UTILITY COMMITTEE

The Utility Committee Meeting was held on February 25, 2013 at 5:01 p.m. with Chairman Bonar presiding. Members present were Mr. Perza, Mrs. Williams (arrived at 5:24 p.m.), and Mr. Blakeman. Mr. Snaman was absent. Members of Council present were Mr. Dixon and Mr. Lynn (arrived at 5:05 p.m.), Mr. Hare (arrived at 5:14 p.m. and departed at 5:23 p.m.), Mr. Hutchison, and Council President Leary (arrived at 5:10 p.m.). Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Annexation Request - Property Located at 1174 South Governors Avenue, Owned by Sipple's Used Cars, Inc.

Members were provided a Petition to Annex and Zone Property located at 1174 South Governors Avenue, consisting of $8,250^{+/-}$ SF, owned by Sipple's Used Cars, Inc.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the property is currently served by City of Dover Electric and, although there is no sanitary sewer or water service to the property, both sanitary sewer and water mains run on South Governors Avenue in front of the property. She indicated that the property owner would be responsible for the costs associated with tapping the sanitary sewer and water mains, extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.

Staff recommended annexation of the property and adoption of Resolution No. 2013-06 setting the annexation referendum.

In response to Mr. Perza, Mrs. Traci McDowell, City Clerk, indicated that the cost of holding such a referendum would be approximately $150. Noting that a proposed Charter Amendment was scheduled for consideration by City Council in the very near future that would change the annexation procedure by eliminating the need for a referendum for single property requests, Mr. Perza questioned if action on this request should be delayed until action was taken on the Charter Amendment, which would allow for administrative approval of the annexation. Responding, Mrs. Townshend stated that the applicant had requested City sewer. She stated that if action were delayed, the City would need to extend water and sewer to the property, with the stipulation that the property would be annexed at a later date. Mrs. McDowell advised members that the Charter Amendment was scheduled to be considered by the Legislative, Finance, and Administrative Committee during their meeting scheduled later in the evening and, should it be approved by City Council, there was no guarantee that it would be approved by the State Legislature.

Mr. Blakeman moved to recommend approval of staff's recommendation for annexation of the property and adoption of Resolution No. 2013-06 ***(Attachment #1)*** **setting the annexation referendum for property located at 1174 South Governors Avenue, owned by Sipple's Used Cars, Inc. The motion was seconded by Mrs. Williams and unanimously carried.**

Dedication of Rights-of-Way and Public Infrastructure - Village of Cannon Mill - Phase I

Staff submitted a request for all public infrastructure improvements related to Phase 1 of the Village of Cannon Mill to be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a list of the public improvements associated with Phase 1. The total construction value of the public improvements was $1,170,700. Members reviewed a map showing the general location and configuration of the subject rights-of-way.

Mr. Scott Koenig, City Manager, advised members that the original developer filed for bankruptcy, which resulted in work stoppage within the subdivision. The final wearing course and punch list items remained to be completed to meet the City of Dover Standards and Specifications for Public Works Construction and had been outstanding for many years. The Department was prepared to complete the work required, pending rights-of-way and public infrastructure dedication. He stated that during their meeting scheduled for later in the evening, City Council would be considering a request for a contract in the amount of $275,000 to complete the paving and concrete improvements for this subdivision. He advised members that Representative Darryl Scott and Senator Brian Bushweller had agreed to contribute $165,000 of the $275,000 in community transportation funds. Mr. Koenig explained that, in order to use these funds, the roads must be dedicated prior to the agreements being signed.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in the Village of Cannon Mill Subdivision (Phase I), with dedication to include all of the referenced public improvements, as follows:

Sewer Utility Infrastructure (Construction Value = $265,100):		
10” SDR-35 PVC Sanitary Sewer Main	-	1,945 l.f.
8” SDR-35 PVC Sanitary Sewer Main	-	2,755 l.f.
6” PVC Sanitary Sewer Laterals	-	3,300 l.f. (134 laterals)
4' Diameter Sanitary Sewer Manholes	-	24 ea. (214 v.f.)
Water Utility Infrastructure (Construction Value = $162,000):		
8” Ductile Iron (Class 52 Cement Lined) Water Main	-	6,100 l.f.
6” Ductile Iron (Class 52 Cement Lined) Water Main	-	255 l.f.
1” K Copper Water Service Lines	-	3,600 l.f. (134 services)
8” Gate Valve	-	20 ea.
6” Hydrant Valve	-	9 ea.
Fire Hydrants	-	9 ea.

Storm Water Infrastructure (Construction Value = $169,700):		
Catch Basins	-	40 ea.
4' Diameter Storm Sewer Manholes	-	3 ea.
Outfall Structure	-	4 ea.
15" Type III Reinforced Concrete Pipe	-	1,610 l.f.
18" Type III Reinforced Concrete Pipe	-	905 l.f.
24" Type III Reinforced Concrete Pipe	-	735 l.f.
30" Type III Reinforced Concrete Pipe	-	465 l.f.

Street Infrastructure (0.7348 miles) (Construction Value = $573,900):		
Cannon Mill Dr.	Station 0+00 to Station 6+50	650 l.f.
East Sheldrake Cir.	Station 37+75 to Station 20+50	580 l.f.
West Sheldrake Cir.	Station 0+00 to Station 6+00	600 l.f.
Paradee Dr.	Station 0+00 to Station 11+00	1,100 l.f.
Quillen St.	Station 0+00 to Station 7+00	700 l.f.
Lester Court	Station 0+00 to Station 6+00	600 l.f.

Mr. Koenig stated that once these improvements are completed, staff would be working with Artisans' Bank, who had purchased a portion of the remainder of the development, to obtain a new Letter of Credit on this portion. He indicated that when those lots that are in foreclosure are sold to a new developer, the City would require a Letter of Credit for the balance of the subdivision for the Village of Cannon Mill.

Responding to Mrs. Williams regarding egresses involving the new Dover High School, Mr. Koenig stated that the Village of Westover egress is no longer being considered; however, the Village of Cannon Mill remains as originally proposed. Referring to the map provided, Mr. Koenig stated that there was a right-of-way that extends to the new Dover High School property. He noted that, in planning the High School, this was projected to be a road connection; however, that connection was unfunded and the dedication being considered at this time did not include that length of roadway.

Mrs. Williams questioned if the two (2) projects (the dedication and moving the right-of-way down the property of the Village of Cannon Mill) could be dovetailed. Responding, Mr. Koenig did not feel this would be necessary since the additional dedication could be submitted at a later date. With regard to the school issue, he stated that moving the project down Hazlettville Road would be an issue to be worked out with the Delaware Department of Transportation (DelDOT), Agricultural Land Preservation, and Papen Farms. It was his belief that this project would not be addressed in the next two (2) years but would be considered in the next five (5) to ten (10) years.

In response to Mr. Perza, Mr. Koenig indicated that the City received correspondence stating that the original Letter of Credit from 2005 was rescinded. He advised members that Deputy City Solicitor Pepper reviewed the letter and had indicated that the City could challenge it in court since it was not sent certified; however, he stated that this was an unsecured Letter of Credit and the original developer was no longer involved with this subdivision.

Mrs. Williams moved to recommend approval of staff's recommendation for the acceptance of the dedication of public infrastructure for The Village of Cannon Mill - Phase I to include all of the referenced public improvements. The motion was seconded by Mr. Blakeman and carried with Mr. Perza voting no.

Dedication of Rights-of-Way and Public Infrastructure - Village of Westover- Phase VI

Staff submitted a request for all public infrastructure improvements related to Phase VI of the Village of Westover to be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a list of the public improvements associated with Phase 1. The total construction value of the public improvements was $1,092,501. Members were provided a map showing the general location and configuration of the subject rights-of-way.

Mr. Scott Koenig, City Manager, advised members that the original developer filed for bankruptcy, which resulted in work stoppage within the subdivision. The final wearing course and punch list items remained to be completed to meet the City of Dover Standards and Specifications for Public Works Construction and had been outstanding for many years. The Department was prepared to complete the work required, pending rights-of-way and public infrastructure dedication.

Mr. Koenig indicated that the City had a Letter of Credit issued by Wilmington Trust, in the approximate amount of $265,000. He noted that Wilmington Trust had been acquired by M&T Bank and that staff believed that the Bank would take charge, hire a contractor, and finish the subdivision in order to avoid the City's calling the Letter of Credit. However, he stated that in speaking with a representative of M&T Bank, the City was provided a choice between: 1) going through the extended process of the bank hiring a contractor on their schedule, or 2) calling the Letter of Credit. He stated that staff had drafted the call of the Letter of Credit and, once submitted with the site drafts, the bank would issue a check to the City in the amount of the Letter of Credit (approximately $264,000), which would allow completion of the top coat of paving and the installation of sidewalks.

Mr. Koenig reiterated that during their meeting scheduled for later in the evening, City Council would be considering a request for a unit price paving contract and, although it was primarily associated with the Village of Cannon Mill, it could be extended for the Village of Westover, if approved by City Council.

Mr. Koenig advised members that there had been several complaints from residents regarding the appearance of the property and residents felt that the City should take appropriate action. He stated that some residents had indicated a desire to sell their homes. He noted that a few buildings in the subdivision had been demolished by the City.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in the Village of Westover Subdivision -Phase VI, with dedication to include all of the referenced public improvements, as follows:

Sewer Utility Infrastructure (Construction Value = $184,461):

8" SDR-35 PVC Sanitary Sewer Main	-	2,150 l.f.
6" PVC Sanitary Sewer Laterals	-	2,206 l.f. (69 laterals)
4' Diameter Sanitary sewer Manholes	-	10 ea.

Water Utility Infrastructure (Construction Value = $167,820):

8" Ductile Iron (Class 52 Cement Lined) Water Main	-	2,600 l.f.
8" Gate valves	-	5 ea
1" K Copper Water Services	-	2,182 l.f. (69 services)
Fire Hydrants	-	3 ea.
1" K Copper Water Services	-	2,182 l.f. (69 services)

Storm Water Infrastructure (Construction Value = $323,296):

Catch Basins Type J	-	9 ea.
Catch Basins Type JJ	-	6 ea.
Del Dot J Box	-	3 ea.
PW-BD-2 Mod 2 / Mod 1	-	3 ea.
Type-B-2	-	3 ea.
15" Type III Reinforced Concrete Pipe	-	596 l.f.
18" Type III Reinforced Concrete Pipe	-	76 l.f.
24" Type III Reinforced Concrete Pipe	-	46 l.f.
27" Type III Reinforced Concrete Pipe	-	380 l.f.
19x30" Eliptical Reinforced Concrete Pipe	-	19 l.f.
15" HDPE Pipe	-	464 l.f.
18" HDPE Pipe	-	813 l.f.
24" HDPE Pipe	-	529 l.f.
30" HDPE Pipe	-	105 l.f.

Street Infrastructure (0.4256 miles) (Construction Value = $416,924):

Northdown Drive	Station20+00 to Station 40+00	2,000 l.f.
Margate Circle	Station0+18 to Station 2+65	247 l.f.

Mr. Perza relayed concern that banks would not take issuing a Letter of Credit seriously if the City does not call them. Responding, Mr. Koenig indicated that the Letter of Credit for the Village of Cannon Mill was issued by the First National Bank of Wyoming and it included a clause that would allow them to cancel the Letter without approval of the City. He assured members that since then, the format used in the Letter of Credit issued by Wilmington Trust has been used as the standard.

Mr. Blakeman moved to recommend approval of staff's recommendation for the acceptance of the dedication of public infrastructure for The Village of Westover - Phase VI to include all of the referenced public improvements. The motion was seconded by Mrs. Williams and unanimously carried.

Update - Calpine

Mr. Bonar relayed his appreciation to staff for their untiring efforts and work associated with the Calpine project.

Mr. Scott Koenig, City Manager, advised members that staff had been holding weekly conference calls, as well as weekly face-to-face meetings, with Calpine. He stated that the Calpine Corporation was prepared to begin work on the temporary road as early as March 1, 2013. They continue to push their Engineering, Procurement, and Construction (EPC) contractor, Kvaerner, Inc., to begin construction on April 1, 2013 to take possession of the site.

Mr. Koenig stated that staff was currently working on the extension of the water line from the Wild Meadows Subdivision to the back of the LS Power property. It was anticipated that the pipe would be delivered on February 26, 2013 to begin the extension in a southerly direction to a point where water had been requested on the Calpine property. Staff was also working on consulting contracts for the water tower and the sanitary sewer pumping station, which would serve the entire Garrison Tract. Concurrently, staff, along with the Becker Morgan Group, was completing the subdivision plans to lay out and eventually construct the balance of the infrastructure associated with the roads and storm sewer for the entire Garrison Oak Technical Park.

Mr. Koenig announced that the Calpine Corporation was expected to apply for a building permit for construction to begin soon after April 1, 2013. Staff was attempting to provide an advance construction authorization (phasing of construction) so that all of the outside agency approvals would be lined up when the building permit was issued for the Calpine project. It was anticipated that Calpine, through Kvaerner, Inc., would mobilize the site and begin earth moving on Lot 7 on April 1, 2013.

Mr. Koenig stated that Calpine continued to work on the alignment of the feeders that would come from the Energy Center and tie back to the City's 230kV tie. In regard to the LS Power complaints of the plume coming off the energy center in the future and dust during construction, he stated that it was anticipated that these issues would be resolved within the next few days. He noted that additional review of Calpine's air permit application had been requested by an adjacent property owner. This will be conducted by the Department of Natural Resources and Environmental Control (DNREC) Environmental Appeals Board. Mr. Koenig felt confident that the project would be well underway very soon.

Responding to Mrs. Williams, Mr. Koenig stated that there was a maximum daily demand (running 24/7) for Block 1 in the amount of 2.3M gallons of water and the water tower would hold 1.5M gallons of water. He indicated that the City would try to constantly feed water into that water tower.

Mr. Bonar advised members that staff was emphatic on ensuring that the fire protection system and water pressure in the City would be adequately protected.

By unanimous consent, the meeting adjourned at 5:31 P.M.

David L. Bonar
Chairman

DLB/tm/jg
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Attachment
Attachment #1 - Resolution #2013-06 - Setting Annexation Referendum for Property Located at 1174 South Governors Avenue, owned by Sipple's Used Cars, Inc

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2013-06

A RESOLUTION PROPOSING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER AND CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE SAID AREA.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area located at 1174 South Governors Avenue, which is contiguous to the present City limits, into the limits of the City of Dover and within a zoning classification as recommended by the City of Dover Planning Commission.

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

1. That a special election be held for an area located at 1174 South Governors Avenue situated in East Dover Hundred, Kent County, State of Delaware.

2. That the election be held on the 11th day of April, 2013 commencing at the hour of 11:00 a.m. in the City Hall Annex, 15 Loockerman Plaza, Dover, Delaware, for the purpose of submitting the question of annexation of the above area to those persons entitled to vote thereon.

3. That the election be held and conducted pursuant to the provisions of the Charter of the City of Dover as amended.

4. That this resolution be published in accordance with the City of Dover Charter.

ADOPTED: *

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CARLETON E. CAREY, SR.	THOMAS J. LEARY
MAYOR	COUNCIL PRESIDENT

Actions History:
February 25, 2013 - Introduced at Utility Committee

Draft