REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 14, 2013 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, and Mr. Hutchison. Mr. Anderson and Mr. Hare were absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief West, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present (departed at 7:51 p.m.).

OPEN FORUM

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

Mr. Roy Sudler, 353 Rita Wilma Lane, as Chair of the Dover Human Relations Commission (DHRC), advised members that the DHRC recently received an enormous amount of complaints from Mr. Eshed Alston, Mr. Bobby Wilson, and Mr. Lamar Gunn. As a result of the recent ordinance amendments involving the DHRC, he stated that members are seeking guidance and instructions on how to respond to those complaints in accordance with the new decree for the DHRC. He stated that there are a list of 10 complaints that he will submit to the Legislative, Finance, and Administration Committee, City Council, and the Mayor. He assured members that the DHRC is eager to receive instructions on how to proceed in order to respond within a reasonable time frame. Mr. Sudler stated that the DHRC is looking forward to working closer with all entities of the City of Dover to ensure a fair and higher quality of living among all segments of Dover, Delaware.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance led by Bryce Bundek.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 23, 2013

The Minutes of the Regular Council Meeting of September 23, 2013 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Dixon, and bore the written approval of Mayor Carey.

PROCLAMATION - NATIONAL COMMUNITY PLANNING MONTH

Mayor Carey read the following Proclamation into the record:

WHEREAS, in every community, change is constant and affects all of us however community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our communities and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the City of Dover Planning Commission and other citizen planners who have contributed their time and expertise to the improvement of the City of Dover.

NOW THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of October 2013 as ***NATIONAL COMMUNITY PLANNING MONTH*** *in the City of Dover, and encourage all citizens to recognize the valuable contributions made by community and regional planners and our partner agencies at the State and county level, and extend our heartfelt thanks for the continued commitment to public service by these professionals.*

Mayor Carey presented the Proclamation to Mrs. Ann Marie Townshend, Director of Planning and Community Development, as well as Mrs. Dawn Melson-Williams, Ms. Janelle Cornwell, and Ms. Connie Holland. Mrs. Townshend explained that Planning is very much a team effort, which includes City Staff, Planning Commission Members, members of City Council, and members of the public. She advised members that Mrs. Melson-Williams and Ms. Cornwell have been the heart of the Planning Office for the past decade. She indicated that Ms. Cornwell recently left the City for employment at Kent County and noted that Planning cannot be accomplished without the partnerships that the City has with Kent County, as well as the State of Delaware. Mrs. Townshend thanked Ms. Holland for the role she has played in Planning at both the county and state levels, and for serving as a great mentor to her over the years.

Having an understanding of the importance of a good partnership, Mr. Hutchison relayed his appreciation to the City's Planning Department, Kent County Planning, and the State of Delaware for their hard work and dedication.

Council President Bonar also thanked Ms. Holland, Ms. Cornwell, Mrs. Melson-Williams, and Mrs. Townshend for what they have done for the planning process in the State, County, and City.

PRESENTATIONS - 2013 MAYOR'S ARTS AWARDS

Mayor Carey reminded members that, every October, the Mayor's Arts Awards are presented to recognize those that have excelled in providing a variety of arts, entertainment, and education in Dover, making the area a better place to live and work, which is good for our community, economy,

and the City's future. He stated that this years recipients are honored for their part in increasing the awareness of the Arts in Dover and he presented the 2013 Mayor's Arts Awards, as follows:

Jan Crumpley

Mayor Carey stated that Ms. Jan Crumpley has been described as an "arts engine" by a friend. The artist, Ms. Crumpley, is receiving a Mayor's Arts Award because of her outstanding contributions to the arts in Dover as a Plein-Air artist, as a folk musician, and an arts organizer. Ms. Crumpley tirelessly promotes the arts and history of Dover. She has become a treasure to local arts organizations by donating her artistic talents, her advocacy skills, and her fundraising abilities for the arts. She is now being recognized for her lasting and profound impact on the cultural life of the Greater Dover area. The Mayor and the Greater Dover Arts Council are proud to honor Ms. Jan Crumpley with a Mayor's Arts Award.

Ms. Crumpley thanked everyone for the recognition.

K. M. Hammond

Mayor Carey advised members that the painting, like life, is a puzzle in which all the parts eventually fit together perfectly. This declared philosophy is what the self-taught artist Ms. K. M. Hammond lives by and she is receiving a Mayor's Arts Award because of her perfectly fitting puzzle of life dedicated to the arts. Ms. Hammond has a long list of accomplishments that include participation in numerous art exhibitions and receiving many awards and honors for her art. Her award winning art is displayed throughout the City. Ms. Hammond is now recognized for her lasting and profound impact on the arts of the Greater Dover area. The Mayor and the Greater Dover Arts Council are proud to honor Ms. K. M. Hammond with a Mayor's Arts Award.

Donald A. Parks

Mayor Carey noted that the legacy of the arts advocacy of Dr. Donald A. Parks is well known throughout the City of Dover. His lasting impact and outstanding contributions to almost all of the visual and performing arts in Dover qualify him to receive a Mayor's Arts Award. Dr. Parks has successfully supported the arts through educating thousands of Delaware State University students, to being appointed by the Governor to the Board of Trustees at the Biggs Museum of American Art, to being a major contributor to countless arts organizations. This civic-minded individual's move to North Carolina has been a great loss to the arts in Dover. The Mayor and the Greater Dover Arts Council are proud to honor Donald A. Parks with a Mayor's Arts Award.

Mayor Carey indicated that Mr. Parks was not able to attend this evening's meeting; therefore, the actual presentation of the award will be accomplished at a later date.

PRESENTATIONS - 2013 MAYOR'S YOUTH ARTS AWARDS

Mayor Carey reminded members that a few years ago, the youth in the community were chosen to be recognized for their great achievements as young individuals in helping to further the arts in the City of Dover. Mayor Carey presented the 2013 Mayor's Youth Arts Awards, as follows:

Rachel Frebert

Mayor Carey stated that Miss Rachel Frebert, who is a Saint Thomas More Academy student, states that "art is more than a way of life; it is who I am, who I've become, and who I will be." He indicated that Miss Frebert is serious about art and is receiving a Mayor's Youth Arts Award because of her ability to recognize her talent and to share it with others. Recently, her artwork was displayed in the emergency wing of Kent General Hospital where her colorful pastel landscape could brighten the lives of the families who saw tragedy. The art portfolio that Miss Frebert submitted for consideration was diverse and represented a strong display of the knowledge of the elements of art and the principles of design. The Mayor and the Greater Dover Arts Council are proud to honor Miss Rachel Frebert with a Mayor's Youth Arts Award.

Alicia M. Fox

Mayor Carey advised members that Miss Alicia M. Fox, who is a junior at Saint Thomas More Academy, was nominated by the Academy's art teacher without hesitation and that the drama teacher gave her wholehearted endorsement. Miss Fox is a promising artist whose artistic abilities should be commended with a Mayor's Youth Arts Award. He stated that Miss Fox describes herself as well-rounded in the arts because she is involved in drawing and painting, drama, choir, and photography. Her art demonstrates a clear command of the subject and the technique of the medium. The Mayor and the Greater Dover Arts Council are proud to honor Miss Alicia M. Fox with a Mayor's Youth Arts Award.

Thomas Price

Mayor Carey indicated that the Polytech High School drama teacher describes Mr. Thomas Price as the student who walks, talks, and breathes theater. He stated that this talented young man, Mr. Price, is receiving a Mayor's Youth Arts Award because of his dedication to the performing arts through acting, directing, choreographing, and producing quality shows at high school and at The Children's Theater. He advised members that another teacher described Mr. Price as resourceful, creative, and a solution-oriented person who is frequently able to come up with new and innovative approaches to his projects. He felt confident that this is the type of person who will succeed in the arts as an adult. The Mayor and the Greater Dover Arts Council are proud to honor Mr. Thomas Price with a Mayor's Youth Arts Award.

Mayor Carey relayed appreciation to Mr. Brian Miller, Chair of the Greater Dover Arts Council, as well as the membership for their assistance in the selection of all the 2013 Mayor's Arts Awards.

Mr. Hutchison moved for a brief recess for light refreshments, seconded by Mrs. Williams and unanimously carried.

Meeting recessed at 7:51 p.m.

Mr. Hutchison moved to reconvene, seconded by Mr. Dixon and unanimously carried.

Meeting reconvened at 8:07 p.m.

REQUEST TO WITHDRAW REZONING REQUEST (PROPOSED ORDINANCE #2013-14) - PROPERTY LOCATED AT 109 EAST DIVISION STREET

A public hearing was duly advertised for this time and place to consider rezoning of property located at 109 East Division Street, owned by Leg Hall, LLC (Rhett Ruggerio). The property is located on the north side of East Division Street between Pennsylvania Avenue and Maple Lane. The property is currently zoned RG-1 (General Residence) and H (Historic District) and the requested zoning is RG-O (General Residence and Office) and H (Historic District).

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to a letter submitted by Mr. John W. Paradee on behalf of the property owner, Rhett Ruggerio, requesting to withdraw the rezoning application. She advised members that during the Planning Commission public hearing there were several in attendance that spoke in opposition to the rezoning application. As a result, the applicant submitted a request to withdraw the rezoning application and is working with the residents of the area on an alternative solution that may be presented at a later date.

Mr. Lynn moved for approval of the request to withdraw the rezoning application for property located at 109 East Division Street, owned by Leg Hall, LLC (Rhett Ruggerio). The motion was seconded by Mr. Slavin and unanimously carried.

PUBLIC HEARING ON REQUEST OF WHITE OAK/TOWNE POINT CIVIC ASSOCIATION TO LIMIT PARKING ON MILLER DRIVE TO ONLY ONE SIDE OF THE STREET

During the Safety Advisory and Transportation Committee Meeting of August 28, 2013, members considered a request from the White Oak/Towne Point Civic Association President, Mr. Nelson Hill, to conduct a study of Miller Drive to determine if parking on both sides of the street was safe. After much discussion, members recommended that a public hearing before City Council be set for October 14, 2013 at 7:30 p.m. to consider prohibiting parking on the north side of Miller Drive. The recommendation for a public hearing was approved by City Council during their Regular Meeting of September 9, 2013, and a public hearing was duly advertised for this time and place to consider the request of White Oak/Towne Point Civic Association to limit parking on Miller Drive to only one side of the street.

Mr. Scott Koenig, City Manager, advised members that following the August 28, 2013 Committee Meeting, he visited the area to review the ideas put forth at the meeting. Based on the testimony at the meeting, as well as a field visit, staff recommended placing the proposed parking restriction on the north side of the road (odd-numbered side of the road), where the fire hydrants are located. Placement of the restriction on the side of the road with the fire hydrants is consistent with the parking restrictions on Boggs Drive, Buck Drive, and Carvel Drive. He stated that there is a total of six (6) "No Parking This Side" signs that will need to be installed, based on the number of street light poles on the north side of the street. The estimated total cost of the signs is $130.74.

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

Mr. Lynn moved for approval of staff's recommendation to restrict parking on the north side of Miller Drive, seconded by Mr. Dixon and carried by a roll call vote of six (6) yes (Dixon, Lynn, Slavin, Williams, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Anderson and Hare).

UTILITY COMMITTEE REPORT - SEPTEMBER 23, 2013

The Utility Committee met on September 23, 2013 with Chairwoman Williams presiding.

Dedication of Rights-of-Way and Public Infrastructure - Lexington Glen Phase 2

Mr. Scott Koenig, City Manager, advised members that Ashburn Homes, Inc., the responsible party for completing the public infrastructure within Phase 2 of the Lexington Glen Subdivision, had requested that all public infrastructure improvements related to this phase be dedicated to the City of Dover for permanent ownership and maintenance. He reviewed an outline of the public improvements associated with Phase 2 and noted that the total construction value of the public improvements was $414,222. In addition, he reviewed a map depicting the general location and configuration of the subject rights-of-way.

Mr. Koenig assured members that Ashburn Homes, Inc. completed construction of the improvements within Phase 2 in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. Mr. Koenig noted that all work required by the Public Works Director had been completed. A one (1) year Maintenance Agreement and a Release of Liabilities would be submitted as part of the dedication process. He stated that the required as-built drawings of the infrastructure, as well as videos of the sanitary sewer mains, had been provided to staff.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in Phase 2 of the Lexington Glen Subdivision, with the dedication to include all of the referenced public improvements.

The committee recommended approval of staff's recommendation for the acceptance of the dedication of rights-of-way and public infrastructure for Lexington Glen Phase 2, to include all of the referenced public improvements.

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

Rate Classification/Tariff Amendment for Churches

Mr. Scott Koenig, City Manager, advised members that staff had received 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. He explained that for this specific example, the Church had consumption levels below the 3,500 kWh/month limit for the C/C1 designation, but their electrical service metering was of the instrument rated type, which

would prevent them from requesting a classification change from C5 to C/C1. The Church was seeking the new classification to avoid the demand charges associated with the C5 classification. Mr. Koenig explained that it appeared that, several years ago, certain churches were included in the residential tariff before commercial tariffs became customized and more sophisticated. At that time, staff sought input from the City's power supply attorney, Mr. Kirk Betts, on this subject. Mr. Betts advised staff that many churches hold functions in the evening from 6-10 p.m., which is a part of PJM's 16-hour peak period, as well as on weekends. Typically, the more active the church, the more likely it is to have a consumption pattern that is similar to commercial users rather than residential users. Mr. Betts advised against creating a specialized "church" or "houses or places of worship" tariff. Mr. Betts also indicated that, as a general rule for rate making, tariffs and rates are based upon cost causation; therefore, similar voltage, demands, and consumption patterns should pay similar rates. Mr. Koenig stated that, based on a review of property listings and the type of use of actual buildings (not a review of individual demands), there were as many as 24 churches that may be in the same situation as the Presbyterian Church of Dover; therefore, any change to the tariff could alter the City's revenue projections based on the modeling of the system.

Mr. Koenig reminded members that the City of Dover had spent a considerable amount of money to complete detailed rate classifications and projections based on the approved tariff language and classifications. Any modifications to the tariffs without analyzing the potential impact on the rates and revenues could degrade the integrity of the current rates. Mr. Koenig indicated that detailed modeling of the requested tariff modification would require input and analysis from the City's rate consultant to ensure accuracy and fairness with respect to financial modeling. He explained that such effort would likely create costs for the utility. As an alternate solution, the Presbyterian Church could rework their metering configuration (at a substantial cost) to comply with the current C/C1 tariff language.

Staff recommended that no action be taken on this request at this time and that the issue be evaluated during the next rate study conducted for the Electric System.

Mr. Koenig stated that the Presbyterian Church had done a good deal of work on their usage and demand and had been a good customer, considering that they had made attempts to conserve energy where appropriate; however, staff was very concerned about altering the tariff language, the unintended consequences of such alteration, and how this may affect the City's rates.

Mr. Koenig noted that a review of the Church's profile over the last year revealed that consumption was under the 3,500 kWh per month consumption limit for C/C1 and ranged from 2,100 to 2,800 kWh. As a result, he stated that they do meet the kWh criteria; however, the instrument rated metering portion was not in compliance and the concept of moving the Church from classification to classification was a concern. He advised members that the City's rates were standard industry rates, there was no additional or special language included in the tariff, and the provision had been included for several years. He explained that staff was concerned about the effect that such a change could have on the tariffs, as well as making any adjustments in "mid-stream." The estimated cost of changing the Church's service to new metering was $5,000-$7,000.

Responding to Mr. Slavin, Mr. Koenig stated that the Church spent $240-$350 per month; therefore, it would take approximately 2 - 2½ years to recapture the $5,000-$7,000 cost.

In the interest of disclosure, Mr. Blakeman advised members that he served as a Trustee for the First Baptist Church; therefore, he would recuse himself from voting on this matter since he had a vested interest. However, he questioned who installed the meter that was presently serving the Church. Responding, Mr. Koenig stated that the City owned the meter and the Church owned the meter pan, explaining that the meter was installed by the City to adjust to the Church's meter pan.

In response to Mr. Perza, Mr. Koenig stated there were many properties with meters in the C5 classification, including an estimated 24 church properties. The estimated financial impact as a result of a change for this classification would be a minimum of approximately $3,600 per year, per location. Mr. Steve Enss, Interim Electric Director, indicated that the meter was provided based on the size of the service. He explained that the meter provided for the Church had the capability to take higher voltage than an average residential meter can read and bring it down to a level that could be read with a meter. If a church requests a large service, installation of instrument transformers would be required. If a church requests a small, 200-amp, residential-type service, a C1 classification (400 amp service and below) meter would be assigned, which would not fall into the C5 classification. Mr. Enss indicated that there was potential for the Presbyterian Church to use more than 400 amps; however, the Church was currently falling under 400 amp usage, and they had the option to reduce the size of their current service. He stated that when these types of changes occur, the expense is borne by the customer.

To clarify questions of Mr. Slavin, Mr. Enss stated that the meter was installed by the City based on the customer's request and service size, explaining that a service size greater than 400 amps was requested and that the City installed an instrument transformer to meet that request. Responding to Mr. Perza, Mr. Enss indicated that every meter is installed by the City.

Considering the time frame that it would take the Church to downsize and upgrade their meter, Mrs. Williams questioned the possibility of the Church being charged at the rate they are using rather than the rate of the service provided. Responding, Mr. Koenig stated that staff did not have the authority to charge customers differently from tariff requirements; therefore, it was necessary to place customers within the tariff that meets the definition of their service. He stated that, to his knowledge, there had been no precedent to go beyond the tariff during the past two (2) years; however, he felt that there may have been prior instances when temporary tariffs had been put in place.

At the request of Mrs. Williams, Mrs. Donna Mitchell, Controller/Treasurer, confirmed that there had never been an instance where the City had gone beyond the tariff requirements. She noted that this action might be in violation of the City's bond covenants, which require the City to charge according to the tariffs.

Mr. Koenig stated that when electric demands for a facility are identified, the customer works directly with the Electric Department to size the service, as well as the meter, to meet the demand.

He indicated that when commercial customers desire to downsize or consolidate their businesses, they must request a meter change, requiring an adjustment to their service size.

Responding to Mr. Hutchison, Mr. Koenig indicated that it would be a couple of years before the City would conduct the next rate study, unless City Council directed staff otherwise. Mrs. Mitchell suggested that members may wish to consider having the demand data gathered for this type of classification and send this to the consultant separately to obtain his opinion in a timely manner.

Council President Bonar noted that the request of the Church was received in April and felt that staff had ample time to gather the suggested information and provide it to members at this time for their review and consideration. Since the Church had been waiting since April for an answer regarding their request, he felt that members owed them an answer at this time.

Mr. Gary Patterson, 41 Park Drive, stated that he served as the Secretary of the Trustees of the Presbyterian Church of Dover and the Clerk of Session and was serving as the representative of the Church in regard to this issue. He advised members that the Church was now in its 299th year in the City of Dover and, in advance of the 300th year anniversary (beginning September 2014), the 276-member congregation had committed over $300,000 in capital improvements that would be undertaken during the next 12 months, some of which had begun. He stated that some of these improvements included upgrades to the 1950's education wing (located right of the sanctuary), where electric service was not "knob and tube" but contained fuses that no longer exist and parts that could not be located; therefore, the Church had committed $20,000-$25,000 to upgrade the electrical system. He stated that, in anticipation of this improvement and other improvements to follow, the Church submitted their request to the City Manager's Office. Mr. Patterson advised members of energy efficiencies that had been instituted at the Church, including window replacements, light bulb replacements, an A/C system (only for sanctuary), etc., explaining that the Church had taken steps to reduce the Church's demand; however, the issue now was relative to the C5 rate classification. He indicated that the Church needed to know if they would be required to spend the $7,000 so that these funds were not spent on other capital improvements and that this was the reason for the immediacy of their request. He advised members that Mr. Ed Mulford, who conducted a five (5) year study of the Church's electrical usage, and Mr. John Littlefield, who had a strong industrial background and a lifetime of experience in engineering, were in attendance and requested that members dialogue with them for a better understanding of the particulars regarding this issue.

Mr. John Littlefield, 90 Watersedge Drive, explained that the main concern with the tariff was the difficulty understanding why a particular meter would affect a rate classification. He stated that the meters, in today's world, measure demand, consumption, etc. and felt that there was no reason to base the rate or classification on the meter or meter type.

Mr. Ed Mulford, 944 Janeka Lane, indicated that, from the Church's perspective, the difficulty was with the reasoning behind those five (5) words in the tariff as they exist, "or have instrument rated metering," which kept them from making the application successfully. He explained that the difficulty was that, although the Church could spend the $5,000-$7,000 required to have the metering changed and the Church's request would then be a moot point, this would take $5,000-$7,000 away from other mission work that the Church was trying to fulfill. Regarding energy usage, he stated that

the Church's records, over the 11 years reviewed, showed that, although air conditioning had been added to areas, overall usage had been decreased. He assured members that it was their intention to continue to take initiatives to reduce energy consumption. Mr. Mulford explained that it was the Church's load profile, which indicated a peak on Sundays, that "punishes" the Church. He noted that, in accordance with the tariff, a peak demand as short as 15 minutes "punishes" them the other six (6) days of the week; whereas, in most commercial situations, the demand charge is distributed over a five (5) to seven (7) day usage profile.

Mr. Perza suggested that staff review the remarks made and conduct a historic review to determine what action the City had taken in past situations when this had occurred, what impact such a change would have on the City's revenue from these types of classified meters, and how many customers would be impacted by such a change.

For clarification, Mr. Perza confirmed that staff's determination would be based on a possible amendment to the tariff that would eliminate the phrase "or have instrument rated metering," and would provide information on the impact that this would have on the City in terms of revenue or other unforeseen possibilities (effects on other non-profits, churches, commercial customers, etc.).

Mr. Slavin relayed his disappointment in the manner in which this matter had been handled. He felt that it was poor customer service for staff to require an institution that had been a part of the City for nearly 300 years to wait six (6) months for the matter to be considered by the Committee for their review and recommendation to City Council and then request the Church to wait an additional 30-60 days to allow staff the opportunity to conduct further research. He stated that the Church, in addition to being a good steward to the community, had donated two (2) of their older properties to the State of Delaware and these properties were currently being used as a home for the Children's Theater of Dover and Kent County. Noting that the Church's congregation had given back to the City and had always treated the City well, he felt that the Church deserved to be treated well by the City; therefore, he explained his opposition to the motion.

In response to the concerns relayed by Mr. Slavin, Mr. Perza indicated appreciation for the contributions made by the Church; however, as a Committee member, he explained the need for the requested information in order to make a decision. Although he felt confident that the City would be receptive to assisting the Church in this matter, he stated that the information was necessary in order to make a decision and help the Church meet their goal.

Mrs. Williams requested that staff also provide information on the specific impact that the elimination of these five (5) words from the tariff ("or have instrument rated metering") would have on the bond covenants.

The committee 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.

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

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 23, 2013

The Legislative, Finance, and Administration Committee met on September 23, 2013 with Chairman Lynn presiding.

Central Dover Planning Grant Donation Request

Mr. Scott Koenig, City Manager, advised members that staff recently received a request from Mr. Joe L. Myer to offer financial support through a $10,000 donation for a project to be known as the Central Dover Planning Initiative. He explained that this project was part of the Wells Fargo Regional Foundation Grant, which was awarded in the amount of $90,000. The overall total project cost was estimated to be $120,000. He indicated that the purpose of the project was to engage the community to address the challenges that many neighborhoods throughout Delaware and the nation were facing – homes that were deteriorating, declining homeownership rates, persistent crime, and limited access to services. This effort would provide opportunity for various stakeholders to work together to make necessary improvements, organize associations, and take a holistic approach to neighborhood building, affordable housing, economic development, and social service delivery.

Members were reminded that, in accordance with the current budget rules, the City Manager was not authorized to transfer funds from the 10 series of the budget without City Council approval. Mr. Koenig indicated that the request was to transfer unused salary from vacant positions to the regular operating budget in order to make the donation to the project. He explained that if Council did not authorize the transfer from the 10 series as requested, staff would need to identify another area of the budget for funding, as this was an important project for the central Dover area.

Staff recommended that City Council authorize the City Manager to transfer $10,000 from the 10 series of the Planning, Code Enforcement and Inspections budget to make the requested donation to the Central Dover Planning Initiative.

The committee recommended approval of staff's recommendation.

By consent agenda, Mr. Slavin moved for approval of the committee's recommendation to authorize the City Manager to transfer $10,000 from the 10 series of the Planning, Code Enforcement and Inspections budget to make the requested donation to the Central Dover Planning Initiative. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Anderson and Hare absent).

Title V Grant Application - Hot Shots (Partnership with Aid in Dover)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that since the fall of 2007, the City of Dover had partnered with Aid in Dover to secure funds through the Criminal Justice Council to provide programming to target at-risk youth. The first

three (3) year cycle funded a program called Girls Circle, which provided after school programming for at-risk girls in middle school to help improve their self-esteem and reinforce positive life choices. The second three (3) year cycle funded a program call GAMES (Growing up And Meeting Each Success), which provided after school programming for boys and girls between the ages of 12 and 18 to help reinforce positive life choices. The current grant request was for a one (1) year grant that consisted of a basketball program for children between the ages of 12 and 17. The program would meet one (1) evening per week for three (3) hours and offer two (2) tournaments during the course of the year.

Mrs. Townshend noted that Aid in Dover had provided two (2) potential grant applications for consideration, one (1) of which would include the cost of utilizing the John W. Pitts Center as in-kind match, and the other that included paying the cost of utilizing the John W. Pitts Center out of the grant request. She summarized the two (2) scenarios for each grant proposal, as follows: 1) Scenario A, in which the City would allow the cost of the John W. Pitts Center as part of the in-kind match and the program would provide three (3), 12-week sessions, reaching a total of 50 youth; and 2) Scenario B in which the grant funds would pay for the use of the John W. Pitts Center and the program would provide three (3), 10-week sessions, reaching a total of 30 youth.

Mrs. Townshend explained that the in-kind match provided by the City of Dover under the grant proposal would be as follows:

1) Finance staff hours for grant administration – 6 hours @ $37.38 per hour = $224;
2) Parks and Recreation hours for grant administration – 30 hours @ $28.75 per hour = $862; and
3) John W. Pitts Center Gym usage (Scenario A only) – 113 hours @ $75 per hour = $8,475

She indicated that staff had concerns about allowing use of the John W. Pitts Center without charge, since there were many community groups that regularly request use of the facility free of charge and there was no clear criteria for granting a fee waiver. As such, it was felt that this could create the impression of unequal or preferential treatment of one (1) group over another.

Staff recommended approval of the grant application for "Scenario B," where grant funds would pay for the use of the John W. Pitts Center.

The committee recommended approval of staff's recommendation.

By consent agenda, Mr. Slavin moved for approval of the committee's recommendation for approval of the grant application for "Scenario B," where grant funds would pay for the use of the John W. Pitts Center. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Anderson and Hare absent).

Open Forum Speaker Rules - Affirmation of the Three (3) Minute Time Limit and Establishment of a Rule Against Ceding Time to Another Person

Chairman Lynn noted that it had been City Council's past practice to allow three (3) minutes for speakers during the Open Forum segment before each City Council meeting. Recently, several individuals had requested to cede time to other individuals, which could potentially allow an individual to speak for the entire 15-minute time allotment for the Open Forum, precluding other speakers. He suggested affirmation of the three (3) minute time limit and establishment of a rule against ceding time to another person.

Responding to Mr. Rushe, Mr. Lynn indicated that members would be permitted to suspend the rules to allow speakers additional time.

In response to concerns of Mrs. Williams, Mr. Lynn suggested that on those occasions when the rules were suspended to provide a speaker additional time, the Chair would gauge whether there were other individuals wishing to speak and, if so, members would craft a motion to suspend the rules in a way that would not preclude other individuals from having the opportunity to speak.

Mrs. Traci McDowell, City Clerk, reminded members that Council is not in official session during the Open Forum segment of the meeting; therefore, suspension of a time limit would be at the discretion of the Council President.

As an alternative, Mr. Shevock suggested that if a 15-minute period were allotted and there were six (6) individuals wishing to speak, an individual who wished to go beyond their three (3) minute period could be stopped after three (3) minutes. If time remained after all speakers, members could then allow that individual an additional opportunity to speak. Responding, Mr. Lynn felt that this suggestion would fall within the purview of the Council President during the Open Forum segment.

Mr. Eshed Alston, 406 Arnold Court, Dover, suggested that the time limit be increased to five (5) minutes, explaining that if several speakers were requesting additional time, this may be an indication that enough time was not initially provided to speakers. If five (5) minutes were provided, he felt that this time limit should not to be exceeded, no proxy use of time should be allowed, and if time remained at the conclusion of all speakers, an individual could then be provided additional time to speak.

The committee recommended the affirmation of the three (3) minute time limit for speakers at the Open Forum segment of the Council Meetings and at the committee level and the establishment of a rule against ceding time to another person at both the committee level and Open Forum Sessions.

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

Review of Proposed Staff Evaluation Form

During their Regular Meeting of October 10, 2011, City Council requested that staff research and design a new employee performance evaluation form which would better meet the needs of both the City and employees. As directed, staff conducted research and designed an Employee Performance Evaluation, which was provided to members for their review and recommendation.

Mr. Scott Koenig, City Manager, indicated that the proposed evaluation form would be utilized for all employees, with the exception of sworn police officers. An evaluation would be required for all employees and would be completed on the anniversary of the employee's hire date.

Mr. Koenig advised members that all department heads had reviewed the proposed evaluation form and felt that it was an improvement over what had been previously utilized.

Staff recommended approval of the proposed Employee Performance Evaluation Form.

Responding to Mrs. Williams, Mr. Koenig stated that the evaluation form had not been vetted through an attorney; however, to his knowledge, no evaluation form had been vetted. He stated that staff would forward the form to the City Solicitor's Office for review prior to the Committee's recommendation being considered by City Council.

In response to Mr. Perza, Mr. Koenig confirmed that no concerns were relayed by department heads regarding the use of the proposed evaluation form; however, he stated that there were concerns regarding the evaluation date requirement such as hire date, end of the budget year, beginning of the calendar year, etc. He stated that there were a few suggestions from staff and that the evaluation form was adjusted accordingly.

Council President Bonar relayed appreciation to staff for developing an evaluation form that provided unanimity among the City's evaluation procedures.

The committee recommended approval of staff's recommendation stipulating a favorable review by the City Solicitor's Office. *(City Clerk's Office Note: Subsequent to the legal review, Staff revised the Employee Performance Evaluation Form to include the City Solicitor's recommendations.)*

During the Council Meeting, Mr. Koenig advised members that Deputy City Solicitor Pepper had suggested amending page 1, Instructions, under the paragraph "Signatures" by adding language, as follows: *"The employee may be subject to discipline for refusing to sign the performance evaluation"*.

Staff recommended approval of the evaluation form with the amendment submitted by Deputy City Solicitor Pepper.

Mr. Slavin moved for approval of staff's recommendation to approve the Revised Employee Performance Evaluation Form *(Exhibit #1)*, seconded by Mr. Dixon and carried by a roll call vote of six (6) yes (Dixon, Perza, Slavin, Williams, Hutchison, and Bonar), one (1) no (Lynn), and two (2) (Anderson and Hare).

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - SEPTEMBER 25, 2013

The Safety Advisory and Transportation Committee met on September 25, 2013 with Chairman Hutchison presiding.

Dover High School Construction Update

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that monthly coordination meetings with the Capital School District (the District) were continuing and had been very successful, with the next meeting scheduled for September 26, 2013. The meetings had been attended by representatives of the District, City and State agencies, and recently included the engineer from the Leander Lakes subdivision project. Mrs. Townshend reviewed a map depicting the layout of the New Dover High School Project.

Mrs. Townshend reminded members that concerns had been relayed by the District regarding the availability of funds and the District had indicated a possible need to re-evaluate whether they could construct the east entrance, as previously planned. She stated that last week she had attended a meeting of the Capital School Board where an update on school construction was provided by EDiS, the building contractor, and ABHA, the architect. Mrs. Townshend stated that the site plan had been approved, a request for a parking reduction had been submitted, and a public hearing had been scheduled for the Planning Commission on October 21, 2013. She indicated that the plan was to reserve areas for parking in the future rather than build the parking lots at this time. In addition, EDIS and ABHA would be providing an overview of the project similar to that provided to the Capital School Board last week. She noted that there were several issues that the District wished to present for possible revisions that would help to reduce costs, such as the number of tennis courts, seating capacity in the stadium, etc.

Mrs. Townshend stated that the issue of greatest interest to the City was the east entrance to the school and she assured members that the District was aware of the City's concerns regarding this matter. Should the District wish to eliminate the east entrance, she stated that they would be required to submit the request to the Planning Commission for a public hearing. At this time, there was no indication that the District would not move forward with construction of the east entrance. She assured members that staff would meet with the Delaware Department of Transportation (DelDOT) to discuss the functionality of the intersection and reminded members that the City had discussed the possibility of revisiting the entrance design to be reduced to "right in/right out."

Mrs. Townshend stated that all other construction on site was proceeding as planned. She stated that she would advise members of the action taken by the Planning Commission when they consider the parking request during their meeting in October.

Mr. Davis noted that the east entrance was planned to accommodate bus traffic and that the west entrance was planned to accommodate vehicular traffic. According to a recent newspaper article, he stated that the road on the west entrance was augmented as a necessity by DelDOT, which is why the monies were not available for the east entrance. Responding, Mrs. Townshend stated that Leander Lakes submitted the apartment complex site plan before the new high school plan was submitted; however, due to the economy, construction by Leander Lakes slowed. To her recollection, the roadway was originally planned to be a 24' - 26' wide City street. With the addition

of the school project, there was discussion as to how the road would be redesigned, and the initial conceptual design of the road by Leander Lakes did not meet the needs to serve both properties. As a result, the design of the roadway was widened in order to serve both properties. She noted that there were additional concerns regarding the connection to Tribbitt Street and connecting through Cannon Mill. As a result, it was decided to bring the connector road all the way through to Hazlettville Road, and, at that time, it was determined that the road would serve as a regional connector road. As such, it then became a DelDOT road which would be built to DelDOT standards. She was not aware of the cost difference between construction as a DelDOT road versus a City road.

Responding to Mr. Davis, Mrs. Townshend explained that after the connector road was determined to be a DelDOT road, the District entered into an agreement which specified that the District would be responsible for designing and building the entrance and the road down to the school's points of access, and Leander Lakes would pay for the additional section of the road. According to the agreement, construction must be complete by May 2014. The design, as prepared by Landmark Engineering, the engineers for Leander Lakes, had been submitted to DelDOT, who had submitted comments. The intent was to have the design finalized by the end of the year in order for construction to begin shortly after the first of the year. In addition, Mrs. Townshend noted that DelDOT was responsible for the design and installation of the HAWK signal and was paying for approximately $700,000 in sidewalk improvements on the north side of Route 8. Therefore, she assured members that DelDOT had a share of the responsibilities for the completion of this project.

Ms. Karen Nickerson, 24 Stoney Drive, Heatherfield, requested additional information regarding the road that would travel through Cannon Mills. She relayed concerns that such a road would provide additional traffic on Route 8. Responding, Mrs. Townshend explained that the intent was for the road to improve traffic conditions. She stated that staff's concern, and the reason that the interconnection was urged, was that there were over 900 units in both Cannon Mill and Village of Westover, with several of these units containing children who would attend the new school. She explained that it was assumed that some of these children would drive to school rather than walk, and without the interconnection it would be necessary for them to utilize Hazlettville Road, either Artis Drive or Mifflin Road, and Route 8 in order to access the school. She stated that since the road would not be a direct route through the subdivision, it was not anticipated that it would be utilized as a "pass through," like Mifflin Road and Artis Drive.

Ms. Nickerson explained her concern regarding the current difficulty in leaving the subdivision due to traffic. Residents were previously advised that the traffic signal at Mifflin Road would help; however, she stated that this had not provided relief. Responding, Mrs. Townshend noted that an additional traffic signal would be installed and, with signal timing, she felt that those concerns would be addressed.

In response to Mr. Keller regarding whether current traffic information was analyzed, it was Mrs. Townshend's recollection that DelDOT utilized information from the 2008 Route 8 Study in reviewing the traffic plan. Mr. Mark Luszcz, representative of DelDOT, stated that a report was received in 2011 from the District's engineer which included a justification for the proposed traffic signal at the west entrance and that this report would have contained updated traffic counts.

Mr. Les Blakeman, 209 Falmouth Way, Cranberry Run, questioned if the roadway extension would eventually travel to Hazlettville Road. Responding, Mrs. Townshend stated that although this continued to be a part of the plan, it had not been "pushed out" by DelDOT and there was no funding associated with this project. In addition, she stated that the property owner did not necessarily want to sell the right-of-way; therefore, there were several obstacles that would need to be overcome before the extension could come to fruition.

Mr. Ray Paylor, 10 Yarmouth Way, Cranberry Run, stated that his property was located directly across from the new Dover High School. He questioned if there was an estimated date for the construction of the apartment complex by Leander Lakes. Responding, Mrs. Townshend stated that the City recently received comments from the Kent Conservation District relating to the stormwater review for the project. At the current pace, she estimated that construction would begin in a year.

No further action was taken.

Presentation on the High-Intensity Activated crossWalK (HAWK) Signal *(Delaware Department of Transportation)*

Mr. Mark Luszcz, Chief Traffic Engineer for the Delaware Department of Transportation (DelDOT), and Mr. Steve Brown, Project Development - Road Design for DelDOT, introduced themselves and reviewed a Presentation - Route 8 & Heatherfield Way: Pedestrian Hybrid Beacon. Mr. Luszcz explained that the traffic control device known as the HAWK, (High-intensity Activated crossWalK) is officially called a Pedestrian Hybrid Beacon. He indicated that the device was not a full traffic signal nor a beacon, which would be a constant flashing yellow light or a red signal ahead when flashing, but served as a hybrid of these two (2) devices.

Mr. Luszcz indicated that the HAWK is used to safely control pedestrian and vehicular traffic in locations where there is a moderate to high volume of both pedestrians and vehicles in instances where a full traffic signal is not justified. He stated that many years of research had been performed to determine when a full operating traffic signal should be utilized. He explained that when a full traffic signal is utilized but not justified (based on certain criteria), negative results occur, such as accidents, unacceptable and unnecessary delays, etc. He stated that, according to the analyses of the Capital School District (the District) and DelDOT, based on the traffic and expected pedestrian volume criteria, a full traffic signal was not warranted at the east entrance of the new Dover High School (the school) at this time; however, a full traffic signal was warranted at the west entrance. He noted that the criteria could change in the future.

Mr. Luszcz explained that the HAWK signal would be installed at the intersection of Route 8 and Heatherfield Way, near the proposed east entrance of the school, which was scheduled to open in the Fall of 2014. He explained that a HAWK signal would remain normally dark for vehicular traffic and is activated when a pedestrian presses the activation button, much like at a crosswalk at a regular traffic signal. He stated that, once activated, the HAWK signal goes through stages to stop traffic long enough for the pedestrian to safely cross the street. Once the pedestrian crosses, traffic resumes as normal and the HAWK signal resets itself for future activation. Members reviewed a video depicting proper and improper use of a HAWK signal located in Newark.

Referring to the video, Mr. Brett Martine, Traffic Engineer with DelDOT, suggested the possibility of placing an article in a local newspaper and including some type of narrative to the presentation to provide an explanation on proper utilization of the HAWK signal. Mr. Luszcz offered to take whatever action necessary to inform the public, indicating that DelDOT took extensive measures with public outreach in Newark when the signal was installed; however, there was no cooperation with the media, explaining that a press conference was held and no one attended, nor was there newspaper coverage of any kind regarding the information.

Mr. Jeff Brown of the *Dover Post* offered to include a link on the newspaper's website directing the public to DelDOT to obtain information on the HAWK signal.

In response to Mr. Perza regarding whether any special legislation should be enacted in relation to the HAWK signal since there was no other such device being utilized in Delaware with the exception of Newark, Mr. Luszcz suggested that this be discussed with the Dover Police Department. If the City were to request some type of legislation to address violations in connection with the device, DelDOT could offer assistance. In addition, Mrs. Townshend suggested that the District become involved and introduce students to the device and how it functions.

Ms. Ann Alexander, 15 Stoney Drive, Heatherfield, suggested the possibility of using a camera at the intersection. Responding, Mr. Luszcz stated that cameras installed for red light enforcement are placed in locations based on a very regimented, State-wide, data-driven prioritization system (based on accidents, etc.). He stated that DelDOT utilizes traffic monitoring cameras, which are not recorded, and that surveillance cameras were not installed by DelDOT. Mrs. Townshend confirmed that the City had installed surveillance cameras in the downtown area.

Responding to Mr. Les Blakeman, 209 Falmouth Way, Cranberry Run, regarding concerns of out-of-town visitors, particularly during NASCAR weekend, Mr. Luszcz assured members that message boards, as well as permanent signage, would be erected to notify drivers of the new signal. Consideration would be given to erecting message boards specifically for race weekend.

In response to Mr. Davis, Mr. Luszcz advised members that the portion of Route 8 adjacent to the school was not considered a "school zone;" therefore, no signage would be erected indicating such, nor would there be a reduction in speed limit. He stated that there was no evidence that drivers react to speed limit signs, explaining that traffic does not change speed based on the speed limit but rather the surrounding environment (main arterial road, rural area, vacant land, etc.). Should the area develop and traffic increase, this would adjust the speed of traffic in the area. Mr. Davis suggested that this matter be further considered by the Committee in the future, noting his opinion that this portion of Route 8 should be a designated school zone.

Mr. Perza referred to other areas in the City where crossing guards control the traffic signal, allowing pedestrians to cross roadways, and questioned if the HAWK signal could be used in a similar manner. Responding, Mr. Luszcz stated opposition, explaining that DelDOT was making a concerted effort in New Castle County to eliminate the use of crossing guards for controlling traffic signals, with plans for elimination throughout the State. Noting that crossing guards "do a great job," he indicated that they are not professionally trained and that they actually cause more safety and operational problems than they solve.

Responding to Mr. Perza, Mr. Luszcz stated that the HAWK signal had been designed so that it could potentially be converted to a full traffic signal if it met that justification, based on a future traffic study. He explained that the current actions being taken were based on projected pedestrian and vehicular traffic numbers. Mr. Luszcz indicated that it would be the State's financial responsibility to make such changes in the future. He felt confident that the school, City, and State, would be monitoring the intersections and if there were significant issues, DelDOT staff would conduct an updated traffic study.

Ms. Karen Nickerson, 24 Stoney Drive, Heatherfield, relayed concern that the children living in Cranberry Run who were attending school would not walk down to Heatherfield East to cross over to the school. Responding, Mr. Luszcz stated that Route 8 should not be crossed without the assistance of a traffic signal; however, DelDOT had no control over the actions individuals would take in this regard.

At the request of Mrs. Townshend, Mr. Bruce Ashby, Transportation Supervisor for the District, stated that it was anticipated that the students residing in Cranberry Run, Heatherfield, and off Route 8 down to the traffic signal at Dover-Kenton Road, such as the apartments in the area, Mallard Pond, etc. would be walking to school. It had been estimated that this would consist of approximately 100 students.

Responding to Mrs. Townshend, Mr. Luszcz stated that a crosswalk at the west entrance was not currently in the plans. Noting that there were no sidewalks, Mrs. Townshend questioned if there would be more compliance with using the signals to cross Route 8, particularly for those students who reside in Cranberry Run, if they could cross at the west entrance. Mr. Ashby indicated that it would be a shorter distance for students from Cranberry Run to walk to the east intersection than the west intersection.

Mr. Martine stated that, in addition to working for DelDOT, he also served as the President of the Cranberry Run Homeowners Association. He advised members that since sidewalk had not been installed all the way down to the west intersection, it was anticipated that the students would do some type of diagonal crossing. He felt that consideration of any type of connection down to the west entrance may be more accommodating than to have a "backtrack" situation. Responding, Mr. Luszcz felt that, although it would not be difficult to retrofit the west entrance to include a crosswalk, it was not currently included in the plans.

Mr. Steve Brown advised members that DelDOT was currently tasked to install sidewalks only from Marsh Creek connecting to the existing sidewalk in Heatherfield and then on the west side of Stoney Drive to Cranberry Run. He stated that a five-foot (5') sidewalk, hugging the curb, would be installed, weaving in and out for mailboxes and utility poles. He stated that DelDOT was tasked to have these sidewalks installed in order to get students safely from those developments to the HAWK signal.

Mr. Blakeman referred to an "S" shaped sidewalk from Route 8 to the front door of the school, which he felt would encourage students to cross at the appropriate location. Responding, Mrs. Townshend stated that this sidewalk had not yet been constructed and suggested that it be re-evaluated.

Mr. Perza noted that Delaware State University had a wall erected across their facility along Route 13 and questioned the possibility of erecting a wall or fence to deter students from crossing Route 8.

In response to Ms. Alexander's concerns regarding the traffic flow in the area, Mrs. Townshend stated that the entire function of the west intersection would be evaluated.

Responding to Ms. Dorothy Adams, 102 Falmouth Way, Cranberry Run, Mr. Luszcz stated that a presentation and a mock demonstration of the HAWK signal had been provided to students in Newark and he offered to do the same or similar for the students at the new High School.

Ms. Adams advised members that there was not a right turn lane into Cranberry Run, noting that there was a lane present but that there was a white line which discouraged crossing. When turning into Cranberry Run, she stated that vehicles pass using the lane for oncoming traffic. She relayed concern that this may cause a bad accident and questioned the possibility of a turn lane being installed. Responding, Mr. Martine, indicated his opinion that the recent street resurfacing in front the subdivision, provided a great opportunity for the addition of a turn lane. However, he explained that the guidelines for a turn lane stipulate the accommodation for a bike lane as well, and with the additional 4 foot bike lane, the roadway in front of Cranberry Run was 1 foot, 6 inches shy of the correct layout. He stated that, after examining the matter, the only recommendation was to possibly increase the shoulder from 8.5 feet. He stated that there was a 12 foot gore area (the yellow marking in the center of the roadway), which provides a neutral space for vehicles traveling west to pass turning vehicles, but he highly recommended that all motorists use the shoulder when turning into the subdivision, to allow vehicles to pass.

In response to concerns of Mr. Sam Adams, 102 Falmouth Way, Cranberry Run, Mr. Luszcz indicated that when there is a single white line, vehicles are discouraged from crossing over; however, it is permitted. He explained that when there is a double white line, vehicles are prohibited from crossing over.

Mr. Ray Paylor, 10 Yarmouth Way, Cranberry Run, advised members of an incident whereby he was given a warning by a Camden Police Officer for making a right turn from the shoulder, explaining that there was a vehicle in front of him stopped to make a left and he wanted to make a right, so he went around the vehicle on the shoulder and turned. Responding, Mr. Martine could not explain the Police Officer's position since there was only one (1) vehicle being "passed," explaining that if more than one (1) vehicle had been passed and the shoulder was used to advance, he would better understand the situation. He assured members that, in accordance with the governing publications utilized by traffic engineers, such a movement is legal. He again encouraged the use of the shoulder for residents turning into Cranberry Run.

Mrs. Townshend personally thanked Mr. Luszcz, Mr. Brown, and Mr. Jim Satterfield from DelDOT for all of their work and diligence in working with the City and the District on this project.

Mr. Perza thanked everyone for their participation at this meeting.

No further action was taken.

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

MONTHLY REPORTS - AUGUST 2013

By motion of Mr. Slavin, seconded by Mr. Dixon, the following monthly reports were accepted by consent agenda:

Budget Report
Chief of Police Report
City Assessor Report
City Manager's Report
City Planner's Report
Economic Development

ANNEXATION/REZONING REQUEST/FIRST READING (ORDINANCE #2013-16) - 508 ACORN LANE, OWNED BY RUAL M. JUAREZ

A request was received for annexation and rezoning of property located at 508 Acorn Lane, consisting of two (2) parcels totaling $2.45^{+/-}$ acres (Parcel No. 1: located on the westerly side of Acorn Lane, containing $1.315^{+/-}$ acres; and Parcel No. 2: located on the easterly side of Acorn Lane, containing $1.135^{+/-}$ acres), owned by Raul M. Juarez. The property is currently zoned RS-1 - Single Family Residence (Kent County zoning classification) and the proposed zoning is R-8 - One-Family Residence (City of Dover zoning classification).

Staff recommended that the request be referred to the Utility Committee on October 28, 2013; the Planning Commission on November 18, 2013; and that a public hearing be set for December 9, 2013 at 7:30 p.m.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the property is an enclave, surrounded by City of Dover property, and is bisected by Acorn Lane, with a house located on the east side and the west side vacant.

Mrs. Williams moved for referral, as recommended, seconded by Mr. Slavin and unanimously carried.

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

ORDINANCE #2013-16 AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 508 ACORN LANE

ANNEXATION/REZONING REQUEST/FIRST READING (ORDINANCE #2013-17) - PROPERTY LOCATED ON THE WESTERLY SIDE OF ACORN LANE, OWNED BY THE CITY OF DOVER

A request was received for annexation and rezoning of property located on the westerly side of Acorn Lane, consisting of $0.075^{+/-}$ acres (3,264 s.f.), owned by the City of Dover. The property is currently zoned RS-1 - Single Family Residence (Kent County zoning classification) and the proposed zoning is R-8 - One-Family Residence (City of Dover zoning classification). Staff recommended that the request be referred to the Utility Committee on October 28, 2013 and to the Planning Commission on November 18, 2013; and that a public hearing be set for December 9, 2013 at 7:30 p.m. (TAX PARCEL ED-00-068.15-01-12.00-000; PLANNING REFERENCE AX-13-03; COUNCIL DISTRICT 3).

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the property is a very small piece of property that was identified when the annexation request for 508 Acorn Lane was received (see previous agenda item). She stated that the property is contiguous to other property owned by City of Dover that is within the City limits. In an effort to fill-in the enclaves, Staff felt that this property should also be annexed.

Mr. Slavin moved for referral, as recommended, seconded by Mrs. Williams and unanimously carried.

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

ORDINANCE #2013-17 AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF ACORN LANE.

COUNCIL MEMBERS ANNOUNCEMENTS

Mrs. Williams thanked the anonymous donor for the cupcakes provided for her birthday and invited anyone wishing to participate after the meeting, to join her in the Caucus Room for a cupcake.

Council President Bonar wished Mrs. Williams a happy birthday (October 6th) and an early birthday wish to Mayor Carey (October 27th).

By unanimous consent, the meeting adjourned at 8:20 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 14, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibit
Exhibit #1 - Employee Performance Evaluation Form, as amended

Employee's Name:

Title:

Supervisor:

Review Period

Instructions for the Employee Performance Evaluation
September 2013

- Annual reviews are required for all employees and shall be completed on the anniversary of the employee's hire date.
- Before conducting a performance evaluation, a supervisor must give an employee a reasonable time to demonstrate performance.
- A supervisor shall arrange to meet with the employee to discuss the employee's evaluation no later than 30 days after the anniversary of the employee's hire date.

COMPLETING THE EMPLOYEE PERFORMANCE EVALUATION

PART 1: Core Competencies
This section is to include comments on the degree and qualities of the results achieved and note any extenuating circumstances affecting the results regarding the employee's performance. It is important to evaluate and discuss the employee's overall job performance and provide specific details and examples of exceptional performance as well as any areas needing improvement. It is necessary to provide a development plan to improve performance if deficiencies are noted. List any specific activities the employee can accomplish within the next year as part of their professional development plan.

This section of the evaluation is not scored.

PART 2: Performance Competencies
Each employee shall be evaluated on all the Performance Competencies in Part II with the exception of categories that do not pertain to that specific employee. That category would be scored as New/Not Applicable, (example: Question #11 will not pertain to all employees as it is directed towards a supervisor) and not count in the employee's overall scoring.

Total the scores awarded for each performance competencies. Divide the total by the number of performance competencies graded. Place the score in the Scoring Table for Part II.

Review with the Employee

The supervisor shall meet with the employee to discuss and review the evaluation. The supervisor shall provide a copy of the completed evaluation at a minimum of two days prior to the meeting to the employee. This will allow the employee an opportunity to review the evaluation prior to the meeting. During the review, the individual's performance, strengths, and developmental needs are to be discussed.

Signatures

The employee and the supervisor are required to sign the evaluation once it has been reviewed together. The employee may be subject to discipline for refusing to sign the performance evaluation. The employee and supervisor may attach an addendum. The evaluation shall be presented to the Department Head for review and signature. The Department Head shall then forward the evaluation to the Human Resources Director.

A copy of the evaluation is to be provided to the employee. The employee shall be informed that the evaluation will be placed in the employee's personnel file maintained in the Human Resources Department. Evaluations become a permanent record in the employee's file.

Employee Performance Evaluation

Part I Core Competencies

1. Evaluate and discuss the employee's overall job performance during the review period. Provide specific examples.

2. Provide any examples of exceptional performance.

3. For any areas needing improvement, provide examples and develop a plan to improve performance.

4. State and discuss the expectations and goals for the upcoming review period. Goals are to be S.M.A.R.T. (specific, measurable, attainable, realistically high, and target dated).

5. List specific activities the employee can accomplish within the upcoming review period as part of their professional development plan.

Employee Performance Evaluation

Part II Performance Competencies

(Depending on position, some competencies may be more relevant than others)

		Distinguished Contributor	Performance Improver	Valued Contributor	Improving Contributor	Non-Contributor
Distinguished Contributor:	**Effects measurable and lasting improvements in organizational performance.**					
Performance Improver:	**Contributes more than effective performance of essential functions and enhances the performance self and others requirements.**					
Valued Contributor:	**Performs essential functions of the job Effectively.**					
Improving Contributor:	**Learning the essential functions of the job, or improving toward effective performance of all essential.**					
Non-Contributor:	**Not able or willing to perform the essential functions of the job.**					
New/Not Applicable:	**Not applicable or new would be a new employee or a specific task that does not apply to a particular person.**					
Example: Displays fairness toward all subordinates.		*NA*				
Example: Displays fairness toward all subordinates.		*5*				
1.	**Skill and proficiency in carrying out duties and assignments** *Comments:*					
2.	**Possesses skills and knowledge to perform the job competently** *Comments:*					
3.	**Skill at planning, organizing and prioritizing workload (For self and direct reports, if applicable)** *Comments:*					
4.	**Holds self accountable for assigned responsibilities, sees tasks through to completion in a timely manner** *Comments:*					
5.	**Proficiency at improving work methods and procedures as a means toward greater efficiency** *Comments:*					
6.	**Communicates effectively with supervisor, coworkers, and staff** *Comments:*					
7.	**Ability to work independently** *Comments:*					
8.	**Willingness to take on additional responsibilities** *Comments:*					
9.	**Reliability (attendance, punctuality, meeting deadlines)** *Comments:*					

Employee Performance Evaluation

		Distinguished Contributor	Performance Improver	Valued Contributor	Improving Contributor	Non-Contributor
Distinguished Contributor:	**Effects measurable and lasting improvements in organizational performance.**					
Performance Improver:	**Contributes more than effective performance of essential functions and enhances the performance self and others requirements.**					
Valued Contributor:	**Performs all essential functions of the job Effectively.**					
Improving Contributor:	**Learning the essential functions of the job, or improving toward effective performance of all essential.**					
Non-Contributor:	**Not able or willing to perform the essential functions of the job.**					
New/Not Applicable:	**Not applicable or new would be a new employee or a specific task that does not apply to a particular person.**					
10.	**Proficiency at analyzing facts, problem solving, decision-making, and demonstrating good judgment** *Comments:*					
11.	**Displays fairness towards all subordinates** *Comments:*					
12.	**Assists employees with skills development or enhancement** *Comments:*					
13.	**Delegates responsibility where appropriate** *Comments:*					
14.	**Takes timely and appropriate corrective/disciplinary action with employees** *Comments:*					
15.	**Observes proper workplace and job site safety rules and ensures employees follow proper safety guidelines** *Comments:*					
16.	**Takes specific steps to create and develop the workforce and promote a team based environment** *Comments:*					
17.	**Displays a positive attitude toward career** *Comments:*					
18.	**Exercises common sense and discretion when required** *Comments:*					
19.	**Can be trusted with sensitive information** *Comments:*					
20.	**Uses critical thinking in stressful situations** *Comments:*					

Employee Performance Evaluation

Scoring Table	
Core Competencies (Part I) are not rated. Total the points earned for questions in Part II and place scores in the appropriate column and multiply by the total number of applicable items scored.	
Factors Scored	Total Score Per Section
Part I Core Competencies, Questions 1- 5	Not Scored
Part II Questions 1 - 20	
Total Score in Part II/ Number of Scored Performance Competencies	

Performance Rating Definitions		
5	Distinguished Contributor	Effects measurable and lasting improvements in organizational performance.
4	Performance Improver	Contributes more than effective performance of essential functions and enhances the performance of self and others.
3	Valued Contributor	Performs all essential functions of the job effectively.
2	Improving Contributor	Learning the essential functions of the job, or improving toward effective performance of all essential functions.
1	Non-contributor	Not able or willing to perform the essential functions of the job & unacceptable.

Employee Performance Evaluation

Signatures

The employee and the evaluator are required to sign in the space below after they have reviewed the evaluation. The employee's signature does not necessarily indicate agreement with the evaluation. Any written comments made by the employee must be attached. The Performance Evaluation will be placed in the employee's official personnel file. A copy is to be provided to the employee.

Employee: I have had this evaluation explained to me.

- ☐ I agree with this evaluation.
- ☐ I do not agree with this evaluation.
- ☐ I wish to appeal this evaluation.
- ☐ I have attached an addendum to this evaluation.

_____ _____

Signature of Employee Date

Evaluator: I have explained this evaluation to the employee and attest that the information contained herein represents my best judgment of the employee's performance.

- ☐ I have attached an addendum to this evaluation.

_____ _____

Signature of Evaluator Date

_____ _____

Signature of Department Head Date