforts and concurred that publicly negotiating sales puts the City in an inferior bargaining position; however, he expressed concern with the use of the term "preliminary," stating that this was not defined within the Code and was therefore open to interpretation. In addition, Mr. Lynn noted his concern that the amendment would attach such sales and leases to publicly funded capital improvements. He explained that this would not necessarily

address situations similar to Garrison Park, as this was not a capital improvement project but a sale of City property. Mr. Lynn suggested that the proposed amendment be sent to Deputy City Solicitor Pepper for review and revision of the language.

Mr. Rushe questioned if other municipalities were facing this issue and whether they had addressed Senator Bushweller. Responding, Mayor Carey indicated that no other municipalities had brought this item forward. He stated that he brought this matter to the attention of the Delaware League of Local Governments (DLLG) and its members were unanimously in favor of moving forward with the amendment and were willing to write letters of support.

In response to Councilman Hutchison, Mayor Carey advised members that the DLLG had not expressed concern regarding any other aspects of the Freedom of Information Act (FOIA).

Councilman Hutchison expressed his opinion that it would be helpful for Council to have the ability to hold an executive session for preliminary discussion of a matter to determine a consensus for support and to identify whether such matter warranted further discussion by Council. For example, Mr. Hutchison stated his opinion that Council's hands were tied with regard to discussing concerns involving land, personnel matters, financial matters, etc. outside of a public meeting.

Mr. Bonar suggested approaching the legislature with the proposed amendments, with the DLLG's support, before the end of January when their session ends.

The Committee recommended supporting Mayor Carey's efforts and issuing correspondence endorsing the proposed request to the General Assembly to Amend Title 29 – State Government – General Regulations for State Agencies – Chapter 100 - Freedom of Information Act, stipulating that the proposed amendment be sent to the Deputy City Solicitor for review prior to consideration by Council. *[Clerk's Office Note: Subsequent to the Deputy City Solicitor's review, the proposed Senate Bill was revised as recommended and a copy was provided to City Council.]*

Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and unanimously carried.

Establishment of an Ad Hoc Committee to Study the Future of City Hall, Weyandt Hall, and the Former Dover Public Library

Council President Bonar stated that due to the age and condition of the City's buildings, including the former Dover Public Library, Weyandt Hall, and City Hall, it would cost a significant amount of money to repair or renovate them. He noted that these buildings were not handicapped accessible, had problems with the heating, ventilation and air conditioning (HVAC) systems, etc., and were not currently drawing any tax revenue for the City.

Mr. Bonar explained that the purpose of this Committee would be to review these issues and develop an unbiased but educated recommendation to Council on the most fiscally responsible way to remedy them. He noted that members would consider whether to renovate or build new structures, keeping in mind the concept of inviting private investors to pay for the repairs or construction of a new building which would also put the buildings back on the tax rolls. Mr. Bonar noted additional concerns regarding security in City Hall, citing a recent incident involving an individual who posed

a potential threat and was able to make it into the City Manager's and Mayor's Office. He stated that this person was taken into custody without incident; however, he felt that this indicated that security at City Hall and in the City Council Chambers needed to be addressed.

Mr. Bonar recommended creating an objective group to review the options and provide a recommendation to the Legislative, Finance, and Administration Committee and ultimately to Council. He noted that the Committee would be of no expense to the City but would provide valuable information.

In response to Mr. Shevock, Mr. Bonar advised that once the task of the Committee was complete it would dissolve. It would not be a standing committee.

Responding to Mr. Shevock, Mr. Bonar stated that the Committee would consist of three (3) members of Council, and three (3) members of the general public with a background in investments and finance, and that he, as Council President, would appoint the members.

In response to Mr. Slavin, Mr. Bonar advised that if the recommendation were passed on to Council, additional details and specific information concerning the formation of the Committee would be provided, including the names and backgrounds of members, the scope of the committee, etc.

Responding to Mr. Lynn, Mr. Scott Koenig, City Manager, stated that the basic groundwork and architectural design previously approved by Council for City Hall was currently on hold pending the potential formation of the Committee. He reminded members that further discussion and possible recommendations regarding public/private partnerships related to City-owned buildings was scheduled for consideration during the Special Council Meeting of October 30, 2013.

The Committee recommended the establishment of an Ad Hoc Committee to Study the Future of City Hall, Weyandt Hall, and the Former Dover Public Library.

Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried with Mr. Lynn voting no.

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - OCTOBER 30, 2013

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

Discussion - Transportation Improvement District

Mr. Scott Koenig, City Manager, advised members that, in the spring of 2013, the Delaware Department of Transportation (DelDOT) adopted new regulations that govern how DelDOT reviews access to State-maintained roadways. He noted that the regulations require developers to conduct large scope traffic impact studies and complete all necessary improvements for potential redevelopment projects along U.S. 13, resulting in a paralyzing effect on redevelopment projects along the U.S. 13 corridor. However, the regulations also allow for DelDOT to work with

metropolitan planning organizations and local governments to create Transportation Improvement Districts (TIDs). Once a district is defined, an agreement is put in place and DelDOT funds a district-wide traffic study and implementation plan. Depending on the terms of the agreement, developers within the TID would either pay their fair share of the improvements (which would be determined by the agreement) or construct a portion of the improvement. He noted that the improvements identified in the TID study would receive a higher priority in the ranking of projects in the State's Capital Transportation Plan.

Mrs. Ann Marie Townshend, Director Planning and Community Development, advised members that staff was seeking support from the Committee and Council to work with DelDOT to begin to lay out a Memorandum of Understanding (MOU) for a TID that would define the scope of the district, the geographic area, and related items and then to begin the study. She reminded members that DelDOT would pay for this study using a pool of funds that developers had paid into for area-wide studies rather than performing a Traffic Impact Study (TIS) for their projects. Mrs. Townshend indicated that staff had held one (1) meeting with DelDOT to discuss the possibility of a TID. She stated that staff felt it was important to obtain the endorsement of City Council to engage in the process since it would take significant staff time.

Responding to Mr. Hutchison regarding the amount of staff time that would be required, Mrs. Townshend estimated that meetings would be held bi-monthly.

In response to Mr. Davis regarding potential negative implications, Mrs. Townshend noted that the study would define the traffic problems and the price tag of solving them, which could be "a tough pill to swallow." She noted that moving forward was not mandated; however, she explained that currently projects were being undertaken in a piecemeal fashion that could cause potential large-scale development to halt due to the massive scope of the studies required. She advised members that developers are now required to pay an engineer to perform a large scope study, including traffic counts and modeling, that identifies improvements that must be done, and are then expected to contribute significantly toward the road upgrades identified. She explained that a proposed re-development project at the former Berry Van Lines property, located at 741N. DuPont Highway, had caused immediate engagement in this discussion with DelDOT. At a scoping meeting for this project between DelDOT, the prospective developer, and the developer's engineer, it was determined that, based on the new DelDOT regulations, the developer would be required to study the impact on all of the U.S. 13 intersections between Scarborough Road and Division Street. She felt that developers would likely walk away from areas that the City would like to see re-developed and projects that would help economic growth because the regulations are so onerous.

Responding to Mr. Hutchison regarding the target area to be addressed, Mrs. Townshend stated that the Route 13 corridor through the City from Denneys Road in the north to the intersection at State Street in the south had been discussed with DelDOT, as well as Route 113 from its intersection with Route 13 extending to Dover Air Force Base.

Mr. Koenig indicated that the intent of the regulations was good; however, that the scoping meeting held in regard to the former Berry Van Lines property project had identified some unintended consequences. According to the developer who was interested in purchasing and developing this site, the required study would cost $100,000 - $200,000.

Mr. Koenig expressed his opinion that there was a need to define what level of traffic the City was willing to accept as the cost of doing business. He felt that a healthy, economically vibrant City would have traffic, especially at times when offices are closing and around large traffic areas such as malls. He stated that if there were no cars present at 5:00 p.m. on Route 13, this would be a large problem because it would indicate a lack of economic activity. Because an intersection fails for 30 minutes per day, he did not feel that it was appropriate to "build your way out of that," noting that he did not envision a fourth lane being built on U.S. 13. He questioned what would come of a decision to "study 16 traffic signals" and wondered if all of these signals would be upgraded or if they were being studied only because regulations direct that this occur.

Mr. Koenig advocated proceeding with the TID. He recalled that several years ago the State adopted policies that channeled development into growth zones and that the State promised to funnel funds to these areas. He noted that dollars had not matched up with these promises. Mr. Koenig felt that the State should be spending money in the capital city and that this was an opportunity to engage the State by creating a TID and using that policy framework to get the State to invest in the City. He indicated that it was distressing for him to talk to developers who expressed interest in properties but stated that DelDOT was preventing redevelopment. It was his belief that the TID could be a mechanism that would overshadow some of the current DelDOT regulations and potentially help drive dollars into the capital City, both from private investment and public dollars through DelDOT.

Mr. Koenig stated that TIDs were a relatively new concept in the State of Delaware and he was unsure how long it would take to get through the process. He felt it important to move forward on the re-development of U.S. 13 and other transportation corridors. He noted that a number of items in the City's budget were driven by growth and that revenues would not be at the levels needed for current and future years unless growth was occurring.

Responding to Mr. Davis regarding the developer's responsibility for funding transportation projects, Mr. Koenig explained that currently a private developer must fund a study on the individual project's impact. If a TID is created, DelDOT would do a comprehensive study of the district. Developers would then pay a fair share of related improvements that happen in the future.

In response to Mr. Davis regarding whether the City's funds would be impacted, Mr. Koenig stated that the City would not be committing to putting dollars into improvements or studies for private developers since this was not the current practice.

In response to Mr. Keller, Mrs. Townshend indicated that there were approximately 18 - 20 intersections in the area proposed for the TID. She believed that if the entire corridor were not included, there would be potential for a project just beyond the line selected and then the developer would be required to complete a separate TIS. She noted that, as the economy was beginning to rebound, she had talked to a number of developers who were looking at the former Playtex properties (bound by Kings Highway, Route 8, and N. DuPont Highway); however, the traffic component of those properties had continued to be an issue. It was her belief that any large property with good development/re-development opportunity would encounter this problem.

Responding to Mr. Perza regarding the potential impact of the study on existing businesses, Mrs. Townshend confirmed that it the study would be passive and involve traffic counts, modeling, land use, etc.

Mr. Hutchison suggested that the matter be brought before Council but that it not be placed on the consent agenda in order to allow for discussion.

Responding to Mr. Dixon regarding the impact on Fairview Elementary School, Mrs. Townshend stated that this location was west of the study area and would not be impacted.

Staff recommended that the City Manager and City Planner be authorized to begin negotiations with DelDOT to create a Transportation Improvement District (TID), noting that any agreement related to the TID would be brought before City Council in draft form prior to execution.

The Committee recommended acceptance of staff's recommendation.

During the Council Meeting, Mrs. Townshend advised members that staff had identified the US Route 13 and Bay Road corridors within the City limits as a potential TID and would like to negotiate with DelDOT regarding an agreement for the District and initiate the study. She introduced Mr. Bill Brockenbrough, representative of DelDOT's Division of Planning.

Mr. Brockenbrough reviewed a Presentation - Transportation Improvement Districts (TIDs) ***(Exhibit #2)***. He advised members that a TID is a geographic area defined for the purpose of securing required improvements to transportation facilities in that area. He stated that Kent County had identified 11 areas where it was desired to create TIDs in their comprehensive plan. In addition, he noted that two (2) areas in northern New Castle County were operating somewhat like TIDs and two (2) areas in southern New Castle County had been working for several years to create districts; however, he stated that the only operating TID is in the Westown development, which is located on the west side of Middletown. He explained that the TIDs that were proposed under the regulations adopted this spring would differ from Westown in some ways.

Mr. Brockenbrough advised members that DelDOT created the TID regulations to serve as an alternative to their standard TIS process. When a TID is created, a land use plan for an area is agreed upon and a single TIS is conducted to address all expected development in that area rather than having each development do their own. He stated that once the TID is in effect, developments that conform to that plan will be able to skip the TIS process and pay a fee to cover their share of the needed transportation improvements. It was estimated that this would save six (6) to 12 months over having a TIS done, explaining that the TIS process is slow.

In addition, Mr. Brockenbrough stated that TIDs are more equitable since land use and transportation are linked and all developments in the TID would pay based on the same formula. He stated that with a TIS, improvements are required based on capacity available at a point in time. He explained that a large development could use all of the available capacity at an intersection and not require any additional improvements. A smaller development would then be required to make large improvements to restore the capacity that was used by the previous developer. Mr. Brockenbrough noted that such a scenario can create large inequities between adjacent developments and that the TIDs level the playing field. He explained that once a TID is established, everyone pays the same amount per unit, so a potential developer can estimate the infrastructure costs based on the size of their development.

Mr. Brockenbrough stated that the TIDs consider all aspects of transportation infrastructure, whereas TISs are focused primarily on intersection capacity for automobiles. As such, he noted that TIDs represent a more comprehensive approach by considering the entire streetscape, including bicycles, pedestrians, and transit. Mr. Brockenbrough stated that TIDs have boundaries since they are districts; however, by focusing on larger areas, TIDs will address the impact of the developments within them more comprehensively. In addition, he stated that TIDs are more supportive of what is often referred to as "smart growth." TISs were created to solve the problems of an auto–oriented suburbia and the solutions they identify often do not support walkable communities. The TID process is much more adaptable to a specific area, so that the problems addressed and the solutions developed are more likely to fit the area being studied.

Mr. Brockenbrough indicated that TIDs will be created in areas where the counties and municipalities are planning for growth; Levels 1, 2 and 3 in the Strategies for State Policies and Spending; and those locations identified in comprehensive plans. A TID begins with an agreement between DelDOT and the local government that outlines how the parties will work together to create and maintain the TID. Should the City of Dover be interested in creating a TID, he stated that it would be necessary to amend the City's Comprehensive Plan to indicate a general location of a TID on the map.

Mr. Brockenbrough advised members that a more detailed presentation on the TID would be made to the Delaware League of Local Governments during their meeting of November 21, 2013, at 7:30 p.m.

Responding to Mr. Hutchison, Mrs. Townshend confirmed that the areas identified by staff for a TID included US Route 13, from the north boundary to the south boundary of the City, and Bay Road, from the split off Route 13 to Dover Air Force Base.

Mr. Slavin moved for approval of the Committee's recommendation to authorize the City Manager and City Planner to begin negotiations with the Delaware Department of Transportation (DelDOT) to create a Transportation Improvement District (TID), noting that any agreement related to the TID would be brought before City Council in draft form prior to execution. The motion was seconded by Mr. Lynn and unanimously carried.

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that monthly coordination meetings continued regarding the construction of the new Dover High School. She noted that those meetings had been very effective in identifying and resolving issues. She stated that the Delaware Department of Transportation (DelDOT) was designing sidewalks on the north side of Route 8 and would be would be acquiring related temporary or permanent right-of-way easements. Discussions regarding the cost of the improvements were ongoing; however, it was her belief that the Capital School District had not borne an unfair share of the cost for transportation to access the school.

Responding to Mr. Hutchison regarding the school entrances, Mrs. Townshend stated that the School District planned to construct the east entrance and had appeared before the Planning Commission to obtain a waiver to allow reduction in parking areas. The parking areas would be curbed but would

be grass so that they could be used for overflow parking. The Capital School District Board of Education had stated that the east entrance was important to them.

Mr. Hutchison expressed appreciation for Mrs. Townshend's efforts in this regard, as did Mr. Davis.

In response to Mr. Keller, Mrs. Townshend indicated that the east entrance would be designed and built as a full entrance, but if the school wished to limit it to a right-in/right-out entrance they could do so.

Mr. Keller noted his observation regarding difficulties being experienced by large vehicles coming from the east and accessing the school at the west entrance. Responding, Mrs. Townshend explained that the entrance and signal were designed to manage all traffic, including buses; however, issues emerged during construction, and DelDOT and the School District were working together to see what alterations might be needed to reconfigure this area. She was unsure if it was a design problem, a construction issue, or a combination of both.

Briefing on Delaware Department of Transportation (DelDOT) Projects
DelDOT Repaving Project
No update was provided regarding this item.

West Dover Connector
Mr. John Gaines, Project Engineer, reviewed a rendering of the planned West Dover Connector. He explained that the connector will start at the intersection of Route 13 and Charles Polk Road at Rodney Village, travel in a northwesterly direction, traversing the two (2) Kesselring farms, and terminate at the intersection of North Street and Saulsbury Road. DelDOT was currently acquiring the right-of-way for the project. There were 14 total acquisitions on Charles Polk Road, all of which had been purchased, 12 of the 14 properties had been razed, and a contract for the other two (2) was awarded during the previous week, so all demolitions would be accomplished soon. Mr. Gaines indicated that appraisals for the remaining parcels had been received and were being assigned to acquisition agents. It was hoped that the entire right-of-way would be cleared by March. Final construction plans were expected in approximately two (2) weeks and would be distributed through DelDOT for comment. According to the remaining schedule, bids would be advertised in the March/April time frame and it was hoped that construction would start late in the Summer of 2014.

Mr. Gaines noted that there were several outstanding issues with the City in regard to water/sewer lines within Rodney Village. DelDOT was coordinating with the City to ensure that improvements to these lines would be complete before DelDOT patches the roads and reconstructs the sidewalks and curb line to avoid multiple disturbances in that area, and it was his understanding that the City and DelDOT would be developing a contract in this regard. He noted that DelDOT would also be moving fire hydrants in the area.

Mr. Gaines explained that he was also working with Mrs. Ann Marie Townshend, Director of Planning and Community Development, on issues related to Federal Emergency Management Agency (FEMA) mapping in connection with Puncheon Run flooding issues. He noted that, as part of this project, DelDOT had updated the FEMA flood plain maps for the area north of New Burton

Road and was working with the Department of Natural Resources and Environmental Control (DNREC) in this effort. This would not increase any flows downstream where there were flooding concerns.

Responding to Mr. Hutchison, Mr. Gaines stated that the construction that took place on South Governors Avenue was never intended to be a cure-all for the flooding problems in that area. He stated that the problem was that the houses were built in a flood plain. He indicated that DNREC and the Kent Conservation District had been working with developers in the upper reaches of the watershed on the current project. He noted that new developments, such as Eden Hill Farm and Hidden Creek, were over-managing stormwater and were being forced to manage for 100-year storms rather than ten-year storms. Mr. Gaines explained that this would ultimately decrease the flow levels downstream.

The Committee recommended acceptance of the report.

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

Mr. Hare moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Slavin and unanimously carried.

UTILITY COMMITTEE REPORT - NOVEMBER 12, 2013

Councilwoman Williams reminded members that the Utility Committee met earlier in the evening. Except for the following time sensitive issues, the Committee Report from November 12, 2013 will be presented to Council during their Regular Meeting of November 25, 2013 for Council's review and consideration.

Engineering Design of Water Main Realignment - Denneys Road

Mr. Scott Koenig, City Manager, explained that the Delaware Department of Transportation (DelDOT) had been upgrading a number of bridges around the State and had recently been doing work within the City limits. He stated that an existing bridge, located on low land on Denneys Road approaching Delaware Technical and Community College and northeast of the railroad tracks, was installed in approximately the early 1990s and must be moved slightly to the east. He advised members that this project would involve moving the existing water line outside of the project area. The relocation would be necessary because of the work that DelDOT was doing to maintain a clear zone between the utility and the new bridge work. Mr. Koenig noted that all of the engineering and construction costs associated with the water main realignment would be reimbursable by DelDOT; however, the City must pay costs up front. Mr. Koenig stated that this project was being brought forward on a "fast track" to meet the State's timeline for the bridge relocation. Staff expected the work to move quickly and that construction would be performed in the Spring of 2014.

Staff recommended acceptance of the proposal from URS Corporation to perform engineering design work necessary for the Water Main Realignment in Denneys Road in the amount of $33,200.

Responding to Mr. Perza regarding the timetable on reimbursement, Mr. Koenig stated that turnaround time is typically 90 days or less after bills are submitted to DelDOT.

In response to Mrs. Williams regarding the need for the City to pay for the project, Mr. Koenig stated the City typically incurs these costs and then bills the State. He noted that this was in accordance with DelDOT's policies and that electric projects are handled the same way. He indicated that this would be a City utility and that the City would like to control the contracts to ensure that design is done properly.

The Committee recommended acceptance of the proposal from URS Corporation to perform engineering design work necessary for the Water Main Realignment in Denneys Road in the amount of $33,200, as recommended by staff.

During the Council meeting on November 12, 2013, in response to Mr. Perza, Mr. Koenig confirmed that DelDOT would reimburse the City for both design and construction on this project once the project is completed.

Mr. Lynn moved for approval of the Committee's recommendation, seconded by Mr. Hare.

Noting that this issue was not an emergency, Mr. Slavin relayed concerns regarding this matter, as well as the next agenda item, being presented to the Committee and City Council on the same night. In addition, he noted that the work had already began by utilizing a different funding source and felt that this should not be the City's practice.

The motion for the acceptance of the proposal from URS Corporation to perform engineering design work necessary for the water main realignment in Denneys Road in the amount of $33,200 was carried by a roll call vote of six (6) yes (Dixon, Lynn, Perza, Hare, Hutchison, and Williams), one (1) no (Slavin), and two (2) absent (Anderson and Bonar).

Kent Avenue Inflow and Infiltration Repair

Mr. Scott Koenig, City Manager, reviewed a request to authorize creation of a new Inflow and Infiltration (I & I) project to correct issues in the Kent Avenue area. He explained that on October 10, 2013, the City of Dover Department of Public Works received a call from the Elizabeth W. Murphey School on Kent Avenue claiming a sanitary sewer back-up into their building. City staff investigated the claim and found a disconnect between the sanitary sewer main in Kent Avenue and the receiving sanitary sewer interceptor in Division Street, causing sediment to build up and create a blockage in the Kent Avenue sewer main. The City secured a contractor to remove the blockage at the main, allowing staff to clear the sanitary sewer lateral after considerable effort. This allowed the customer on Kent Avenue to utilize their sanitary sewer lateral. After additional research, staff concluded that the storm sewer was also connected to the sanitary sewer, which is a violation of Section 110-231 of the City of Dover Code of Ordinances. The illicit connection represents direct inflow into the sanitary sewer system. City staff further verified that there was only one (1) customer connected to the sanitary sewer main in Kent Avenue. After discussion with the property representative, staff provided a plan to alleviate the customer's problems and eliminate the illicit stormwater discharge into the sanitary sewer interceptor in Division Street. Mr. Koenig indicated that staff estimated that the project could cost as much as $75,000.

Staff recommended authorizing the creation of a new Inflow/Infiltration Project to correct the issues in Kent Avenue.

Mr. Perza inquired if the City had determined if the current property owner was responsible for the improper hook-up. Responding, Mr. Koenig indicated that the illicit discharge resulted from the catch basins in Kent Avenue discharging into the sewer system. He stated that the Murphey School was not responsible and that this infrastructure was installed many years ago, probably by the City of Dover. The problem with the sewer main was a disconnection caused by a joint that slipped out. Mr. Koenig indicated that the only problem staff was having with the Murphey School was grease in the line and that staff was working on correcting this with a new lateral.

The Committee recommended authorization for the creation of a new Inflow/Infiltration Project to correct the issues in Kent Avenue.

Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of six (6) yes (Dixon, Lynn, Perza, Hare, Hutchison, and Williams), one (1) no (Slavin), and two (2) absent (Anderson and Bonar).

Mr. Hutchison moved for acceptance of the Utility Committee Report of November 12, 2013, seconded by Mr. Hare and unanimously carried.

MONTHLY REPORTS - SEPTEMBER 2013

By motion of Mr. Hare, seconded by Mr. Hutchison, 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
Police Chief's Report

EVALUATION OF BIDS - MCKEE RUN UNIT 3 TURBINE REPAIRS - EG1212

At the request of Mr. Scott Koenig, City Manager, Mr. Vince Scire of NAES Corporation, Plant Manager of McKee Run Generating Station, reviewed the evaluation of bids for the McKee Run Unit 3 Turbine Repairs. He advised members that the project was intended to perform inspections and repairs to the McKee Run Unit 3 Turbine, to be completed during the scheduled upcoming spring outage on that Unit. He advised members that the Unit had not been inspected since the year 2000; therefore, it was imperative that an inspection be accomplished to make sure the condition is acceptable for future operation. Included in the inspection would be a full disassembly and inspection of the turbine. Replacement of the 9th stage turbine blades was recommended during the last inspection in 2000 and was planned, with the blades and other materials being purchased in advance. As part of that inspection, typical wear components such as seals, bearings, and stationary steam flow path components would be inspected and evaluated for continued service. Ultrasonic diagnostic testing of highly stressed components, such as rotors and flow nozzles, would be

completed. This contract work represented the majority of work to be performed on this project with the remaining scope to include procurement of materials and other specialty services such as insulation repairs.

Mr. Scire indicated that a Request for Proposal (RFP) package was advertised according to the City purchasing policy and NAES purchasing policy. The proposals were evaluated by NAES using cost, experience, and bid completeness. It was determined that the bidder with the highest evaluated score was HPI Mechanical Services. In addition, HPI Mechanical Services provided the lowest evaluated bid. Members were provided a summary of the evaluation scores and pricing.

Based upon the evaluation prepared by NAES, staff recommended awarding the contract to the low bidder (including price adjustments) to HPI Mechanical Services, for $769,227.17. It was noted that the portion of the project budget for this work was $783,000.

Responding to Mr. Lynn, Mr. Scire explained that the evaluation scores and pricing of the proposals included an adjustment, which represented additional man hours for the normal inspection findings that would need to be resolved before putting the machine back together. He confirmed that it was anticipated that an additional $49,000 may be necessary based on their assessment of the condition. However, he advised members that there were no assurances regarding the condition of a machine that had not been inspected since the year 2000.

Mr. Scire indicated that this project would involve a 12-week outage, noting that disassembling the unit would take approximately seven (7) days. Should there be additional expenses over and above the $49,000, he stated that it would be necessary to present the issues to City Council for consideration within a very short timeframe.

In response to Mr. Slavin regarding the disparity in the bids, Mr. Scire stated that the bid from General Electric was the most expensive in term of labor rates, particularly for technical staff, at a rate of two (2) to three (3) times higher than their competitors. In regard to some of the other proposals, he stated staff's opinion that since the company lacked experience with this particular style of machine, they may have escalated their bids based on the fact that they would be on a learning curve.

Mr. Lynn moved for approval of staff's recommendation to award the contract to the low bidder (including price adjustments) to HPI Mechanical Services, for $769,227.17. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson and Bonar absent).

EVALUATION OF BIDS - TRAILER MOUNTED STANDBY EMERGENCY GENERATOR

Mr. Scott Koenig, City Manager, reminded members that the 2006 Water Master Plan identified a generator purchase in the water utility for emergency backup power to the City's large water production wells. He explained that the use of this generator would provide operational flexibility when an emergency arises that causes power failure and that the generator had been sized to work at three (3) different production wells throughout the City.

Mr. Koenig advised members that bids were solicited and that only one (1) bid was received from FM Generator, Inc., in the amount of $61,503 for the purchase of a trailer mounted generator, at a cost of $58,968, and an optional 5-year warranty, at a cost of $2,535. He assured members that the price was fair and consistent with the approved budget.

Staff recommended purchasing the Trailer Mounted Generator with the optional five (5) year warranty from FM Generators, Inc. in the amount of $61,503.

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

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT BONAR - AD HOC FINANCIAL AND OPERATIONAL ADVISORY COMMITTEE - ONE (1) YEAR TERM TO EXPIRE NOVEMBER 10, 2014

Councilwoman Williams advised members that Council President Bonar had recommended the appointment of Councilman James Hutchison, Mr. D. Wayne Holden, Mr. Russell T. Larson, Dr. Cynthia Newton, and Mr. Chris Smith to the Ad Hoc Financial and Operational Advisory Committee. These appointments would be for one (1) year terms to expire November 10, 2014. As a reminder, Councilwoman Williams stated that the Committee would consist of five (5) members that would advise the Legislative, Finance, and Administration Committee, who would in turn advise City Council as a whole on operations, financial issues, and organizational structure within the City of Dover. She noted that members need not be residents of the City of Dover, but must have demonstrated financial, business, and organizational abilities that would enhance the operation of the Committee and that the members shall serve without compensation.

Mr. Slavin moved for approval of the appointment of Councilman James Hutchison, Mr. D. Wayne Holden, Mr. Russell T. Larson, Dr. Cynthia Newton, and Mr. Chris Smith, as recommended by Council President Bonar. The motion was seconded by Mr. Hutchison and unanimously carried.

Mr. Hutchison moved to hold discussion pertaining to the responsibilities and focus of the committee, seconded by Mr. Hare.

Mr. Slavin suggested that this discussion take place following the return of Council President Bonar. Concurring, Mr. Hare suggested that the Committee also be allowed the opportunity to have input.

Mrs. Williams suggested that those with suggestions or concerns regarding the structure or charge of the ad hoc committee communicate them to Council President Bonar before the next meeting.

Mr. Hutchison withdrew the motion.

COUNCIL AND COMMITTEE MEETINGS - HOLIDAY SCHEDULE

Councilwoman Williams reminded members that, as members had done in the past due to the holiday season, it was recommended that the Utility and Legislative, Finance, and Administration Committee Meetings and the Council Meeting scheduled for December 23rd be cancelled, as well as the Safety Advisory and Transportation Committee meeting scheduled for December 25th. She assured members that should the need arise, Special Meetings would be called.

Mr. Hare moved for approval of the recommendation to cancel the December 23, 2013 Utility and Legislative, Finance, and Administration Committee Meetings and Council Meeting, as well as the December 25, 2013 Safety Advisory and Transportation Committee Meeting. The motion was seconded by Mr. Lynn and carried with Mr. Perza voting no.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hare announced that Parke Greene Galleries, a new art gallery, had opened at the old Golden Fleece Tavern location earlier in the day and that during his visit there, the proprietors had invited everyone to try to stop by after the meeting.

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

Meeting adjourned at 8:12 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 12, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibit
Exhibit #1 - Resolution No. 2013-25 - Setting a Public Hearing - Abandonment of Harmony Lane
Exhibit #2 - Presentation - Transportation Improvement District

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2013-25

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 abandonment of the following street:

Harmony Lane, as specified in Exhibits A and B to this resolution, being all that tract or parcel of land situate, lying and being in East Dover Hundred, Kent County, State of Delaware, and located on the north side of Walker Road and being more particularly described as follows: Beginning for the same at a point at the south easterly corner of the property hereon described; thence running by/with the north side of Walker Road, South 82 degrees 51 minutes 50 seconds West a distance of 110.14' to a point, thence running by/with the east side of "Tract A" an arc to the left with a radius of 25.00' and a length of 40.55' with a chord bearing of North 36 degrees 23 minutes 49 seconds East and a chord distance of 36.25' to a point, thence running by/with the east side of "Tract A" North 10 degrees 04 minutes 00 seconds West a distance of 160.78' to a point, thence running by/with the east side of Lots 1 through 7 an arc to the right with a radius of 199.43' and a length of 135.75' with a chord bearing of North 09 degrees 26 minutes 02 seconds East and a chord distance of 133.15' to a point, thence running by/with the east side of Lots 7 through 9, North 28 degrees 56 minutes 00 seconds East a distance of 40.00' to a point, thence running by/with the east side of Lots 9 and 10 an arc to the left with a radius of 107.99' and a distance of 88.58' with a chord bearing of North 05 degrees 26 minutes 04 seconds and a chord distance of 86.12' to a point, thence running by/with the east side of Lots 10 through 14, North 18 degrees 04 minutes 00 seconds West a distance of 66.35' to a point, thence running by/with east side of Lots 14 through 21 an arc to the right with a radius of 120.19' and a distance of 141.11' with a chord bearing of North 15 degrees 34 minutes 05 seconds East and a chord distance of 133.15' to a point, thence running by/with the south easterly side of Lots 21 through 27, North 49 degrees 12 minutes 00 seconds East a distance of 153.27' to a point, thence running by/with the Lots 27 through 35, an arc to the right with a radius of 50.00' and a distance of 203.44' with a chord bearing of South 14 degrees 14 minutes 06 seconds East and a chord distance of 89.44' to a point, thence running by/with the north side of Lot 35, an arc to the left with a radius of 50.00' and a distance of 46.36' with a chord bearing of South 75 degrees 45 minutes 54 seconds West and a chord distance of 44.72' to a point, thence running by/with north westerly side of Lots 35 through 39, South 49 degrees 12 minutes 00 seconds West and a distance of 73.27' to a point, thence running by/with the west side of Lot 39 an arc to the left with a radius of 60.19' and a distance of 70.67' with a chord bearing of South 15 degrees 34 minutes 05 seconds West with a chord distance of 66.68' to a point, thence running by/with the west side of Lots 39 and 40, South 18 degrees 04 minutes 00 seconds East a distance of 66.35' to a point, thence running by/with the west side of Lots 40 through 46, an arc to the right with a radius of 167.99' and a distance of 137.80' with a chord bearing of South 05 degrees 26 minutes 03 seconds West with a chord distance of 133.97' to a point, thence running by/with the west side of Lots 46 through 48, South 28 degrees 56 minutes 00 seconds West a distance of 40.00' to a point, thence running by/with the west side of Lots 48 through 52 an arc to the left with a radius of 139.43' and a distance of 94.91' with a chord bearing of South 09 degrees 26 minutes 02 seconds West

and a chord distance of 93.09' to a point, thence running by/with the west side of Lot 52 and "Tract B", South 10 degrees 04 minutes 00 seconds East a distance of 166.41' to a point, thence running by/with the south side of "Tract B" an arc to the left with a radius of 25.00' and a distance of 37.99' with a chord bearing of South 53 degrees 36 minutes 05 seconds East and a chord distance of 34.44' to the place of beginning, containing 52,756.46 sq. ft. ($1.21^{+/-}$ acres).

Sixty feet (60') of the subject right of way will be conveyed to the properties specified herein. Abandonment shall be conditional upon completion of the site development plan and parcel consolidation plan. The proposed abandonment shall be void and of no effect if the site development plan is not approved and recorded on or before November 25, 2014. Cross-access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. Ownership shall not be relinquished until such time as the parcel consolidation plan is recorded. All stormwater, street, wastewater, and water infrastructure will be abandoned in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only.

Section 2. The Council of the City of Dover will sit on Monday, November 25, 2013, 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 (5) or more public places in the City of Dover.

ADOPTED: NOVEMBER 12, 2013

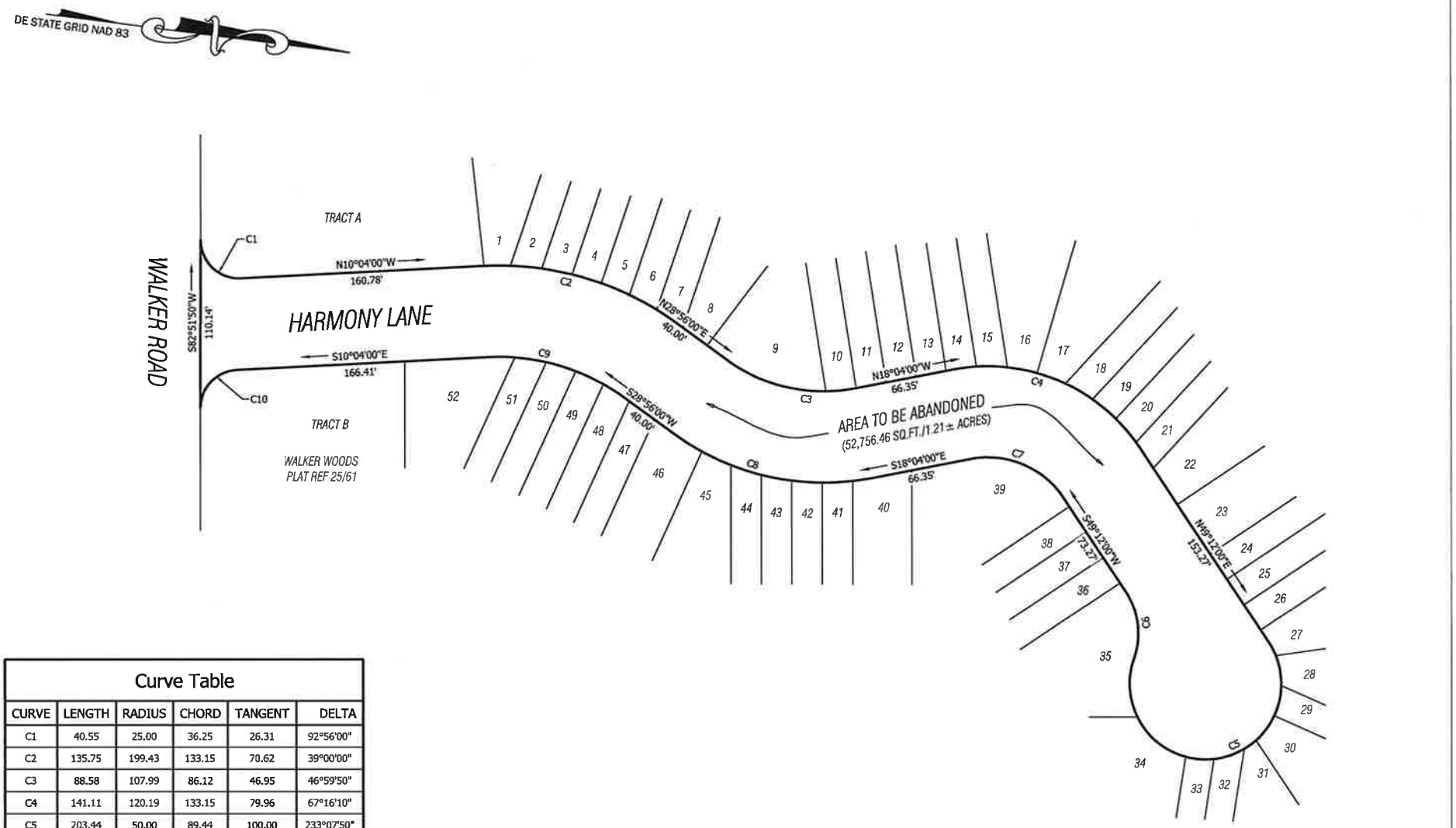
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Carleton E. Carey

CARLETON E. CAREY, SR.
MAYOR

DAVID L. BONAR
COUNCIL PRESIDENT

Actions History:
November 12, 2013 - Introduced at City Council



Curve Table					
CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C1	40.55	25.00	36.25	26.31	92°56'00"
C2	135.75	199.43	133.15	70.62	39°00'00"
C3	88.58	107.99	86.12	46.95	46°59'50"
C4	141.11	120.19	133.15	79.96	67°16'10"
C5	203.44	50.00	89.44	100.00	233°07'50"
C6	46.36	50.00	44.72	25.00	53°07'50"
C7	70.67	60.19	66.68	40.04	67°16'10"
C8	137.80	167.99	133.97	73.04	46°59'50"
C9	94.91	139.43	93.09	49.38	39°00'00"
C10	37.99	25.00	34.44	23.75	87°04'10"

0 60 90 120

GRAPHIC SCALE
1 Inch = 60 feet

EXHIBIT A

CITY OF DOVER
EAST DOVER HUNDRED ELECTION DISTRICT, KENT COUNTY, DELAWARE

1" = 80' | 10/31/13 | 3-05 | 8718-01

S2016 | EDR | N/A

PARKER ASSOCIATES

EXHIBIT B

Harmony Lane Abandonment

Parcel ID	Parcel Address
ED05-067.18-01-12.00	135 HARMONY LN
ED05-067.18-01-47.00	1361 WALKER RD
ED05-067.18-01-41.00	52 HARMONY LN
ED05-067.18-01-52.00	55 HARMONY LN
ED05-067.18-01-42.00	48 HARMONY LN
ED05-067.18-01-38.00	64 HARMONY LN
ED05-067.18-01-54.00	63 HARMONY LN
ED05-067.18-01-39.00	60 HARMONY LN
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ED05-067.18-01-53.00	59 HARMONY LN
ED05-067.18-01-51.00	51 HARMONY LN
ED05-067.18-01-28.00	104 HARMONY LN
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ED05-067.18-01-63.00	123 HARMONY LN
ED05-067.18-01-22.00	128 HARMONY LN
ED05-067.18-01-13.00	139 HARMONY LN
ED05-067.18-01-66.01	1357 WALKER RD
ED05-067.18-01-65.00	131 HARMONY LN
ED05-067.18-01-25.00	116 HARMONY LN
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ED05-067.18-01-44.00	40 HARMONY LN
ED05-067.18-01-49.00	43 HARMONY LN
ED05-067.18-01-45.00	36 HARMONY LN
ED05-067.18-01-33.00	84 HARMONY LN
ED05-067.18-01-55.00	67 HARMONY LN
ED05-067.18-01-37.00	68 HARMONY LN
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ED05-067.18-01-64.00	127 HARMONY LN
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ED05-067.18-01-18.00	144 HARMONY LN
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ED05-067.18-01-32.00	88 HARMONY LN
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ED05-067.18-01-48.00	39 HARMONY LN
ED05-067.18-01-56.00	71 HARMONY LN
ED05-067.18-01-36.00	72 HARMONY LN

Transportation Improvement Districts (TIDs)

Presentation to Dover City Council

November 12, 2013

TEAM DelDOT
Transparent Efficient Accountable Measured

EXHIBIT #2
Regular Council Meeting of 11/12/2013

What is a TID?

"A geographic area defined for the purpose of securing required improvements to transportation facilities in that area."

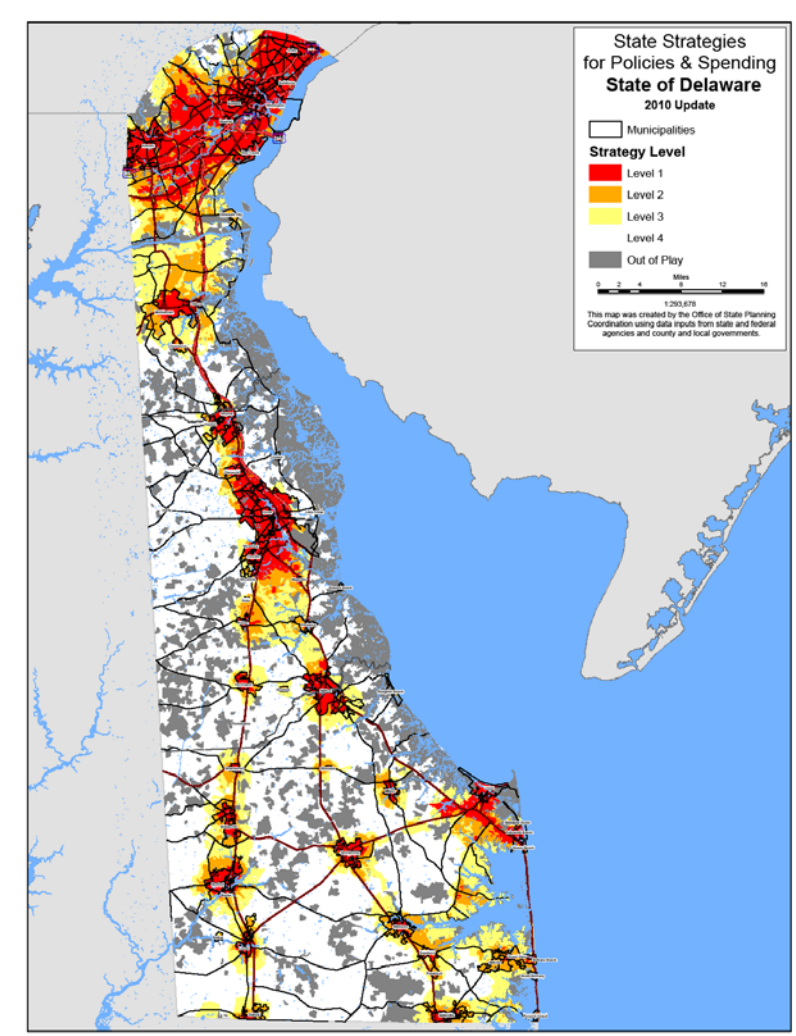
- Section 1.5 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access

Why Create TIDs?

- Desire to do Things Better
- More Equitable
- Predictable
- Link Land Use and Transportation
- Look at all aspects of Transportation Infrastructure
- Comprehensive Approach
- Ability to Incorporate Smart Growth Principles

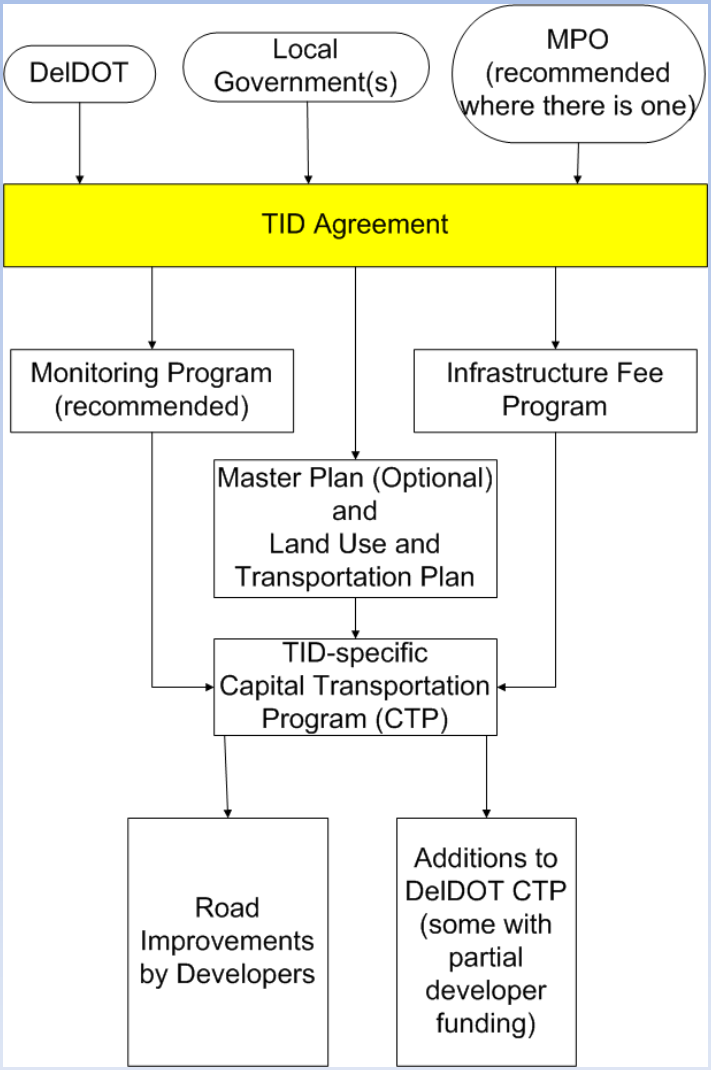
Where will we create TIDs?

- Where the counties and municipalities are planning for growth
- Levels 1, 2 and 3 in the Strategies for State Policies and Spending
- Locations identified in Comprehensive Plans



How will TIDs work?

A TID will begin with an agreement, a "TID Agreement."



Next Steps

- Hear more at the League of Local Governments meeting – November 21, 2013
- Commit to creating a TID by amending the Comprehensive Plan
- Establish a TID Agreement with DelDOT
- Begin working with DelDOT staff to create a Land Use and Transportation Plan

Thank You!

Please contact Bill Brockenbrough at 760-2109 or thomas.brockenbrough@state.de.us with questions or comments.



View DelDOT's TID regulations at http://www.deldot.gov/information/pubs_forms/revisions_to_ASR/121115TrafficImpactStudiesDraftRegulationAmendment.pdf

PROCLAMATION

***WHEREAS**, in 2013 an estimated 45,000 people will be diagnosed with pancreatic cancer in the United States and approximately 38,000 people will die from the disease, with at least 120 pancreatic cancer related deaths occurring in Delaware; and*

***WHEREAS**, the incidence and death rate for pancreatic cancer are increasing and is anticipated to move from the fourth to the second leading cause of cancer death in the United States by 2020; and*

***WHEREAS,** the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the City of Dover and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and*

***WHEREAS,** the Pancreatic Cancer Action Network and its affiliates in the City of Dover support those patients currently battling pancreatic, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and*

***WHEREAS**, the good health and well-being of the residents of the City of Dover are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 2013 as

Pancreatic Cancer Awareness Month

in the City of Dover and encourage all citizens to help increase public awareness and support for the individuals and families who are affected by cancer.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2013-26

A RESOLUTION VACATING AND ABANDONING 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 hereby vacates and abandons the following street:

Harmony Lane, as specified in Exhibits A and B to this resolution, being all that tract or parcel of land situate, lying and being in East Dover Hundred, Kent County, State of Delaware, and located on the north side of Walker Road and being more particularly described as follows: Beginning for the same at a point at the south easterly corner of the property hereon described; thence running by/with the north side of Walker Road, South 82 degrees 51 minutes 50 seconds West a distance of 110.14' to a point, thence running by/with the east side of "Tract A" an arc to the left with a radius of 25.00' and a length of 40.55' with a chord bearing of North 36 degrees 23 minutes 49 seconds East and a chord distance of 36.25' to a point, thence running by/with the east side of "Tract A" North 10 degrees 04 minutes 00 seconds West a distance of 160.78' to a point, thence running by/with the east side of Lots 1 through 7 an arc to the right with a radius of 199.43' and a length of 135.75' with a chord bearing of North 09 degrees 26 minutes 02 seconds East and a chord distance of 133.15' to a point, thence running by/with the east side of Lots 7 through 9, North 28 degrees 56 minutes 00 seconds East a distance of 40.00' to a point, thence running by/with the east side of Lots 9 and 10 an arc to the left with a radius of 107.99' and a distance of 88.58' with a chord bearing of North 05 degrees 26 minutes 04 seconds and a chord distance of 86.12' to a point, thence running by/with the east side of Lots 10 through 14, North 18 degrees 04 minutes 00 seconds West a distance of 66.35' to a point, thence running by/with east side of Lots 14 through 21 an arc to the right with a radius of 120.19' and a distance of 141.11' with a chord bearing of North 15 degrees 34 minutes 05 seconds East and a chord distance of 133.15' to a point, thence running by/with the south easterly side of Lots 21 through 27, North 49 degrees 12 minutes 00 seconds East a distance of 153.27' to a point, thence running by/with the Lots 27 through 35, an arc to the right with a radius of 50.00' and a distance of 203.44' with a chord bearing of South 14 degrees 14 minutes 06 seconds East and a chord distance of 89.44' to a point, thence running by/with the north side of Lot 35, an arc to the left with a radius of 50.00' and a distance of 46.36' with a chord bearing of South 75 degrees 45 minutes 54 seconds West and a chord distance of 44.72' to a point, thence running by/with north westerly side of Lots 35 through 39, South 49 degrees 12 minutes 00 seconds West and a distance of 73.27' to a point, thence running by/with the west side of Lot 39 an arc to the left with a radius of 60.19' and a distance of 70.67' with a chord bearing of South 15 degrees 34 minutes 05 seconds West with a chord distance of 66.68' to a point, thence running by/with the west side of Lots 39 and 40, South 18 degrees 04 minutes 00 seconds East a distance of 66.35' to a point, thence running by/with the west side of Lots 40 through 46, an arc to the right with a radius of 167.99' and a distance of 137.80' with a chord bearing of South 05 degrees 26 minutes 03 seconds West with a chord distance of 133.97' to a point, thence running by/with the west side of Lots 46 through 48, South 28 degrees 56 minutes 00 seconds West a distance of 40.00' to a point, thence running by/with the west side of Lots 48 through 52 an arc to the left with a radius of 139.43' and a distance of 94.91' with a chord bearing of South 09 degrees 26 minutes 02 seconds West

and a chord distance of 93.09' to a point, thence running by/with the west side of Lot 52 and "Tract B", South 10 degrees 04 minutes 00 seconds East a distance of 166.41' to a point, thence running by/with the south side of "Tract B" an arc to the left with a radius of 25.00' and a distance of 37.99' with a chord bearing of South 53 degrees 36 minutes 05 seconds East and a chord distance of 34.44' to the place of beginning, containing 52,756.46 sq. ft. ($1.21^{+/-}$ acres).

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

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

Section 4. Sixty feet (60') of the subject right of way will be conveyed to the properties specified herein. Abandonment shall be conditional upon completion of the site development plan and parcel consolidation plan. The proposed abandonment shall be void and of no effect if the site development plan and parcel consolidation plan are not approved and recorded on or before November 25, 2014. Ownership shall not be relinquished until such time as the parcel consolidation plan is recorded. Cross-access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. All stormwater, street, wastewater, and water infrastructure will be abandoned in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only.

ADOPTED: *

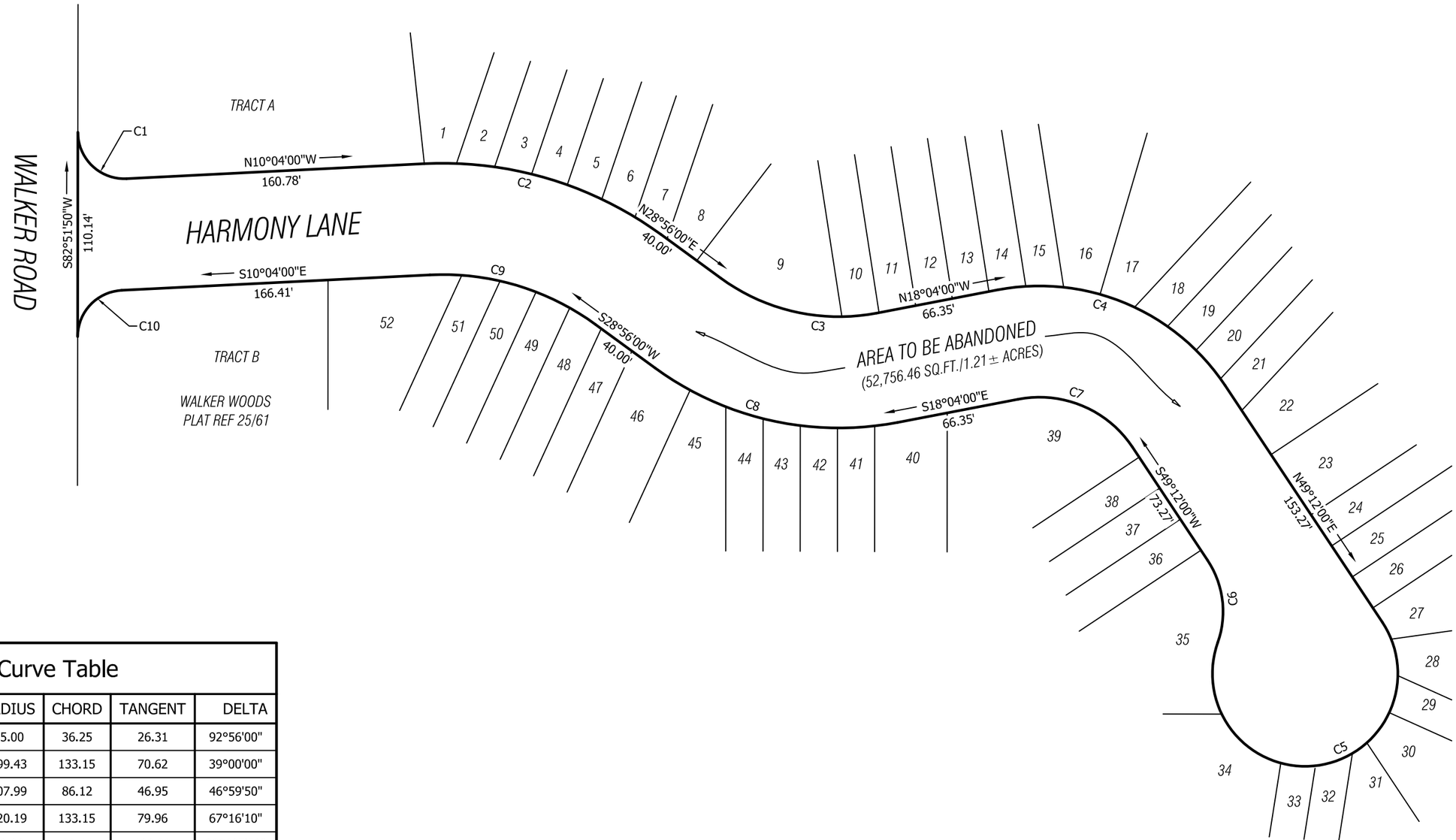
S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2013\Draft\2013-26 - Abandonment of Street - Harmony Lane.wpd

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

Actions History:
November 25, 2013 - Introduced at City Council

Draft

DE STATE GRID NAD 83



Curve Table

CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C1	40.55	25.00	36.25	26.31	92°56'00"
C2	135.75	199.43	133.15	70.62	39°00'00"
C3	88.58	107.99	86.12	46.95	46°59'50"
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C9	94.91	139.43	93.09	49.38	39°00'00"
C10	37.99	25.00	34.44	23.75	87°04'10"

0 60 90 120

GRAPHIC SCALE
1 inch = 60 feet

REVISIONS
DATE | BY

EXHIBIT A

LOCATION: CITY OF DOVER
EAST DOVER HUNDRED ELECTION DISTRICT, KENT COUNTY, DELAWARE

SCALE	DATE	DISTRICT	MAP
1" = 60'	10/31/13	2-05	06718-01

DWG.	JOB NO.	DRAWN BY	PARCEL
S2016_EXHIBIT A	S2016	EDR	N/A

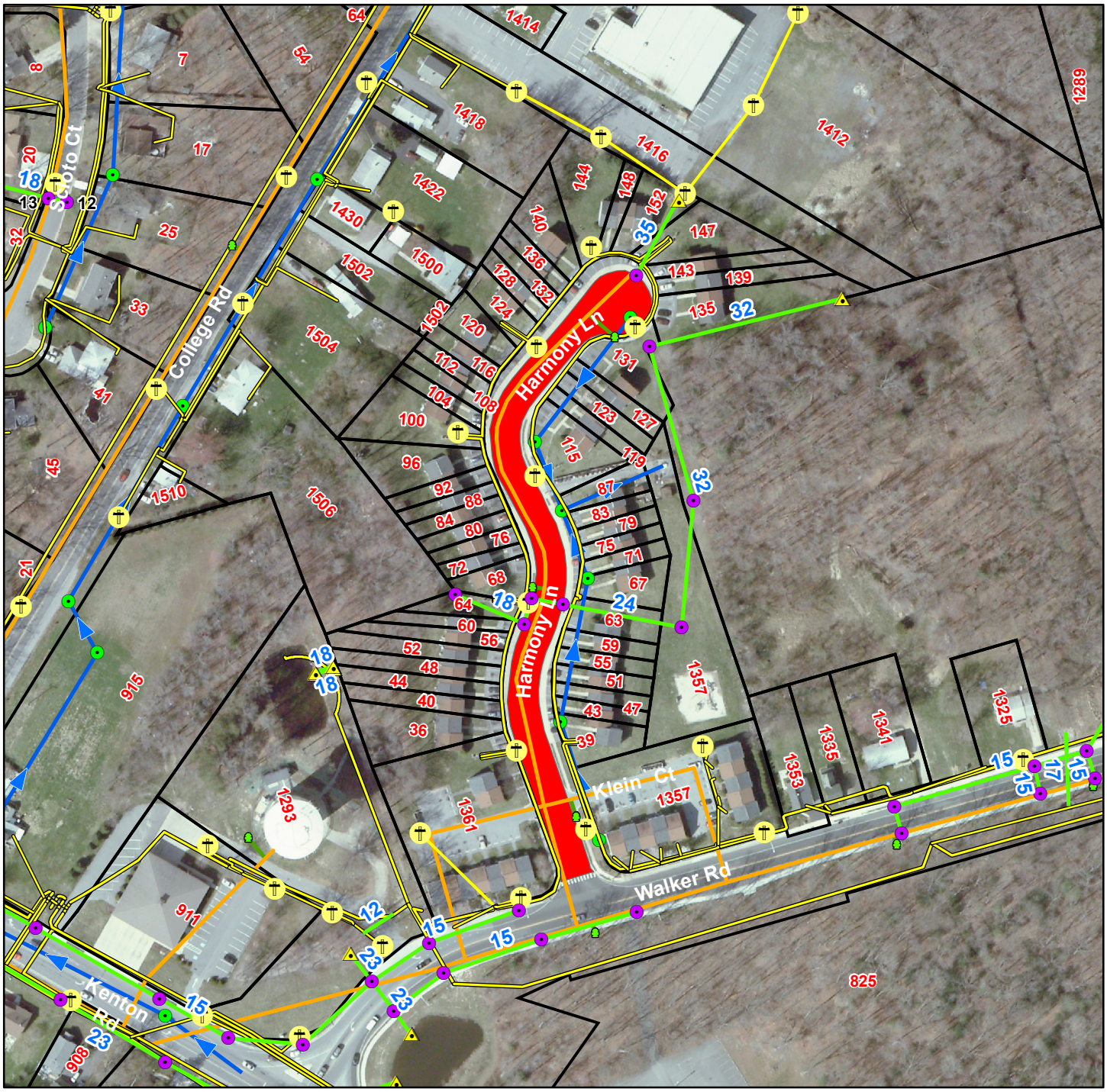
SURVEYING FORESTRY
PARKER & ASSOCIATES
CIVIL ENGINEERING INC. SITE PLANNING

EXHIBIT B

Harmony Lane Abandonment

Parcel ID	Parcel Address
ED05-067.18-01-12.00	135 HARMONY LN
ED05-067.18-01-47.00	1361 WALKER RD
ED05-067.18-01-41.00	52 HARMONY LN
ED05-067.18-01-52.00	55 HARMONY LN
ED05-067.18-01-42.00	48 HARMONY LN
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ED05-067.18-01-54.00	63 HARMONY LN
ED05-067.18-01-39.00	60 HARMONY LN
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ED05-067.18-01-51.00	51 HARMONY LN
ED05-067.18-01-28.00	104 HARMONY LN
ED05-067.18-01-26.00	112 HARMONY LN
ED05-067.18-01-24.00	120 HARMONY LN
ED05-067.18-01-63.00	123 HARMONY LN
ED05-067.18-01-22.00	128 HARMONY LN
ED05-067.18-01-13.00	139 HARMONY LN
ED05-067.18-01-66.01	1357 WALKER RD
ED05-067.18-01-65.00	131 HARMONY LN
ED05-067.18-01-25.00	116 HARMONY LN
ED05-067.18-01-61.00	115 HARMONY LN
ED05-067.18-01-44.00	40 HARMONY LN
ED05-067.18-01-49.00	43 HARMONY LN
ED05-067.18-01-45.00	36 HARMONY LN
ED05-067.18-01-33.00	84 HARMONY LN
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ED05-067.18-01-27.00	108 HARMONY LN
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ED05-067.18-01-30.00	96 HARMONY LN
ED05-067.18-01-60.00	87 HARMONY LN
ED05-067.18-01-31.00	92 HARMONY LN
ED05-067.18-01-18.00	144 HARMONY LN
ED05-067.18-01-17.00	148 HARMONY LN
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ED05-067.18-01-35.00	76 HARMONY LN
ED05-067.18-01-43.00	44 HARMONY LN
ED05-067.18-01-50.00	47 HARMONY LN
ED05-067.18-01-32.00	88 HARMONY LN
ED05-067.18-01-59.00	83 HARMONY LN
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ED05-067.18-01-48.00	39 HARMONY LN
ED05-067.18-01-56.00	71 HARMONY LN
ED05-067.18-01-36.00	72 HARMONY LN

Walker Woods: Harmony Lane
Proposed Street Abandonment



Date Printed: August 26, 2013
File: m:\gis_data\projects/tech_mxds
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Department: Public Works GIS
City of Dover, Delaware

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on November 12, 2013, at 3:32 p.m. with Chairman Dixon presiding. Members present were Mr. Hutchison, Mr. Perza, Mr. Caldwell, and Mrs. Horsey.

AGENDA ADDITIONS/DELETIONS

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

Benchmarks Established for the Economic Development Office

Mr. Bill Neaton, Economic Development Director, reviewed the benchmarks and results for the Economic Development Office, including information regarding the Downtown Dover Partnership (DDP), Downtown Dover Business Growth, and City-Wide Economic Development.

In reviewing the strategic objectives for Fiscal Year 2013-2014, Mr. Neaton advised members that the site development master plan for Garrison Tract had been completed. He stated that the Garrison Tract currently consisted of 15 parcels, with two (2) parcels either under construction or completed (SunPark and Calpine Energy), and a third parcel recently sold to Uzin Utz for a manufacturing facility. He stated that as a result of a recent meeting with Secretary Alan Levin, Delaware Economic Development Office, a secured commitment was made to market the Garrison Tract. He assured members that staff continued to assist Calpine and Kvaerner, the contractor, during the construction phase, noting that conference calls were being held every Monday morning to discuss any outstanding issues that needed to be resolved.

Regarding the infrastructure improvements at the Garrison Tract, Mr. Neaton indicated that the selection process for the water tower had been completed and that negotiations continued with Chesapeake Utilities to provide a four (4) inch gas line service to the remaining 13 parcels. He advised members that a proposal from Chesapeake Utilities was received last week, after several weeks of negotiations, and would be forwarded for legal review. Once reviewed, he planned to present it to City Council for approval. Mr. Neaton stated that staff was working with Becker Morgan Group to complete the construction documents and, once completed, bids would be solicited for the infrastructure, which would include the roadway, sewer line, water line, and storm water system. It was hoped that bids would be solicited by the end of the month with a due date in December for presentation to City Council in January. This would allow for the contracts to be awarded in February and construction to begin soon after.

Mr. Neaton stated that, in an effort to promote City-wide economic development initiatives, a commitment had been made by Uzin Utz to purchase Lot 12 at the Garrison Tract and that discussions were currently taking place with two (2) other prospects for parcels at the Garrison Tract, one (1) a very large utility user and the other a smaller utility user but major employer.

Mr. Neaton assured members that he continued to work with Mr. Jim Waddington, Kent County Economic Development Office and Executive Director of the Kent Economic Partnership. With regard to the Kent County AeroPark, he stated that there was a potential tenant for 150,000 square feet of the SunRoc building. He reminded members that an update of the Job Growth Report for the City's 12 largest employers was being provided to City Council on a regular basis.

Mr. Neaton advised members that a breakfast meeting was held with the City's top employers in May 2013 and that an initial meeting of the Plant Managers Association was held in September 2013 with subsequent meetings to be held quarterly. Regarding the objective to partner with the Kent Economic Partnership to develop a strategy for a Food Innovation District in Dover, he stated that this project was continuing to move forward and that the Executive Director from a Food Innovation District in upstate New York would participate in the next meeting via conference call to explain how they established their Food Innovation District and what their successes and challenges were.

Responding to Mr. Hutchison regarding whether Calpine had adequate acreage to move to Phase II under their current "footprint", Mr. Neaton confirmed that Calpine had enough acreage on Lot 7 to progress to Phase II and had been permitted to proceed to this phase. He noted that Eastern Shore Natural Gas also had all permits and that all related studies had been completed.

In response to Mr. Hutchison regarding whether the Economic Development Office was informed on the Kent County Economic Development Board's activities related to the air cargo project, Mr. Neaton stated that he met with Secretary Levin to discuss the progress this project. He stated that all studies had been completed and that once a joint use agreement is finalized, bids would be solicited and the project would begin to move forward.

Responding to Mrs. Horsey regarding the concept of a Food Innovation District, Mr. Neaton explained that this would be a partnership with Delaware State University and that attempts were being made to establish an area where companies that process food or conduct innovative studies on food use could be located.

Noting that several of the economic benchmarks related to the Downtown Dover Partnership (DDP), Mr. Neaton requested that Mr. Lou Colón, Executive Director, present the advance initiatives of the Partnership.

Mr. Colón advised members that he had been serving as the Executive Director for only eight (8) months and distributed an event calendar for the year, including DDP-sponsored events (indicated by bold font) and other partnerships with non-profit organizations ***(Attachment #1)***. He stated that the DDP was in the process of redoing marketing media in an effort to attract new businesses to the downtown area, as well as updating their marketing brochure and website. He noted that these were ongoing projects.

Mr. Colón indicated that 238 Railroad Street was under demolition and the final inspection was scheduled for Friday, November 15, 2013. He stated that since the City paid for the demolition, there would be a lien on the property for the balance of the costs. With reference to 22-24 West Loockerman Street, he stated that the EZ pass lease had been received, was being reviewed by legal counsel, and would be routed for required signatures. Mr. Colón indicated that renovations for EZ Pass were underway, with an expected completion date of February 2014. He advised members that the DDP continued to share site information developed by the listing agent for the Acme site, explaining that a partnership was being developed with an architect and a group performing construction work in Middletown, Delaware.

Referring to vacancies in the downtown area, Mr. Colón stated that several conversations had been held with individuals interested in the Loockerman Exchange building for a possible restaurant and that he continued to have discussions with representatives of Starbucks, as well as individuals interested in bringing a Jazz Club and Yoga Studio to the downtown area.

In response to Mr. Hutchison regarding the EZ Pass Project, Mr. Colón stated that the project was approximately $50,000 under budget and 60% complete. The initial lease agreement was for three (3) years with a renewal for an additional three (3) years.

Mr. Colón indicated that the signage in the parking lots would be replaced with blue and white signs to match other signage and provide uniformity throughout the City.

No further action was taken by the Committee.

UPDATE - CDBG PROGRAM

Members were provided an Update of the Community Development Block Grant (CDBG) Program, including the status of FY-2013 CDBG Projects - October 2013. In addition, members were provided an update on the Neighborhood Stabilization Program (NSP).

No further action was taken by the Committee.

Future Use of the Dover Park Recreation Center

During their Regular Meeting of October 28, 2013, members of City Council considered the Parks, Recreation, and Community Enhancement Committee Report of October 14, 2013. After much discussion regarding the Committee's recommendations for the future use of the Dover Park Recreation Center, City Council postponed the demolition of the Center and referred the item back to the Committee to consider programming a new building and its possible configuration, whether it be a splash park, gym, or other proposal, for a recommendation to Council, employing special meetings and experts in the community, within 60 days.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that after the last City Council Meeting, she met with Mr. George Krupanski, President and CEO of the Boys & Girls Clubs of Delaware, and a "walk through" of the building was done. In addition, she stated that a "walk through" was scheduled with Mr. Darrell Tingle from the Greater Dover Boys and Girls Club. Mr. Krupanski felt that there could be a possibility for partnership; however, he felt that a needs assessment would be necessary to determine if there was a need for programming to be offered at the facility and if the building would meet those needs. She explained that all discussions led back to a needs assessment. She felt that similar discussions could be held with representatives of the YMCA, who had utilized the facility for their camp this past summer and liked the facility; however, they were aware that the building was in need of a lot of work. It was her opinion that any organization, before investing any significant funds into renovating the facility, would require a needs assessment.

At this time, Mrs. Townshend felt that a City-wide needs assessment for recreation should be conducted and should include a lot of public involvement. Considering that the building was beyond its functional life, if a need for indoor recreation at this location was identified, she questioned if the

current building could be utilized. By the time these needs are determined, she noted that the building would have deteriorated further. She advised members that the building was recently broken into and that it was currently serving as a nuisance attraction.

Responding to Mr. Hutchison, Mrs. Townshend stated that the YMCA enjoyed using the center as a temporary facility for their summer camp; however, she indicated that the YMCA recently completed a major capital project on State Street and had acquired the Kent Swim Club, which was now considered a major capital project. She stated that the new Executive Director had not visited the Dover Park site and that she would invite her and other members of the Board to visit the Center for a "walk through"; however, she advised members that the YMCA was aware of this issue and had not approached staff with any interest.

Understanding staff's position and recommendations regarding the Center, Mr. Caldwell explained his concerns regarding the public's objections to demolishing the building due to their concerns regarding a specific area of the community. He indicated assurance that the children were of great concern for members but that consideration must be given to the entire City and not just a particular area of the community. He felt that the Center could not be used as a recreation center and, although the numbers dictated that the building should be demolished, if the City should choose to keep the building in operation, he suggested that it be utilized as a learning center or small library. It was his feeling that children were not in need of additional recreation programs but rather more learning activities, such as learning to read, write, and do math, and that volunteers could be used so that there would not be any costs to the City. Although he understood the objections to demolishing the building, he also understood the safety issues and suggested the use of cameras to monitor the activities around the building.

Since this matter had been discussed at length and considering all issues and public testimony, Mr. Perza relayed his support for staff's recommendation for the demolition of the building. It was his opinion that the building represented the "wants" of the community rather than the "needs." He explained that the City was in the process of determining how to best spend the resources available to develop the park systems City-wide. He indicated that investing in the White Oak Park area would be a good idea, reflecting the needs of the community and helping the youth; however, his concern was that the expenditures required to renovate the building ($110,000) would not be the best use of City funds. He supported the $30,000 expense to demolish the building and suggested that the City earmark the $80,000 that would have otherwise been spent to repair the building, to be committed to Dover Park and addressing the needs of the community. He noted that there had been various ideas, such as a splash park, soccer fields, etc.

Concurring with Mr. Perza, Mrs. Horsey relayed support for investing in Dover Park, but not necessarily the building. She suggested that staff conduct a survey of those that had attended the last Committee meeting and relayed objections to the demolition of the building to determine if they would use the building versus just wanting it to be kept. She indicated that demolition of the building would go against her support for preservation; however, she relayed support for staff's original recommendation for the demolition of the building.

Mrs. Townshend reminded members that there were several other ideas for improvements at Dover Park, such as providing electricity at the pavilions, installing public restrooms, etc. In addition, she felt that it would be important to develop a strong vegetative management plan that would promote visibility in order to address safety issues and concerns. She stated that limiting the number of concealed areas in the park would allow users of the park to feel safer.

Mr. Dixon suggested that the City establish a task force to consist of volunteers from the community and allow them to develop a recommendation for Dover Park.

Mr. Perza moved to recommend acceptance of staff's recommendation to demolish the Dover Park Recreation Center and that the City Manager be authorized to earmark the balance of the construction/demolition project up to $80,000 for future capital improvements, in the City's future budgets, to Dover Park after a needs assessment is accomplished. The motion was seconded by Mr. Hutchison and unanimously carried.

For clarification, Mr. Perza stated that since the costs for the minimal renovations to the building were estimated at $110,000 and demolition would cost approximately $30,000, there would be a balance of $80,000 which would be committed to Dover Park once it is determined how that money would be best spent. He stated that this expenditure would not have to be done in any specific fiscal year; however, these funds would be reserved and earmarked to improve Dover Park once the needs were determined.

Mr. Dixon encouraged staff to include the community in determining the needs.

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

Meeting adjourned at 4:20 p.m.

Wallace R. Dixon
Chairman

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Attachment
Attachment #1 - Activity/Event Schedule - DDP

July' 14 Activity/Event Schedule		
Activity/Event	**Date/Time**	**Location**
*Dover 4th of July http://www.dover4thofjuly.com/	Thursday, July 4th 1PM – 9PM	Legislative Mall
First Friday in July FIDO FRIENDLY http://www.downtowndoverpartnership.com/	**Friday, July 5th 5PM – 8PM**	**Downtown Dover Corridor**
First Friday in August BEACH PARTY **http://www.downtowndoverpartnership.com/**	**Friday, August 2nd 5PM – 7PM**	**Downtown Dover Corridor**
African Urban Music Festival	**Sunday August 25**	**Downtown Dover Corridor**
First Friday in September Friends of Folk "Pick-In" **http://www.downtowndoverpartnership.com/**	**Friday, Sept. 6 5PM – 7PM**	**Downtown Dover Corridor**
*Fall into Jazz http://www.schwartzcenter.com/	Friday, Sept. 6 7PM	Schwartz Center
*Amish Country Bike Tour http://www.visitdover.com/	Saturday, Sept. 7th 7AM – 5PM	Legislative Mall
Downtown Dover Merchant's Second Saturday Sidewalk Sale **Delaware Volunteer Firefighters Assn. Parade** **http://www.downtowndoverpartnership.com/**	**Saturday, Sept. 14th 9AM – 2PM** **1 PM**	**Downtown Dover Corridor** **State Street**
*NASCAR Race Weekend	Sat., Sept 28th – Sun. 29th 7AM 7PM	Dover Downs
*Center for Mental Wellness Suicide Prevention Walk http://www.visitdover.com/	Sat., Sept 28th 11AM – 1PM	Downtown Dover Corridor
First Friday in October Harvest Fest **http://www.downtowndoverpartnership.com/**	**Friday, Oct. 4th 5PM – 7PM**	**Downtown Dover Corridor**
*Wesley College Homecoming Parade http://www.wesley.edu/	Saturday, Oct. 5th 10AM – 12PM	Downtown Dover Corridor

*Delaware State Homecoming Parade http://www.desu.edu/homecoming	Saturday, Oct. 12th 10AM – 12PM	Downtown Dover Corridor
Downtown Dover Merchant's Second Saturday Sidewalk Sale http://www.downtowndoverpartnership.com/	**Saturday, Oct. 12th 9AM – 2PM**	**Downtown Dover Corridor**
*Dover High School Homecoming Parade http://www.doverhigh.capital.k12.de.us/	Friday, Oct. 25th 5PM – 7PM	Downtown Dover Corridor
Safe, Spooky Halloween Parade http://www.downtowndoverpartnership.com/	**Saturday, Oct. 26th 11AM – 1PM**	**Downtown Dover Corridor**
*Dover Art League Push for the Arts	**Saturday, Oct. 26**	Downtown Dover Corridor
First Friday in November **http://www.downtowndoverpartnership.com/**	**Friday, Nov. 1st 5PM – 7PM**	**Downtown Dover Corridor**
*18th Century Market Faire 1st State Heritage Park	Saturday, Nov. 2	Location???
WINTER WONDERLAND	**Wednesday, 11/27 to 1/13/14**	**Loockerman Way**
Shop Small Business Saturday Holiday Basket Raffle	Saturday, Nov. 30	Downtown Dover Corridor
2013 CAPITAL HOLIDAY CELEBRATION **http://www.downtowndoverpartnership.com/**	**Wednesday, Dec. 4th 6PM – 7:30PM**	**Loockerman Way**
First Friday in December **http://www.downtowndoverpartnership.com/**	**Friday, Dec. 6th 5PM – 7PM**	**Downtown Dover Corridor**
*Artful Santa	Friday, Dec. 6 5PM – 7PM	Dover Art League
HOME FOR THE HOLIDAYS PARADE **http://www.downtowndoverpartnership.com/**	**Saturday, Dec. 7th 11AM – 4PM**	**Downtown Dover Corridor**

Fraturday in January **Dover Capitol School** **http://www.downtowndoverpartnership.com/**	**Friday, Jan. 3rd** **5PM – 7PM**	**Downtown Dover Corridor**
Frigid Fraturday in February Plunge **PolyTech- Go Red** **http://www.downtowndoverpartnership.com/**	**Friday, Feb. 7th** **5PM – 7PM**	**Downtown Dover Corridor**
Fraturday in March **Caesar Rodney School** **http://www.downtowndoverpartnership.com/**	**Friday, March 7th** **5PM – 7PM**	**Downtown Dover Corridor**
St. Patrick's Day Parade **http://www.downtowndoverpartnership.com/**	**Saturday, March 15, 2014** **Noon to 3 PM**	**Downtown Dover Corridor**
First Friday in April **Communities in School, April Fools &** **National Humor Month** **http://www.downtowndoverpartnership.com/**	**Friday, April 4th** **5PM – 7PM**	**Downtown Dover Corridor**
Easter	**Sunday April 20**	
First Friday in May **National Military Appreciation Month** **ROTC, DSU Drumline, Aero** **5 K Walk\Run Series** **1 of 3** **http://www.downtowndoverpartnership.com/**	**Friday, May 2nd** **5PM – 7PM**	**Downtown Dover Corridor**
Dover Days **http://www.downtowndoverpartnership.com/**	Friday, May 2nd to Sunday May 4th All Day See Program Schedule	Legislative Mall
First Friday in June **5 K Walk\Run Series** **2 of 3** **http://www.downtowndoverpartnership.com/**	**Friday, June 6** **5PM – 7PM**	**Downtown Dover Corridor**

UTILITY COMMITTEE

The Utility Committee Meeting was held on November 12, 2013 at 5:00 p.m. with Chairwoman Williams presiding. Members present were Mr. Perza, Mr. Slavin, Mr. Blakeman, and Mr. Snaman. Members of Council present were Mr. Dixon, Mr. Lynn (arrived at 5:19 p.m.), Mr. Hare (arrived at 5:25 p.m.), and Mr. Hutchison.

AGENDA ADDITIONS/DELETIONS

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

Engineering Design and Projects - Engineering Design of Water and Wastewater Upgrades - West Dover Connector

Mr. Scott Koenig, City Manager, stated that the Delaware Department of Transportation (DelDOT) was planning to construct a new bypass road, the West Dover Connector, from the Rodney Village subdivision to the intersection of Saulsbury Road and North Street. He reviewed a request from staff regarding the engineering design of water and wastewater upgrades related to this project. Mr. Koenig noted that DelDOT had approached the City regarding the City's existing infrastructure within the project boundary as it relates to Rodney Village. He explained that Rodney Village was constructed in the late 1950s or early 1960s and the original water and sewer lines remained in place. Mr. Koenig indicated that this project would provide an opportunity for the City to upgrade the undersized water line and replace the aging sewer line in the area and that DelDOT recommended that the City perform this work prior to the road construction entering this project area.

Staff recommended acceptance of the proposal from URS Corporation to perform the engineering design work necessary for water and wastewater upgrades associated with the West Dover Connector in the amount of $44,100. Mr. Koenig stated that if Council favored this proposal, construction would begin next year as part of the water and sewer system upgrades that are routinely included in the City's budget.

In response to Mr. Perza, Mr. Koenig explained that the improvements in the Rodney Village area would be outside the City boundaries but were in the southern portion of the City's water and sewer system. In addition, he confirmed that design standards inside and outside City limits were the same and the project and related improvements would allow connection to the existing water system.

Responding to Mr. Perza, Mr. Koenig confirmed that the $44,100 proposal would provide only design work, not construction, and that he did not anticipate cost overages.

In response to Mr. Perza regarding whether the project had been budgeted, Mr. Koenig stated that water quality upgrades, including pipe replacement and Inflow & Infiltration (I&I) upgrades, were included in the five (5) year Capital Improvement Plan (CIP). He stated that the project would technically qualify as an I & I upgrade because the old terra cotta sewer system has roots infiltrating many of the joints and problems are constantly being reported in the Rodney Village area. He noted that infiltration had not been quantified but that staff would try to quantify it as part of this engineering study.

Responding to Mr. Slavin regarding the statement in the associated Committee Action Form (CAF) that "Preliminary work has begun due to time constraints," Mr. Koenig noted that preliminary work had been done on the project for approximately one (1) week under an existing blanket contract with URS Corporation and that this work would have to be halted if Council decided not to go forward. He indicated that consulting services were included in the line item budget for the Operating Fund and that the current request was being presented to Council because the amount would exceed $25,000. Mr. Koenig stated that the expenses would be charged to the Capital Fund if the proposal were to move forward as a capital project.

Mr. Slavin expressed concern that the City was obligated to the vendor for work that was already performed before the matter was brought before Council and questioned if this was a violation of policy. Responding, Mrs. Donna Mitchell, Controller/Treasurer, explained that fees under $25,000 could be charged to a consultant budget. Preliminary design work could be performed within that budget; however, expenses toward the construction of the project could not be charged to a consultant budget because it would technically be a violation of the policy to begin work before the matter was approved. If the work were stopped, the portion of the work already completed would be charged to the consulting budget. She explained that there are times when staff must address matters that arise in an emergency. Mrs. Mitchell stated that she was uncertain if this project was such an emergency.

Responding to Mrs. Williams, Mr. Koenig stated that the project was not currently budgeted. He indicated that the request was for authorization for the engineering services agreement and the project would be brought back as part of the CIP in the future. He noted that funds for the project would come from water quality improvements and I & I improvements that are part of the City's five (5) year CIP.

In response to Mrs. Williams regarding the funding for the project, Mrs. Mitchell stated that funds would be allocated from a carry-forward of approximately $867,000 for I & I from the previous year. She noted that there was no carry-forward from water quality funds.

In response to Mr. Perza, Mrs. Mitchell stated that no other projects would be re-prioritized or "bumped" as a result of approving this proposal since specific projects had not yet been identified for the $867,000 carry-forward.

Mr. Slavin questioned the City's policy on maintaining a carry-forward balance. Mrs. Mitchell explained that staff typically continues to move forward with projects from the previous year and she tracks the figures to ensure that the carry-forward balance is not being exceeded. A budget ordinance is subsequently brought forward that places the carry-forwards for all of the projects in the current year's budget.

In response to Mrs. Williams regarding the $867,000 carry-forward amount, Mrs. Mitchell stated that this was a normal amount. She indicated that the City's I & I and water quality projects had been running slightly behind but were now "catching up" and she did not expect this amount of carry-forward to continue.

Mr. Blakeman moved to recommend acceptance of the proposal from URS Corporation to perform engineering design work necessary for water and wastewater upgrades associated with the West Dover Connector in the amount of $44,100. The motion was seconded by Mr. Snaman and carried with four (4) yes (Williams, Perza, Blakeman, and Snaman) and one (1) no (Slavin).

Engineering Design and Projects - Engineering Design of Water Main Realignment - Denneys Road

Mr. Scott Koenig, City Manager, explained that the Delaware Department of Transportation (DelDOT) had been upgrading a number of bridges around the State and had recently been doing work within the City limits. He stated that an existing bridge, located on low land on Denneys Road approaching Delaware Technical and Community College and northeast of the railroad tracks, was installed in approximately the early 1990s and must be moved slightly to the east. He advised members that this project would involve moving the existing water line outside of the project area. The relocation would be necessary because of the work that DelDOT was doing to maintain a clear zone between the utility and the new bridge work. Mr. Koenig noted that all of the engineering and construction costs associated with the water main realignment would be reimbursable by DelDOT; however, the City must pay costs up front. Mr. Koenig stated that this project was being brought forward on a "fast track" to meet the State's timeline for the bridge relocation. Staff expected the work to move quickly and that construction would be performed in the Spring of 2014.

Staff recommended acceptance of the proposal from URS Corporation to perform engineering design work necessary for the Water Main Realignment in Denneys Road in the amount of $33,200.

Responding to Mr. Perza regarding the timetable on reimbursement, Mr. Koenig stated that turnaround time is typically 90 days or less after bills are submitted to DelDOT.

In response to Mrs. Williams regarding the need for the City to pay for the project, Mr. Koenig stated the City typically incurs these costs and then bills the State. He noted that this was in accordance with DelDOT's policies and that electric projects are handled the same way. He indicated that this would be a City utility and that the City would like to control the contracts to ensure that design is done properly.

Mr. Perza moved to recommend acceptance of the proposal from URS Corporation to perform engineering design work necessary for the Water Main Realignment in Denneys Road in the amount of $33,200, as recommended by staff. The motion was seconded by Mr. Blakeman and carried with four (4) yes (Williams, Perza, Blakeman, and Snaman) and one (1) no (Slavin). *(City Clerk's Office Note: Due to time constraints, this item was placed on the Council agenda for the meeting being held later in the evening.)*

Engineering Design - Miscellaneous Stormwater Projects

Mr. Scott Koenig, City Manager, reviewed a request for Engineering Design - Miscellaneous Stormwater Projects. He advised members that a series of storm sewer and flooding issues had been identified recently at Buttner Place, Susan Place, and Lakeview Drive. Mr. Koenig noted that, in some cases, legislators were interested in contributing money to these projects once engineering costs were developed. He noted that Buttner Place, leading to the City's power plant and Electric Administration Building, had been flooding for a number of years, which was causing traffic flow

problems, especially during the winter months when icing occurs. Susan Place, in the Persimmon Park Place development, had flooding on the edge of the road adjacent to some of the lots because of failing pipe that was believed to be privately owned and maintained. He indicated that legislators were interested in possibly securing public easements so that these pipes could become public pipes, which could be more easily maintained and brought up to current design standards. In addition, constant complaints of flooding at the end of Lakeview Drive adjacent to Luther Towers had been received. Mr. Koenig indicated that there was a connection to the existing storm drain system at that location, but it was not working correctly and staff was looking for an alternative outfall, possibly between two (2) houses and through Silver Lake Park.

Mr. Koenig indicated that the request for engineering design would provide the design parameters as well as some construction estimates and that, as project specifications are developed, staff intended to ask State legislators for funding for each of the projects. He noted that each project would qualify for Community Transportation Funds (CTF) because they were drainage-related. Mr. Koenig stated that if the legislators choose not to approve the projects, they may be included in the General Fund budget or may be delayed until additional legislative interest could be obtained.

Staff recommended the acceptance of three (3) proposals from URS Corporation to perform engineering design work necessary for flooding issues at Buttner Place, Susan Place and Lakeview Drive in the amounts of $9,450, $9,300 and $24,400 respectively ($43,200 total rounded to the nearest $100).

Mr. Perza questioned if the design cost would be reimbursable if the legislature adopted these projects. Responding, Mr. Koenig stated that if Council were to authorize the agreements, staff would ask for the design costs to be rolled into potential construction costs to determine the numbers for CTF funds. If there were a need to delay, some of the design costs may not qualify for reimbursement, but the construction costs would definitely qualify. Mr. Koenig stated that a consultant was being sought because, although the City had engineering staff in the budget and was very close to hiring these employees, they would not be ready to get these projects underway in a timely manner. He indicated that it was planned to move funds from the salary budget into consulting, in accordance with financial policies.

In reference to the failing pipe at Susan Place that was privately owned, Mr. Perza inquired if it was customary for the City to intercede in private matters rather than asking the property owner to make these types of corrections. Responding, Mr. Koenig stated that it was not customary for the City to review privately owned pipes; however, in this case the legislators were asking staff to evaluate whether this was a project that would potentially alleviate the flooding. He explained that the City owned the infrastructure within the right-of-way in Susan Place and that the storm drain systems behind the properties in Persimmon Park Place were specifically excluded when the City dedicated the roads in Persimmon Park Place because it was difficult to obtain easements and there were no apparent problems at that time. Since there were now failing pipes in this area, Mr. Koenig stated that it would be much easier for the City to get easements from property owners in order to resolve the problem.

Mrs. Williams inquired why this matter would not be handled directly by the legislator involved and why the City would be involved in a situation where the City's expenses might not be reimbursed.

Responding, Mr. Koenig explained that when the City does road rehabilitation and paving, the City acts as the designer and prepares construction contracts and estimates. In years past, the City had not requested the legislators to reimburse for staff time because it was desired to maximize dollars for construction. In this case, the City does not have the in-house staff to perform the project and, because there would be actual out-of-pocket expenses, the City would try to have the design costs encumbered into the project.

Responding to Mr. Perza regarding the replacement of staff engineers, Mr. Koenig stated that there were three (3) positions open and three (3) final candidates who would be interviewed in the next couple of weeks. It was his hope that the positions would be filled within the next 30 days. In response to Mr. Perza's inquiry as to whether these projects could be held for the new engineers to handle, Mr. Koenig stated that he was unsure if new staff could be "up to speed" quickly enough and it was necessary to put the funding in place for these projects. He indicated that the preference would be to enter into the engineering services agreement associated with the projects.

Mr. Slavin moved to recommend acceptance of three (3) proposals from URS Corporation to perform engineering design work necessary for flooding issues at Buttner Place, Susan Place and Lakeview Drive in the amounts of $9,450, $9,300 and $24,400 respectively ($43,200), as recommended by staff. The motion was seconded by Mr. Snaman and carried with four (4) yes (Slavin, Williams, Blakeman, and Snaman) and one (1) no (Perza).

Kent Avenue Inflow and Infiltration Repair

Mr. Scott Koenig, City Manager, reviewed a request to authorize creation of a new Inflow and Infiltration (I & I) project to correct issues in the Kent Avenue area. He explained that on October 10, 2013, the City of Dover Department of Public Works received a call from the Elizabeth W. Murphey School on Kent Avenue claiming a sanitary sewer back-up into their building. City staff investigated the claim and found a disconnect between the sanitary sewer main in Kent Avenue and the receiving sanitary sewer interceptor in Division Street, causing sediment to build up and create a blockage in the Kent Avenue sewer main. The City secured a contractor to remove the blockage at the main, allowing staff to clear the sanitary sewer lateral after considerable effort. This allowed the customer on Kent Avenue to utilize their sanitary sewer lateral. After additional research, staff concluded that the storm sewer was also connected to the sanitary sewer, which is a violation of Section 110-231 of the City of Dover Code of Ordinances. The illicit connection represents direct inflow into the sanitary sewer system. City staff further verified that there was only one (1) customer connected to the sanitary sewer main in Kent Avenue. After discussion with the property representative, staff provided a plan to alleviate the customer's problems and eliminate the illicit stormwater discharge into the sanitary sewer interceptor in Division Street. Mr. Koenig indicated that staff estimated that the project could cost as much as $75,000.

Staff recommended authorizing the creation of a new Inflow/Infiltration Project to correct the issues in Kent Avenue.

Mr. Perza inquired if the City had determined if the current property owner was responsible for the improper hook-up. Responding, Mr. Koenig indicated that the illicit discharge resulted from the catch basins in Kent Avenue discharging into the sewer system. He stated that the Murphey School was not responsible and that this infrastructure was installed many years ago, probably by the City

of Dover. The problem with the sewer main was a disconnection caused by a joint that slipped out. Mr. Koenig indicated that the only problem staff was having with the Murphey School was grease in the line and that staff was working on correcting this with a new lateral.

Mr. Blakeman moved to recommend authorization for the creation of a new Inflow/Infiltration Project to correct the issues in Kent Avenue, seconded by Mr. Slavin and unanimously carried. *(City Clerk's Office Note: Due to time constraints, this item was placed on the Council agenda for the meeting being held later in the evening.)*

Rate Classification/Tariff Amendment for Churches

During the Utility Committee meeting held on September 23, 2013, members reviewed a request from the Presbyterian Church of Dover (the Church) to consider a change in tariff language to have the wording "or have instrument rated metering" removed from the C/C1 (Small Commercial) classification description. Members recommended that this matter be referred back to staff to determine, if the requested change were granted, based on a possible amendment to the tariff that would eliminate the phrase "or have instrument rated metering," what impact it would have on the City in terms of revenue or other unforeseen possibilities; how many customers would be impacted (including other non-profits, churches, commercial customers, etc.); and, historically, how similar changes had been made in the past, for a report back to the Utility Committee by no later than their meeting scheduled for October 28, 2013. Council accepted the Committee's recommendation during their meeting held on October 14, 2013.

The matter was tabled by members during the Utility Committee meeting held on October 28, 2013.

Mr. Slavin moved to remove this matter from the table, seconded by Mr. Blakeman and unanimously carried.

Mr. Scott Koenig, City Manager, advised members that staff had been working with the Presbyterian Church of Dover regarding their request to amend the tariff language. He noted that staff had examined the billing system and estimated that making this amendment could change the City's tariff revenue estimates by $75,000 - $125,000 per year, based on the type of classification and amount of usage. He indicated that staff did not recommend amending the tariff since it was believed that there would be unintended consequences and there was concern in regard to the revenue projection in the five (5) year plan. Staff had been trying to work with the Green Energy Grant application and steering the Church toward filing an application under energy efficiency that would allow them to replace their electric service and metering, reduce the size of the service, and be placed in a classification that does not have the demand charge since their load profile would allow them to fit into a smaller classification if the metering were changed. Mr. Koenig stated that the last estimate he received from Mr. Gary Patterson, Secretary of the Trustees of the Presbyterian Church of Dover, regarding changing the meter ranged from roughly $900 to $4,000. Staff estimated that it could cost as much as $5,000 to make this change; however, staff believed that this would be a more viable alternative for meeting the need of the Church to reduce its overall energy budget and costs, while still maintaining the integrity of the tariffs.

Staff recommended that no action be taken on amending the current electric rate tariffs and that staff be directed to assist the Presbyterian Church of Dover with a Green Energy Grant Application to facilitate energy efficiency within the City's electric system.

Mr. Slavin noted that the matter had been tabled two (2) weeks ago to allow additional communication with the Church and inquired if this had taken place. Mr. Koenig stated that he had been attempting to get a copy of the application for the Church to fill out or for the City to fill out on their behalf, but there had been no additional conversation.

Mr. Slavin noted that the Committee recommendation was to have communication before returning to this item.

Mr. Slavin moved to table this item until such time as there is additional communication between the City Manager and the Church. The motion was seconded by Mr. Snaman and failed with two (2) yes (Slavin and Snaman), two (2) no (Perza and Williams), and one (1) abstention (Blakeman).

In response to Mr. Hutchison, Mr. Koenig stated that no other similar requests had been received.

Mr. Perza moved to recommend that no action be taken on amending the current electric rate tariffs and that staff be directed to assist the Presbyterian Church of Dover with a Green Energy Grant Application to facilitate energy efficiency within the City's electric system, as recommended by staff. The motion was seconded by Mrs. Williams.

Mr. Perza stated his recollection that the Committee had considered this matter two (2) months ago, the Church was represented at that time, and the matter was tabled. He recalled that a Church representative was unable to attend the previous meeting; therefore, the matter was tabled. It was his feeling that the burden should be on the applicant to come to the City to work out the arrangements rather than on the City to reach out to them. He noted that if the Church needed assistance in applying for the Green Energy grant, this matter could be approved and the application process could commence.

Mr. Koenig stated that staff had committed to working with the Church to provide assistance with a grant application.

On a call for the question, the motion to recommend that no action be taken on amending the current electric rate tariffs and that staff be directed to assist the Presbyterian Church of Dover with a Green Energy Grant Application to facilitate energy efficiency within the City's electric system, as recommended by staff, failed by a roll call vote of two (2) yes (Perza and Williams), two (2) no (Slavin and Snaman), and one (1) abstention (Blakeman).

The Committee made no recommendation on this matter.

Temporary Suspension of Acceptance of Solar Applications - Green Energy Fund

Mr. Scott Koenig, City Manager, advised members that the City had been contacted by Mr. Scott Lynch, the Energy Services Manager for the Delaware Municipal Electric Corporation (DEMEC), which administers the Green Energy Fund Program for the City of Dover. He noted that this program offers incentives and grants to applicants for photovoltaic systems, solar water heaters, solar water heating integrated into radiant heating, small wind turbines, fuel cells, and geothermal heat pump systems. He stated that the solar photovoltaic systems were one (1) of the most common grant requests for the City's program. Mr. Koenig stated that, due to proposed changes in the incentives offered by the State of Delaware and at Mr. Lynch's request, staff

recommended a temporary suspension of applications to the Green Energy Fund Program for solar photovoltaic systems until the impact of proposed changes could be determined. Suspension of the program would be a preemptive action to prevent a mass of applications being received due to concerns about the potential changes. Staff, with the assistance of DEMEC, would be evaluating the potential impact of the changes and would bring forth recommendations in the future.

Mr. Koenig noted that Mr. Lynch had not articulated the exact changes being proposed; however, his concern was that if this measure were not taken, a flood of applications could be received because the City's program could be considered "rich" compared to the State. Mr. Koenig expected that this matter would be brought back to the Committee within the next three (3) months and noted that not many applications had been received recently.

Mr. Blakeman moved to recommend acceptance of staff's recommendation to temporarily suspend solar photovoltaic applications to the City and Green Energy fund, seconded by Mr. Slavin and unanimously carried.

TEA/NAES Report (*August and September*)

The TEA/NAES Monthly Reports for August and September were 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, advised members that the margins had tightened up considerably with the new budget figures and that the numbers were being monitored closely month to month. Referring to Page 10 of the August report, under Power Supply, PJM - ARR, Transmission, and Fees, he noted that this number was not running in the City's favor and that staff was concerned about PJM charges. He informed members that some funds had been reallocated as the City moved into the current budget year and this was impacting the City's variances. Mr. Koenig stated that The Energy Authority (TEA), the City's energy provider, was trying to understand all the changes in order to communicate them effectively to staff. Mr. Koenig anticipated that staff would return to the Committee to articulate these charges and it was likely that someone from TEA would be present to explain in detail how they were being assessed and how they would impact the City. He noted that all other budget items seemed to be tracking appropriately; however, these charges were higher than anticipated and were a "red flag" to staff.

Responding to Mrs. Williams regarding whether TEA had attempted to explain this to staff already, Mr. Koenig stated that TEA had been working with PJM to understand what the charges were and that this was being discussed during monthly meetings. TEA indicated their belief that they had found an error of approximately $11,000 in the charges; however, the City was hoping for an error in the magnitude of approximately ten times this amount. He explained that this was not an easy formula to understand; therefore, it was his opinion that the professionals that handle these matters regularly should come to brief Council on the charges.

Mrs. Williams stated her understanding that it was unknown whether the problem was with PJM or the formula. Mr. Koenig responded that costs that were previously assigned to power producers had been reassigned to those who purchase power; therefore, the City was bearing larger costs than originally anticipated when the budget was developed last year.

Responding to Mrs. Williams regarding whether PJM had provided notification of these changes, Mrs. Donna Mitchell, Controller/Treasurer stated that neither TEA nor City staff were aware of the changes. Mr. Koenig explained that PJM had made a change in the method of calculating cost allocations during the last six (6) months that was now affecting the City.

Mrs. Mitchell explained that the Delaware Municipal Electric Corporation (DEMEC) was experiencing the same issue and was attempting to get answers from PJM.

UPDATES

Green Energy Funding and Programming
Members were provided information on this item.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit
No update was provided for this item.

Calpine Energy Center
No update was provided for this item.

Dover Sun Park
Members were provided information on this item.

Garrison Oak Technical Park Project
No update was provided for this item.

Mr. Slavin moved to accept the updates as presented, seconded by Mr. Blakeman and unanimously carried.

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

Meeting adjourned at 5:40 p.m.

Beverly C. Williams
Chairwoman

BCW/TM/js/dd
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LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on November 12, 2013, at 6:01 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, and Mr. Shevock (arrived at 6:05 p.m.). Mr. Rushe was absent. Members of Council present were Mr. Dixon, Mr. Hutchison, and Mrs. Williams.

AGENDA ADDITIONS/DELETIONS

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

"Safe Whistles" - National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers (Background Screening for Youth Coaches and Sports Officials for All City Recreation Offerings) ***(Lynn and Slavin)***

During the Legislative, Finance, and Administration Committee meeting held on September 9, 2013, members discussed the issue of background checks for Parks and Recreation volunteers working with youth and members recommended that staff, specifically Mrs. Ann Marie Townshend, Director of Planning and Community Development, and Mrs. Kim Hawkins, Human Resources Director, be directed to review the National Recreation and Park Association Recommended Guidelines to conduct an analysis and formulate a recommendation regarding the scope and depth of the background checks that should be required, the cost and how it would be addressed, the period of time the background check would remain valid, and some type of roll-out implementation strategy to be brought back to the Committee within one (1) month for their review and recommendation to City Council. City Council approved the Committee's recommendation during their meeting held on September 23, 2013.

During the Committee meeting held on November 12, 2013, Mrs. Townshend advised members that the Parks and Recreation staff surveyed other recreation providers in Delaware to find out how they address the issue of background checks for youth coaches and other volunteers for youth activities. She reviewed the "Background Check Comparison Results" table previously provided to members and noted that all of the organizations contacted require background checks for youth coaches and other volunteers who work in youth activities. The costs for these background checks vary depending on the entity that performs the checks. In all cases, the organization providing the recreation program pays the cost of the background check.

Mrs. Townshend indicated that the Human Resources Department also performed some research and contacted the City's insurance carrier for their input. She reviewed the "Parks and Recreation Sports Programs – Coaching and Youth Protection" information from Travelers Insurance which was previously provided to members. She explained that Travelers had provided this information to the City in the past and recommended implementation; however, it was deferred for budgetary reasons. Travelers also included contact information for IntelliCorp, a nationwide provider of background checks with whom Travelers has a relationship. Mrs. Townshend stated that the Criminal Search Bundle provided by IntelliCorp includes: 1) Social Security Number Verification/Address History Trace; 2) Multistate (*Nationwide)* Criminal SuperSearch; 3) Nationwide Sex Offender Registry; 4) Government Sanctions; and 5) Single County Search Recommendations. The cost per subject for the background check ranges from $9.95 to $29.95, depending on the number of single county search recommendations (ranges from one (1) to unlimited).

Mrs. Townshend explained that, using the assumption that the Parks and Recreation Department has 50 youth volunteers per year and the most costly of the background check options provided by IntelliCorp is selected, the cost would be approximately $1,500 per year. If this were extended to contractors, such as fitness instructors or arts and craft contractors, this cost may be a little higher. She expressed her opinion that the service provided by IntelliCorp seemed very thorough and was comparable to the costs paid by the organizations that were surveyed.

Mrs. Townshend explained that the IntelliCorp system would allow City staff access to enter the search information and, subsequently, receive the search results. She stated that she had begun working with staff to implement the background checks for volunteers, since they were in the process of recruiting for coaches for the upcoming basketball season.

Mrs. Townshend noted the budget estimate provided did not include extending the requirement of background checks to sports officials. Of the organizations surveyed who contract with outside organizations for sports officials, only the City of Harrington indicated that officials are required to have background checks, and these are provided under a national organization that oversees their youth soccer and football programs. She stated that officials are typically not alone with the youth and do not spend as much time with them; therefore, staff did not believe that the need for background check was as strong in this area. If City Council wished to extend the requirement to sports officials, it could be done; however, she noted that it would take more time to implement, since staff would need to work with the organizations that provide the officials, and would also increase the cost of providing background checks. If Council wished to do so, staff would work with the officiating organizations to build the requirement into the City's contracts with them.

Staff recommended that background checks be performed for all Parks and Recreation volunteers and contractors who will be working directly with youth.

Responding to Mr. Lynn, Mrs. Townshend confirmed that $29.95 was the cap for unlimited county searches, and explained that staff used the cap to calculate the cost estimate at $30 per person for 50 people.

In response to Mr. Hare, Mrs. Townshend stated that the City pays the organization that provides the officials and would probably not be able to obtain a letter from the organization because they do not currently require background checks.

Mr. Hare questioned if the City would request a nationwide background check on each individual or whether the City of Dover Police Department could perform a search in Delaware. Responding, Mrs. Townshend explained that it would be best to use a consistent method for all individuals. She also stated that some of the organizations surveyed who utilize local police departments indicated that this becomes a burden on the police department and a diversion of their staff time, especially at times during the year when there is an influx of volunteers. She expressed her opinion that the price and service provided by IntelliCorp was a good deal.

Mr. Slavin noted that people often move from the locations where they commit crimes, especially when there is a stigma attached to the crime (i.e., sex offenders and child predators); therefore, nationwide background checks should be performed for City-related programs. In response, Mrs. Townshend stated that the City of Newark only performs State level background checks but that IntelliCorp background checks would be nationwide.

Mr. Slavin shared that he is an official for two (2) different sports and, although officials may not spend as much time off the field or court with the youth, they serve in an authority position. He stated that the City has an obligation as a provider of recreation opportunities to ensure that the entire environment is safe, including everyone involved in providing services to constituents. He indicated that if the City establishes this requirement, it would be incumbent upon the officiating groups to then do the background check. He stated that all of the officiating groups are aware that this is becoming a nationwide trend but are waiting for a mandatory requirement before proceeding. He expressed his hope that the Committee would recommend a requirement for background checks for all volunteers as well as contractors, meaning the officials.

Mrs. Townshend explained that adult sports would not be included in this requirement and softball leagues would be excluded because softball is considered to be an adult sport and participants between the ages of 16 and 18 are required to obtain a parent signature.

Responding to Mr. Hare, Mrs. Townshend confirmed that the City would either charge the officiating organizations for each background check completed by the City or require the organizations to complete a nationwide search for each official. She stated that the results of each background check would be reviewed by staff, and that she and the Human Resources Department would make final determinations.

Mrs. Williams reminded members that all childcare workers in the State of Delaware are vigorously screened and are provided a letter by the State Secretary as to whether they can or cannot work with children. She stated that some of these individuals will subcontract with the City of Dover, and suggested that the City accept the letter provided by the State Secretary in lieu of performing an additional background check.

In addressing some of the concerns relayed by Mr. Hare, Mr. Slavin stated that the National Recreation and Park Association recommendations include structured guidelines for specific waiting periods related to offenses and suggested that staff review and adopt these guidelines.

In response to Mr. Slavin, Mrs. Townshend stated that the survey results indicated that most organizations perform the checks every three (3) years.

Mr. Slavin stated that while the City may select a certain provider to perform the background checks, staff may also want to consider reciprocity of checks performed by other organizations which are comparable to those performed by the City. He noted that the officiating organizations would pass the cost on to the officials and, since many officials may be screened for their jobs, a reciprocity agreement would save the officials $29.95.

Responding to Mr. Slavin, Mrs. Townshend confirmed that the City would use a third party to perform the background check and that there would be no record keeping of the content of the check by the City of Dover, except for documentation related to searches which result in an individual being prohibited from participating in a City program. Mr. Slavin suggested that an appeal process be established. In addition, he wished to ensure that individuals understand that the City would not be collecting files on people.

Mr. Lynn suggested that, in drafting the language that would include crimes that would exclude individuals from employment and volunteering, staff review the Delaware Code pertaining to the offenses which preclude an individual from becoming a teacher.

Mr. Hare moved to recommend that background checks be performed for all Parks and Recreation volunteers and contractors, including officials, who will be working directly with youth, every three (3) years, and that staff implement a staggered approach that would require compliance by officials by a certain date in 2014. The motion was seconded by Mr. Slavin and unanimously carried.

Request for Economic Inclusion Study (*Clayton Hammond*)

Mr. Clayton Hammond II, 505 Troon Road, Delmarva Black Chamber of Commerce Chairman, reviewed a request for funding for the Delaware State University Center for Economic Development and Trade to conduct an economic inclusion study for the City of Dover. He explained that he had been an economic development professional for approximately 30 years, working in various public sector, non-profit sector, and private sector positions, and that during that time, it has become clear that the economic development activities in the City of Dover are very limited. Mr. Hammond stated that historically, economic development throughout the country has been used to address a myriad of issues; however, the current economic activities in the City of Dover were limited to infrastructure development, the Garrison Tract, and commercial revitalization related to the Downtown Dover Partnership (DDP). He stated that there are certain parts of the Dover community which have historically been detached from the economy and expressed his opinion that an economic inclusion study, similar to the "Inclusion in the Workforce" study conducted by the City of Pittsburgh, would examine the issues and impediments and provide recommendations for increasing the involvement of parts of the Dover community, specifically the African American community, in the economy. Mr. Hammond emphasized that participation from all sectors of the community, whether through entrepreneurship, workforce development, or jobs, is important for the long-term viability of a vibrant economy.

Mr. Hammond noted that he had lived in Dover during several different periods throughout his life and noticed that the area around Queen, Kirkwood, and New Streets had never changed. It was his understanding that there had been different entities addressing economic development downtown; however, this specific area had been neglected in terms of economic development activity. He explained that the lack of economic activity in this area has social costs, including public safety related issues and the detachment of residents. He felt that an economic inclusion study would provide recommendations for involving all sectors of the community in the economic vitality and long-term economic development of the City of Dover.

Referencing the request for funding detailed in the email previously provided to members, Mr. Hammond explained that he had recently spoken to Dr. Michael Casson, Director for the Delaware State University Center for Economic Development and Trade, and the City's cost for the study had increased to $6,000 because an additional graduate assistant would be required. He reiterated that this would be a simple study to examine issues that relate to impediments, opportunities, and resources that relate to the historic African American community in the City of Dover becoming more economically viable.

Mr. Hare expressed his agreement for the need to address the problems noted but recommended that this may be a good project for the staff of the City's Economic Development Office. Responding, Mr. Hammond stated that, based on conversations with Mr. William Neaton, Economic Development Manager, and Mr. Ed Perez, Downtown Coordinator, this matter did not seem to be part of the City's short or long-term economic development strategy.

In response to Mr. Slavin, Mr. Hammond confirmed that the request was for funding in the amount of $6,000 for the Delaware State University Center for Economic Development and Trade to facilitate the study.

Responding to Mr. Lynn, Mr. Hammond stated that Dr. Casson had indicated that the Center for Economic Development and Trade would be willing to participate in the study and the initial cost would be approximately $24,000. Delaware State University has a grant from the U.S. Economic Development Administration which will cover the majority of the cost and that the $6,000 would pay for two (2) graduate interns to work on the project. Mr. Hammond was uncertain why the cost had increased from $4,000 to $6,000 and had anticipated that Dr. Casson would be present to answer questions.

Mr. Lynn questioned whether the Center for Economic Development and Trade had experience conducting studies of this type. Mr. Hammond stated that the Center had conducted a study for the City of Dover regarding Garrison Tract projections and that Dr. Casson and Mr. Neaton were discussing the possibility of conducting a future study as well. He was uncertain whether the Center had any experience with economic inclusion studies but indicated that it was involved in studies regarding manufacturing in the State of Delaware and had conducted significant research in different areas. He confirmed that Dr. Casson would be the faculty member responsible for the study.

Mr. Lynn noted that members had received email correspondence from Ms. Deb Brown, dated November 12, 2013, *(as on file in the City Clerk's Office)* regarding this matter.

In response to Mr. Slavin, Mr. Hammond stated that Dr. Casson had indicated being able to begin the study within the next 60 days but was uncertain how long it would take to complete the study.

Mr. Slavin moved to recommend approval of the request to fund the economic inclusion study in the amount of $6,000, seconded by Mr. Lynn and unanimously carried.

Mr. Lynn requested Mr. Hammond to arrange for Dr. Casson to attend the City Council meeting scheduled for November 25, 2013 when this matter was scheduled for consideration.

In response to Mr. Hare, Mr. Lynn requested that the City Clerk's Office arrange for the staff of the City's Economic Development Office to attend.

Request for Property Revaluation - Wild Meadows

Mr. Fred Neil, 521 Weaver Drive, President of the Wild Meadows Home Owners Association, read the following statement into the record:

> I wish to thank you for permitting me to testify on this subject. I have written to each member of the City Council listing the reasons why our community should either be reevaluated prior to the 2015 evaluation period designated by law or permitted to have a reassessment based on conditions not previously in evidence.
>
> According to City Assessor Cheryl Russell, "All property shall be valued as to its status; as of its ownership; as of its current market value as of the January 1 assessment date and ***shall reflect fair market value***."
>
> I am very sensitive to the tax base the city needs to properly provide services and protection to its citizens because of my role as Press Officer for a Baltimore Mayor. I can rightfully brag on the impact of the 55 Plus Wild Meadows Residents on the quality of life in Dover and Kent County. Most of the City Council has seen those efforts in the email and printed news letters we provide. However, that does not pay the city's Bills.
>
> As Miss Russell pointed out, "The City as a whole was reassessed in 2010 and sale/income/cost information from 2007; 2008; and 2009 was used to determine values for ALL of the properties within the City limits." ... and there is the hub of my request for new assessments before 2015. Reassessment requests in April 2014 of our current assessment should be based on changed conditions, or apply a community wide decrease in current assessments.
>
> The evidence to do so is based on:
>
> - Fair Market value - currently it is no longer fair.
>
> - Evidence readily available to you is the original purchase price of the homes versus the sale prices of the homes in the period from 2010-2012. Not reported is the long, long time period to sell a home. I was recently informed by Mr. Paul McDonald, Vice President of the Wild Meadows Home Owners Association, and Mr. Bob Schmidt, Wild Meadows Home Owners Association Board Member and responsible for the Associations email

newsletter, that the home that he originally paid $130,000 for and added $20,000 worth of improvements to, is assessed for $119,000 and a home with the same identical space/model recently sold for $84,000.

- Conditions that did not exist in the 2007- 2009 time period, the Calpine Plant and The Fire Fly Festival.

Calpine and Firefly are unique to a very specific area of homes including the Wild Meadows Community.

While it is easy to say, "Let us wait until 2015", but the law says Fair Market value. Wild Meadows a 55 Plus community is carrying an extra and unfair burden because this is not 2010.

I would also like to point out the Calpine Power plant and the Fire Fly Festival will add money to the City coffers which may more than off-set the drop in a lower tax and fairer assessment of our properties.

I will also point out, while the proposed power plant on the old Chrysler property in Newark drew many protestors and negative publicity, the City of Dover was not subjected to that. Please do not take the lack of a protest movement as lack of discontent with having the power plant literally in our back yard or the accepting the inconvenience of The Fire Fly Festival. Let's just say, the residents of the Wild Meadows Community are responsible citizens.

I hope we are not punished for being so.

Mr. Neil also complimented the City of Dover, members of Council, Red Frog Productions, and Dover Downs in regard to the amenable relationship regarding the Firefly Music Festival. He expressed his opinion that the festival is an essential benefit to the health of the community, explaining that he had shared his views with his community and believes that this is one (1) of the reasons that there had not been more protest from the residents.

Members were provided information from Ms. Cheryl Russell, Tax Assessor, regarding the early reassessment request from Wild Meadows ***(Attachment #1)***, including a memo from Ms. Russell dated November 12, 2013, Section 102-1 of the Dover Code, and an opinion from Mr. William Pepper, Deputy City Solicitor. Ms. Russell reviewed the memo and stated that, in accordance with the opinion provided by Mr. Pepper, staff recommended denial of the request for early reassessment as submitted by Wild Meadows.

Ms. Russell stated that the City receives numerous appeals every year on the basis that the property is not currently worth the assessed value. She explained that each appeal is considered by the Board of Assessment Appeals, which confirms for each appellant that the City has to use 2007 - 2009 sales

information for residential properties and 2007 - 2009 income and expense information for commercial properties to maintain uniformity and fairness throughout the City. The City's reassessments are revenue neutral; therefore, if the values increased as a result of reassessment, the tax rate would be rolled back down to keep the tax revenue amount the same. She was uncertain how the City could maintain tax revenue neutrality if portions of the City were reassessed at different times. She stated that the Tax Office was currently preparing for the 2015 revaluation.

Mr. Hare questioned why the City funds a reassessment if the tax rate does not change as a result. Responding, Ms. Russell explained that the information is valuable to ensure that the tax burden is placed on the appropriate properties when the fair market value changes and that values are viable for homeowners in the event of catastrophe.

In response to Mr. Hare, Ms. Russell clarified that a retrospective appraisal is required for an assessment appeal.

Ms. Russell stated that the cost for the previous assessment was approximately $785,000; however, staff would not need to conduct a comprehensive revaluation in 2015 since they had been diligent in reviewing the properties to verify that the characteristics have not changed, so the cost will be approximately $100,000. The consultant will only need to do sales ratio studies, changes to the land tables, and ensure that the neighborhoods are aligned.

Responding to Mr. Slavin, Ms. Russell stated that if the reassessment appeal were approved, staff would need to draft legislation for consideration and approval by the Delaware General Assembly to change the City's Charter. She noted that many municipalities do not include language regarding the scheduling of tax valuation and assessment within their Charters, with the exception of Milford, which she believed was on a ten-year cyclical schedule. She explained that changing the schedule to every two (2) or (3) years may not address the problem because it depends on the market. She reminded members that the current assessments are below the current market value; however, that situation could reverse, and valuations require a great deal of time and money.

Mr. Slavin noted that the appeal process is time consuming for staff and questioned whether it would be advantageous to allow for a class action type of appeal to be filed by property owners from a particular neighborhood, since individual assessments can be adjusted based on appeals and the revenue neutrality would be waived. Responding, Ms. Russell reminded members that the information considered during an appeal must be based on retroactive, not current market values.

Mr. Lynn noted that the five (5) year increment was reasonable to account for normal economic turbulence; however, did not account for the novel situations that Wild Meadows has been affected by, including the construction of the City-sponsored Calpine power plant. He felt that there were no other neighborhoods facing the same types of issues as Wild Meadows. Concurring with Mr. Slavin, he suggested addressing all of the properties in Wild Meadows as one (1) appeal. He stated that the owners probably should have appealed in 2010; however, the Calpine plant had not fully come to fruition as it did in 2011 and 2012. He expressed his support for the request and stated that a Charter change would be required in order to provide an early reassessment for Wild Meadows.

Mr. Hare stated his support for the filing of a community-wide appeal within the current guidelines; however, he expressed concern with fairness to other communities and questioned if there would be certain circumstances which would allow for this type of appeal.

Ms. Russell stated that the only appeals filed by property owners from Wild Meadows were four (4) which were filed in 2010. In response to Mr. Lynn, she explained that appeals can be submitted every April with documentation for the 2010 value. She relayed her concern with allowing the revaluation of communities which would lead to communities submitting appeals every year and the possibility of revaluing the City in pieces.

In response to Mr. Lynn, Ms. Russell stated that she would need to consult the City Solicitor's Office to ensure that an appeal could be filed by a community as a group. She confirmed that appeal hearings were typically scheduled for the end of May and beginning of June each year, to have them complete prior to approval of the final budget for the following fiscal year.

Mr. Lynn stated that the time frame may be the same for a Charter change to be enacted as it would take for an appeal hearing next year. He stated that the sticking point could be how viable Calpine was in 2007, 2008 and 2009.

Ms. Russell stated that the current sales would be reflected in the 2015 revaluation. The sales history for homes in Wild Meadows showed that from 2007 - 2009 sale prices ranged from $96,000 to $187,000, which may have been first time purchases from the developer. She expressed her understanding that the sales prices since 2010 have decreased, as they have in other parts of the City, as a result of the status of the market and economy.

Mr. Shevock expressed concern that other communities may request revaluation if it is allowed for Wild Meadows. Responding, Ms. Russell stated that this would cause a fluctuation in the values across the City and a loss of uniformity in the timing of the revaluations.

Mr. Hare noted that when an appeal is granted and a property assessment is reduced, it is not revenue neutral.

Ms. Russell stated that there has been discussion regarding State legislation which will require all municipalities and counties to perform valuations on a cyclical basis.

Mr. Slavin stated that the assumption seemed to be that this would result in many communities filing appeals but reminded members that not all would be successful since there would have to be a compelling reason for a community to come forward, such as the construction of the Calpine plant. He indicated that the revenue neutral provision was a preventative against City Council "sneaking" a tax increase through. If the City wants to adjust the tax rate, it must be done separately from the revaluation.

In response to Mr. Slavin, Ms. Russell confirmed that when an individual is reassessed based on an appeal, the City does not establish a new tax rate for them, so there is no revenue neutrality on appeals.

Responding to Mrs. Williams, Mrs. McDowell, City Clerk, confirmed that a request for a Charter change requires approval by two-thirds of all members elected to each House of the General Assembly.

Mr. Neil stated that the current prima facie evidence is what the houses are currently selling for versus what they were purchased for in 2002.

Mr. Slavin moved to recommend that the Wild Meadows neighborhood be permitted this request for reassessment and that the City pursue this change in two (2) ways: 1) by allowing a group appeal on behalf of the community in April 2014; and 2) by pursuing the necessary Charter change that would address this matter, seconded by Mr. Lynn.

Mr. Hare questioned the type of Charter change that would be required. He suggested that Section 102-1 of the Code be changed to reflect that the assessment 'may' be conducted every five (5) years, to eliminate the cost of revaluation when it is not necessary.

Clarifying, Mr. Lynn stated that the necessary change would be the extraction of the word 'all' from "true, just, and impartial valuation and assessment of all real property within the city" in Section 47 of the Charter; however, he recommended making an ambiguous motion to pursue the Charter change necessary to effectuate the intent of the motion and requesting Mr. Pepper to address the exact change required.

On a call for the question, the motion to recommend that the Wild Meadows neighborhood be permitted this request for reassessment and that the City pursue this change in two (2) ways: 1) by allowing a group appeal on behalf of the community in April 2014; and 2) by pursuing the Charter change necessary to effectuate the Committee's intent and requesting Deputy City Solicitor Pepper to address the required change, carried by a roll call vote of three (3) yes (Hare, Lynn, and Slavin), one (1) no (Shevock), and one (1) absent (Rushe).

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

Meeting adjourned at 6:59 p.m.

Sean M. Lynn
Chairman

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Attachment
Attachment #1 - Information Regarding the Early Reassessment Request from Wild Meadows, provided by Ms. Cheryl Russell, Tax Assessor

MEMO

TO: Legislative Finance and Administration Committee

FROM: Cheryl A. Russell, AAS City Assessor

DATE: November 12, 2013

RE: Early Reassessment Request – Wild Meadows

It is our office's recommendation that the request for early reassessment for Wild Meadows be denied.

City-wide reassessments are conducted every 5 years of ALL real property within the City dictated by City Charter and Ordinance. To reassess portions of the City based on current information, while the remaining portions are based on 2010 information, does not maintain uniformity and fairness and violates the Charter and Code which require that all properties be reassessed at the same time. The 2010 reassessment reflects fair market value as of January 1, 2010.

By definition, an appraisal is a value as of a given point in time. (January 1, 2010). We cannot base this value on predicting what the market will do in the future. We rely on sales for the 3 years prior to the reassessment date (January 1, 2010) to generate our value. Prediction of Calpine and Firefly, even if we were aware, could not have been a factor in our valuation nor could we predict what these factors would contribute to sale of property in the immediate area.

The Assessor's Office recognizes that property values have decreased *and increased* in portions of the City and sales ratio studies will be conducted during the 2015 reassessment to generate our values based on the sales we are currently documenting. All reassessments must be revenue neutral which requires the City to adjust the tax rate, so that the tax revenues remain the same.

Property owners are afforded the right to appeal their value every April for the next billing cycle. Informally, the property owner and the Assessor could agree upon a value reduction, if there is some documentation to prove that the value was incorrect based on 2010. If the property owner is not satisfied with the Assessor's findings, they are afforded the right to appeal their value to the Board of Assessment Appeals. Again, they must provide documentation that the property is incorrectly valued as of January 1, 2010 based on the 3 prior years of market conditions. (residential).

Please see attached, the email correspondence to Councilman Lynn, which was also provided to you in the letter from Fred Neil, and email correspondence between the Assessor and Deputy Solicitor, William W. Pepper Sr., Esq.

July 25, 2013 Email Exchange from Councilman Lynn and City Assessor Russell

"Councilman Lynn,

The City as a whole was reassessed in 2010 and sale/income/cost information from 2007; 2008; and 2009 was used to determine values for ALL of the properties within the City limits.

All property owners have the right to appeal their value every year in April. However, the information provided to the Board of Appeals must support the years used for the reassessment to maintain uniformity.

We have begun inspection of all the properties within the City Limits and we are planning for the next budget.

We are planning a City-Wide reassessment for 2015 per City of Dover Ordinance Sec 102-1. Valuation and assessment (unless otherwise directed):

Sec. 102-1. Valuation and assessment.

Section 47 of the Charter provides that an impartial valuation and assessment of all real property within the city may be conducted by the city assessor or assessors. The council may also direct that in lieu of the assessment and valuation by the city assessor, a reassessment and revaluation may be done by the assessor or assessors or an outside mass appraisal company or a consortium of appraisers chosen by the council.

Commencing with the year 2010 and every fifth year thereafter, unless otherwise directed, the revaluation and reassessment of all real property may be conducted, under the supervision of the assessor or in conjunction with the assessor, by an outside mass appraisal company or a consortium of appraisers chosen by the council. The mass appraisal company or consortium of appraisers shall be licensed to conduct business in the State of Delaware and the City of Dover and shall employ appraisers who are licensed by the Delaware Division of Professional Regulations. All property shall be valued as to its status; as of its ownership; as of its current market value as of the January 1 assessment date and shall reflect fair market value.

(Code 1981, § 19.5-1; Ord. of 1-22-2001; Ord. No. 2009-17, 11-9-2009; Ord. No. 2010-01, 2-14-2011; Ord. No. 2011-31, 4-9-2012)

If I can be of further assistance, please feel free to call our office.

Thank you.

Cheryl A. Russell, AAS

City Assessor"

Russell, Cheryl

From: William Pepper <wpepper@schmittrod.com>
Sent: Wednesday, October 30, 2013 1:52 PM
To: Russell, Cheryl
Subject: Re: Correspondence - Wild Meadows Request for Early Reassessment of Homes

Importance: High

Cheryl,

I believe that the Charter and Code prohibit a reassessment of some properties. See Charter, §47 (true, just, and impartial valuation and assessment of **all** real property within the city); Dover Code of Ordinances, §102-1 (same). In addition, it would be difficult, if not impossible, to make such a partial reassessment revenue-neutral.

Please contact me if you have any questions.

William W. Pepper Sr., Esquire
Schmittinger and Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover DE 19903
302.674.0140
302.678.6585 Fax
wpepper@schmittrod.com

On Oct 30, 2013, at 1:27 PM, Russell, Cheryl wrote:

Bill,

This request for an early reassessment of the homes in Wild Meadows has been placed on the Legislative & Finance Agenda for November 12, 2013. Could you please provide your legal opinion in writing to me as soon as possible as to the legality of this action?

Thank you.

Cheryl A. Russell, AAS

City Assessor

(302) 736-7022

From: Kelsall, Melanie
Sent: Wednesday, October 02, 2013 2:14 PM
To: City Clerks Office
Cc: Koenig, Scott; Russell, Cheryl
Subject: Correspondence - Wild Meadows Request for Early Reassessment of Homes

Please see the attached correspondence received from Fred Neil, President, Wild Meadows Home Owners Association requesting an early reassessment of homes.

Thank you,

Melanie F. Kelsall

Administrative Assistant

City Clerk's Office - City of Dover

P.O. Box 475

Dover, DE 19903

(302) 736-7008

This message was sent to members of City Council.

<WILD_20131001151853.pdf>

ACTION FORM

PROCEEDING: Council
DEPARTMENT OF ORIGIN: Electric, Transmission & Distribution **DATE SUBMITTED**: 11/15/2013
PREPARED BY: Stephen A. Enss – Interim Electric Director
SUBJECT: Evaluation of Proposals – Tree Trimming Contract
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: City Manager, Controller
EXHIBITS: Bid Price Summary Sheet / Evaluation Criteria
EXPENDITURE REQUIRED: Not to exceed budget for any account **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Possibly both Electric Engineering and T&D Division "Contractual Services: operation budgets such as 480-8200-562.30-31 (Electric T&D); 480-8300-563.30-31 (Electric Engineering); or Capital project funding as applicable. Electric T&D budgeted $350,000 for FY14
TIMETABLE: Contract will be executed following Council approval.
RECOMMENDED ACTION: Staff recommends awarding a three (3) year (2014, 2015, 2016) Tree Trimming Contract to low bidder: Asplundh Tree Experts with a City option to extend it an additional two (2) years (2017, 2018), five years total. The contract work will be adjusted to stay within budget each year.

BACKGROUND AND ANALYSIS

The Electric Department maintains blanket contracts with potential contractors to ensure that the bidding rules are adhered to for contractors that are hired to perform work for the Department. These contracts are priced as a "time and material" contract and may exceed $25,000 annually. This proposal is for a tree trimming contract used to maintain clearance around the city's overhead electric lines. This is the single most important maintenance project as it relates to the reliability of our overhead system. Typically, there are two (2) full-time crews working throughout the system to perform this maintenance. Additionally, this company has crews available to assist during storm events and this proposal includes pricing for these potential events.

Bids were solicited and advertised according to the City policy by the City's Contract and Procurement Manager under Bid #14-0006EL and bids were received from six (6) potential vendors; however, two (2) were rejected due to incomplete bid submissions. The remaining proposals were evaluated using the following criteria: past performance on similar size and scope projects, technical qualifications, incident rates, working plan, other available resources, corporate wide OSHA violations, corporate wide FLSA violations, Department of Justice violations and overall cost. Upon initial review it was determined that four bidders were qualified. A bid summary sheet was created using the unit prices for the standard crews utilized by the Utility, which indicated that Asplundh Tree Expert Co. is the low bidder. Though Nelson Tree Service was found to score the best based on the evaluation criteria staff recommends awarding the contract to the lowest bidder Asplundh Tree Experts. Asplundh didn't score as well due to the corporate wide OSHA and FLSA. The regional information provided, indicated acceptable results. Asplundh has a regional office located in Dover and local preference was observed. The duration of the bid is a three (3) year contract with the possibility of fourth (4^{th}) and fifth (5^{th}) year extensions dependent upon satisfactory performance.

City of Dover
Bid Tabulation
Bid Number 14-0006EL
Utility Tree Clearance Contract

Asplundh Tree Expert Co. Steven C. Miller
100 Carlson Way, Ste 14
Dover, DE 19901
(302) 678-4702
Fax (302) 678-9910
miller@asplundh.com
Local Vender under Rule #2

	Normal Hourly Rate					Overtime Hourly rate				
Position	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
General Foreman	$33.70	$34.37	$35.23	$36.11	$37.20	$47.18	$48.12	$49.33	$50.56	$52.08
Working Foreman	$30.01	$30.61	$31.38	$32.16	$33.12	$42.01	$42.85	$43.93	$45.02	$46.37
Trimmer	$24.84	$25.34	$25.97	$26.62	$27.42	$34.78	$35.47	$36.36	$37.27	$38.39
Groundman	$19.68	$20.07	$20.58	$21.09	$21.72	$27.55	$28.10	$28.81	$29.53	$30.41
Aeiral Truck	$14.98	$15.28	$15.66	$16.05	$16.53	$14.98	$15.28	$15.66	$16.05	$16.53
Chipper	$5.18	$5.28	$5.42	$5.55	$5.72	$5.18	$5.28	$5.42	$5.55	$5.72
Chain Saw - Small	$0.40	$0.41	$0.42	$0.43	$0.44	$0.40	$0.41	$0.42	$0.43	$0.44
Chain Saw - Large	$0.72	$0.73	$0.75	$0.77	$0.79	$0.72	$0.73	$0.75	$0.77	$0.79
1/2 Ton Pick Up	$8.43	$8.60	$8.81	$9.03	$9.30	$8.43	$8.60	$8.81	$9.03	$9.30
Total	$137.94	$140.69	$144.22	$147.81	$152.24	$181.23	$184.84	$189.49	$194.21	$200.03

Bid Number 14-0006EL
Utility Tree Clearance Contract

Nelson Tree Service, Inc. Jeffrey D. Jones
3300 Office Park Dr
Dayton, OH 45439
(937) 294-1313
Fax (937) 294-7673

	Normal Hourly Rate					Overtime Hourly rate				
Position	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
General Foreman	$35.11	$36.16	$37.24	$38.36	$39.51	$49.15	$50.62	$52.14	$53.70	$55.31
Working Foreman	$34.01	$35.03	$36.08	$37.16	$38.27	$47.61	$49.04	$50.51	$52.02	$53.58
Trimmer	$29.32	$30.20	$31.11	$32.04	$33.00	$41.05	$42.28	$43.55	$44.86	$46.20
Groundman	$19.93	$20.53	$21.15	$21.78	$22.43	$29.70	$28.74	$29.61	$30.49	$31.40
Aeiral Truck	$13.53	$13.80	$14.08	$14.36	$14.65	$13.53	$13.80	$14.08	$14.36	$14.65
Chipper	$5.25	$5.36	$5.47	$5.58	$5.69	$5.25	$5.36	$5.47	$5.58	$5.69
Chain Saw - Small	$0.42	$0.43	$0.44	$0.45	$0.46	$0.42	$0.43	$0.44	$0.45	$0.46
Chain Saw - Large	$0.79	$0.81	$0.83	$0.85	$0.87	$0.79	$0.81	$0.83	$0.85	$0.87
1/2 Ton Pick Up	$8.32	$8.49	$8.66	$8.83	$9.01	$8.32	$8.49	$8.66	$8.83	$9.01
Total	$146.68	$150.81	$155.06	$159.41	$163.89	$195.82	$199.57	$205.29	$211.14	$217.17

Bid Number 14-0006EL
Utility Tree Clearance Contract

Lewis Tree Service, Inc.
Jillian Stapleton
300 Lucius Gordon Drive
West Henrietta, NY 14586
585-436-3208
Fax 585-235-5864
jstapleton@lewistree.com

	Normal Hourly Rate					Overtime Hourly rate				
Position	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
General Foreman	$40.52	$41.33	$42.16	$43.00	$43.86	$55.28	$56.38	$57.51	$58.66	$59.83
Working Foreman	$33.78	$34.46	$35.15	$35.85	$36.57	$45.59	$46.50	$47.43	$48.38	$49.34
Trimmer	$30.41	$31.02	$31.64	$32.27	$32.92	$40.74	$41.18	$42.39	$43.23	$44.10
Groundman	$22.49	$22.94	$23.40	$23.86	$24.34	$29.42	$30.01	$30.61	$31.22	$31.85
Aeiral Truck	$14.53	$14.68	$14.82	$15.12	$15.42	$14.53	$14.68	$14.82	$15.12	$15.42
Chipper	$5.00	$5.05	$5.10	$5.20	$5.31	$5.00	$5.05	$5.10	$5.20	$5.31
Chain Saw - Small	$0.40	$0.40	$0.41	$0.42	$0.42	$0.40	$0.40	$0.41	$0.42	$0.42
Chain Saw - Large	$0.75	$0.76	$0.77	$0.78	$0.80	$0.75	$0.76	$0.77	$0.78	$0.80
1/2 Ton Pick Up	$8.57	$8.66	$8.74	$8.92	$9.10	$8.57	$8.66	$8.74	$8.92	$9.10
Total	$156.45	$159.30	$162.19	$165.42	$168.74	$200.28	$203.62	$207.78	$211.93	$216.17

Bid Number 14-0006EL
Utility Tree Clearance Contract

Mercier's Inc.
Matthew Tabisz
7442 Shipley Ave
Hermans, MD 21077
410-590-4181
mtabisz@merciers.com

	Normal Hourly Rate					Overtime Hourly rate				
Position	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
General Foreman	$45.00	$47.00	$49.00	$50.00	$50.00	$67.50	$70.50	$73.50	$75.00	$75.00
Working Foreman	$35.00	$36.00	$37.00	$38.00	$38.00	$52.50	$54.00	$55.50	$57.00	$57.00
Trimmer	$32.00	$33.00	$34.00	$35.00	$35.00	$48.00	$49.50	$51.00	$52.50	$52.50
Groundman	$27.00	$28.00	$29.00	$30.00	$30.00	$40.50	$42.00	$43.50	$45.00	$45.00
Aeiral Truck	$17.00	$17.50	$18.00	$18.50	$19.00	$17.00	$17.50	$18.00	$18.50	$19.00
Chipper	$8.00	$8.50	$9.00	$9.50	$10.00	$8.00	$8.50	$9.00	$9.50	$10.00
Chain Saw - Small	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10
Chain Saw - Large	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20
1/2 Ton Pick Up	$6.50	$7.00	$7.50	$8.00	$8.00	$6.50	$7.00	$7.50	$8.00	$8.00
Total	$170.80	$177.30	$183.80	$189.30	$190.30	$240.30	$249.30	$258.30	$265.80	$266.80

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (A)	SCORE		
Past performance on similar size and scope projects.			
Asplundh Tree Expert Co.	10	/ 10	Past experience
Nelson Tree Service, Inc.	10	/ 10	Current work experience
Clear Solutions	0	/ 10	No Response
Drew's Tree Service, Inc.	0	/ 10	No Response
Lewis Tree Service, Inc.	10	/ 10	Available neighboring and extended crews
Mercier's Inc	10	/ 10	Available neighboring and extended crews

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (B)	SCORE		
Technical qualifications and available resources.			
Asplundh Tree Expert Co.	10	/ 10	Largest vegetation clearing company
Nelson Tree Service, Inc.	10	/ 10	Current and past work experience
Clear Solutions	0	/ 10	No Response
Drew's Tree Service, Inc.	0	/ 10	No Response
Lewis Tree Service, Inc.	10	/ 10	Proposal indicated required qualifications
Mercier's Inc	8	/ 10	During Storm damage we would need all of their equipment/neighboring contracts

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (C)	SCORE		
Safety plan and/or recordable incident rates/experience modification rates.			
Asplundh Tree Expert Co.	10	/ 10	Proposal indicated required qualifications
Nelson Tree Service, Inc.	9	/ 10	Included recordable incident & experience modification rates, slightly higher than other
Clear Solutions	0	/ 10	No Response
Drew's Tree Service, Inc.	0	/ 10	No Response
Lewis Tree Service, Inc.	8	/ 10	Proposal indicated required qualifications/ EMR slightly higher than others.
Mercier's Inc	7	/ 10	Standard Plan / No EMR

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (D)	SCORE		
Each bidder must supply a written working proposal identifying how they will best approach maintaining the line clearance in the city			
The City may require right of ways to be sprayed for vegetation control. The proposal shall be based on an annual allocation of $350,000.00			
Asplundh Tree Expert Co.	10 / 10	Great Plan	
Nelson Tree Service, Inc.	10 / 10	Experienced with plan and budget	
Clear Solutions	0 / 10	No Response	
Drew's Tree Service, Inc.	0 / 10	No Response	
Lewis Tree Service, Inc.	0 / 10	No plan provided	
Mercier's Inc	7 / 10	No plan submitted specific to our system	

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (E)	SCORE		
Must show evidence of additional manpower and equipment.			
Asplundh Tree Expert Co.	10	/ 10	Crews and equipment all over
Nelson Tree Service, Inc.	10	/ 10	Current Experience / Extra crews were in Dover before Storm Sandy
Clear Solutions	0	/ 10	No Response
Drew's Tree Service, Inc.	0	/ 10	No Response
Lewis Tree Service, Inc.	10	/ 10	Crews and equipment all over
Mercier's Inc	8	/ 10	Available crews in Ohio

CRITERIA (F)	SCORE		
Contractor must provide detailed documentation of any (corporate-wide) serious, willful, or repeat OSHA violations within the last 10 years. (For purposes of this item, charges which have been abated do not need to be included.)			
Asplundh Tree Expert Co.	6	/ 10	Provided corporate-wide details & included all serious violations Provided regional OSHA incident rate.
Nelson Tree Service, Inc.	10	/ 10	Clearly stated no corporate wide OSHA violations and provided regional OSHA incident rate
Clear Solutions	0	/ 10	No Response
Drew's Tree Service, Inc.	0	/ 10	No Response
Lewis Tree Service, Inc.	8	/ 10	Provided a detailed OSHA report for ten years with little serious violations
Mercier's Inc	10	/ 10	Provided a statement that no violations occurred

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (G)	SCORE		
Contractor must provide detailed documentation of any (corporate-wide) violations of the Fair Labor Standards Act (FLSA) within the last 10 years for which you have been required to make restitution by the Department of Labor or similar authority. (For purposes of this item, violations of $15,000.00 or less do not need to be included.)			
Asplundh Tree Expert Co.	4	/ 10	Only provided 4 years of information
Nelson Tree Service, Inc.	10	/ 10	No violations
Clear Solutions	0	/ 10	No Response
Drew's Tree Service, Inc.	0	/ 10	No Response
Lewis Tree Service, Inc.	10	/ 10	No violations
Mercier's Inc	10	/ 10	No violations

14-0006EL TREE TRIMMING BID EVALUATION

CRITERIA (H)	SCORE		
Contractor must provide detailed documentation of any (corporate-wide) violations and/or settlements with the Department of Justice regarding immigration issues within the last 10 years.			
Asplundh Tree Expert Co.	10	/ 10	No violations
Nelson Tree Service, Inc.	10	/ 10	No violations
Clear Solutions	0	/ 10	No response
Drew's Tree Service, Inc.	0	/ 10	No response
Lewis Tree Service, Inc.	10	/ 10	No violations
Mercier's Inc	10	/ 10	No violations

14-0006EL TREE TRIMMING BID EVALUATION

PRICING												
For pricing calculations, the last invoiced personnel hours and equipment hours were used spread over the five year numbers provided.												
Asplundh Tree Expert Co.			20	/	20		5 YEAR TOTAL	$1,748,891.76				
							LOCAL VENDOR 2	$1,696,425.01				
Nelson Tree Service, Inc.			12	/	20		5 YEAR TOTAL	$1,903,512.00				
Clear Solutions			16	/	20		5 YEAR TOTAL	$1,786,006.80				
							MINORITY VENDOR	$1,732,426.60				
Drew's Tree Service, Inc.			0	/	20		5 YEAR TOTAL	NOT PROVIDED				
Lewis Tree Service, Inc.			8	/	20		5 YEAR TOTAL	$1,947,317.16				
Mercier's Inc			4	/	20		5 YEAR TOTAL	$2,173,770.00				

14-0006EL TREE TRIMMING BID EVALUATION

EVALUATION TALLY			
Asplundh Tree Expert Co.	90	/	100
Nelson Tree Service, Inc.	91	/	100
Clear Solutions	16	/	100
Drew's Tree Service, Inc.	0	/	100
Lewis Tree Service, Inc.	74	/	100
Mercier's Inc	74	/	100

ACTION FORM (REVISED)

PROCEEDING: Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 11/18/13
PREPARED BY: Captain Robert Scott / Administrative Division Commander	
SUBJECT: Fund to Combat Violent Crime – FY14 Grant	
REFERENCE: State Grant Funding	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $75,523.53	**PROJECT BUDGET:** $75,523.53
FUNDING SOURCE (Dept./Page in CIP & Budget):	New Grant program not fully included in FY14 Budget
TIMETABLE:	Upon receipt of council approval, the equipment will be purchased using State Contract vendors and overtime hours will be scheduled/worked.
RECOMMENDED ACTION:	Approve the grant and intended purchases.

BACKGROUND

The Fund to Combat Violent Crime Program is a new grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the Delaware Code. The first increment of funding was released during FY13; however it was uncertain at that point whether the program would be recurring. During the last quarter of FY13, we learned that an FY14 grant was anticipated and the amount appropriated ($75,523.53) was much higher than the previous year's amount ($46,785.34). As a result of this, there was not enough funds budgeted in FY14 for the total amount of the grant, so a budget adjustment will also be needed to cover the unbudgeted portion.

This Committee/Council action form is submitted to obtain approval for the Police Department to use its grant allocation from this program. A portion of the funds will be used to upgrade the duty weapons for all police officers ($17,649) and to purchase rifles for supervisors' vehicles ($16,067.94). The remaining portion ($41,806.59) will be used to target violent crime throughout the city with extra duty overtime patrols and provide education to citizens on measures they can take to avoid or cope with violent crime related activities.

In the original request, the Police Department programed a portion of the funding for a technology upgrade to provide wireless connectivity for Police vehicles to the station's computer systems, but the State Committee, that met on 9/10/13 to review and approve all the grant applications for this program did not approve of this intended purchase. As a result, the funds were diverted on the spot for additional extra duty overtime patrols.

FUNDING

The programs identified above will be funded by the new recurring grant program from the State Department of Safety and Homeland Security identified above.

ACTION REQUESTED

The Legislative and Finance Committee approve the new grant and recommend approval by the Council.

DOVER FIRE DEPARTMENT

DOVER'S VOL. FIRE DEPT.
Since 1882

November 19, 2013

City of Dover
Traci A. McDowell, City Clerk
PO Box 475
Dover, DE 19903

RE: 2014 Fire Line Officer Election Results

Dear Mrs. McDowell:

The following are the results of the November 18, 2013 Dover Fire Department Fire Line Officer Election as certified by the election judges:

Chief	Matthew Carey
Deputy Chief	Jack Fortney (Uncontested)
1st Assistant Chief	David Carey
2nd Assistant Chief	Mark Hall (Uncontested)
3rd Assistant Chief	Carl Troubetaris Sr. (Uncontested)
4th Assistant Chief	Duane Reeder (Uncontested)
1st Fire Line Captain	Ben Smetana (Uncontested)
2nd Fire Line Captain	William Kelly II.

Please forward the above names to City Council for their review and approval.

Respectfully,

Carleton E. Carey Jr., President

Christopher S. Peters, Secretary

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302)736-7168 • Fire Chief's Office: (302)736-7167 • FAX: (302)736-7166