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 absent.

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

/TM/jg
S:\AGENDAS-MINUTES-PACKETS\Council-Minutes\2013\11-12-2013.wpd

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

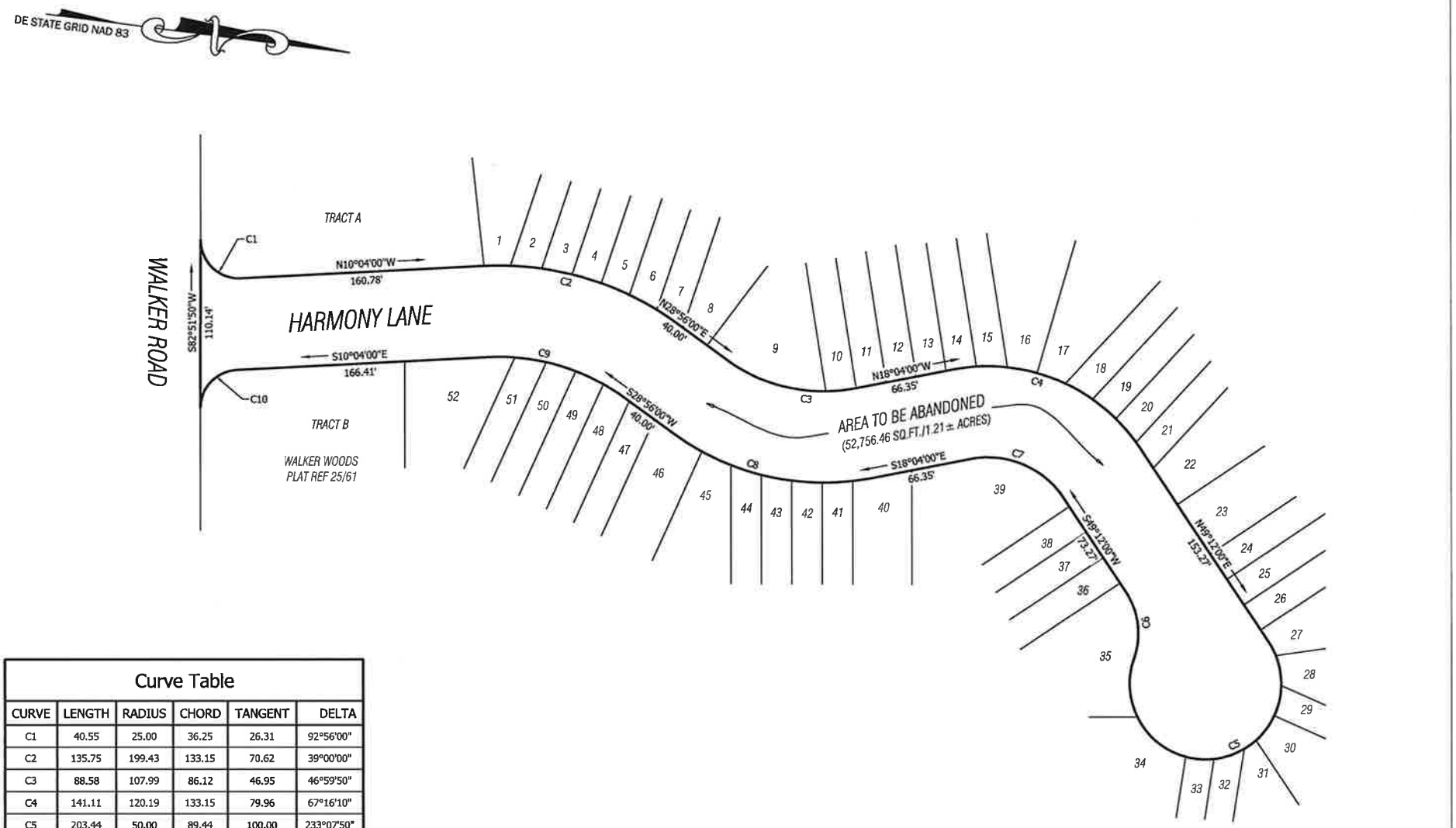
S:\ABANDONMENTS\2013\Harmony Lane\2013-25 Setting Public Hearing - Street Abandonment - Harmony Lane FOR SIGNATURE.wpd

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
ED05-067.18-01-40.00	56 HARMONY LN
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
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
ED05-067.18-01-55.00	67 HARMONY LN
ED05-067.18-01-37.00	68 HARMONY LN
ED05-067.18-01-23.00	124 HARMONY LN
ED05-067.18-01-27.00	108 HARMONY LN
ED05-067.18-01-64.00	127 HARMONY LN
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
ED05-067.18-01-19.00	140 HARMONY LN
ED05-067.18-01-16.00	152 HARMONY LN
ED05-067.18-01-15.00	147 HARMONY LN
ED05-067.18-01-20.00	136 HARMONY LN
ED05-067.18-01-21.00	132 HARMONY LN
ED05-067.18-01-14.00	143 HARMONY LN
ED05-067.18-01-58.00	79 HARMONY LN
ED05-067.18-01-34.00	80 HARMONY LN
ED05-067.18-01-57.00	75 HARMONY LN
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
ED05-067.18-01-29.00	100 HARMONY LN
ED05-067.18-01-62.00	119 HARMONY LN
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."

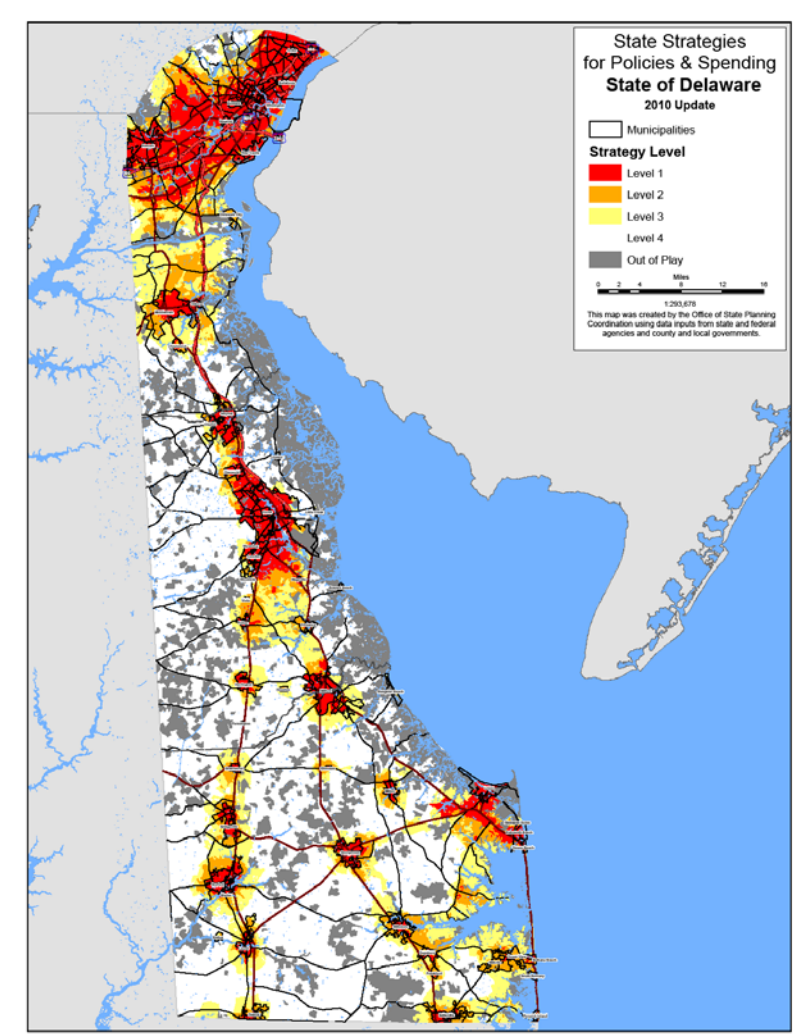
- Section 1.5 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access

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

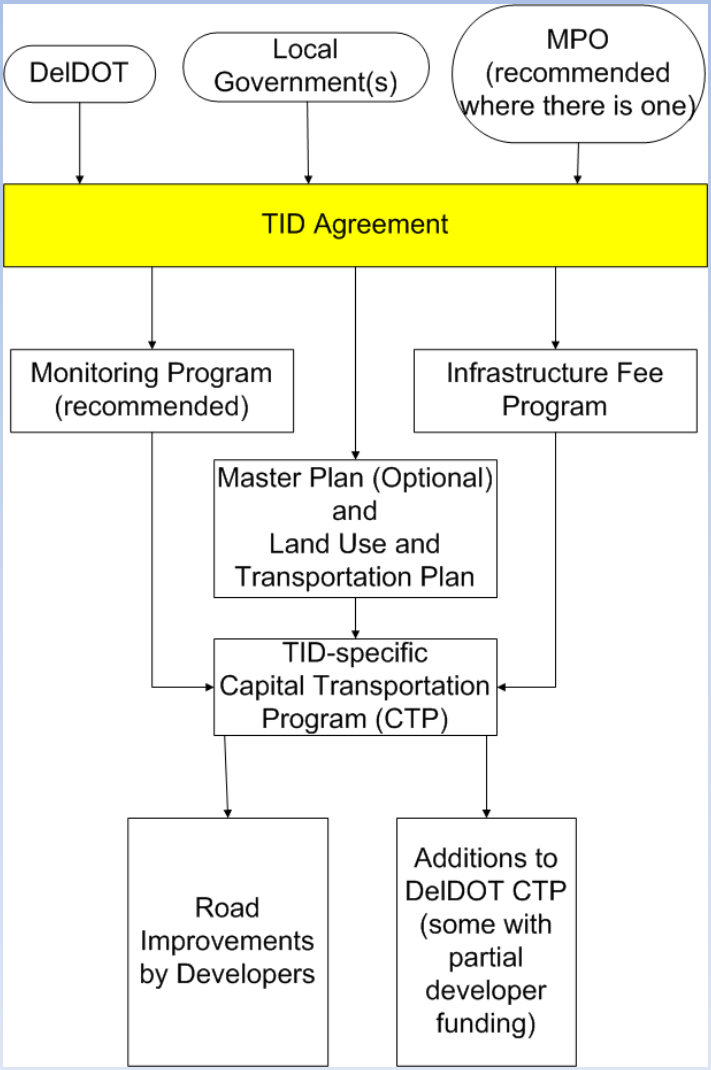
Where will we create TIDs?

- 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