UTILITY COMMITTEE

The Utility Committee Meeting was held on January 14, 2013 at 5:00 p.m. with Councilwoman Williams presiding in the absence of Chairman Bonar. Members present were Mr. Perza, Mr. Blakeman, and Mr. Snaman. Members of Council present were Mr. Dixon, Mr. Hutchison, and Council President Leary. Mayor Carey was also present (arrived at 5:03 p.m.).

AGENDA ADDITIONS/DELETIONS

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

Request for Alley Abandonment (paper) - 971 and 975 Forest Street

A request dated November 21, 2012 was received from Mr. Tolano D. Anderson for the abandonment of the unimproved alley located approximately 150 feet north of the intersection of Forest Street and Carver Road. He indicated that the alley condition, as well as an inability to safely utilize the space, creates a significant hardship. It was noted that Mr. Anderson owns all real property abutting the alley and he requested that the alley be conveyed to 971 and 975 Forest Street.

Staff confirmed that the alley is unimproved and is considered to be a "paper" alley. Committee members were provided a map of the area. It was also reported that no public utility easements would be required. Records indicate that all abutting parcels are owned by Faithwork LLC. In light of the information provided, staff had no objection to the abandonment of the subject alley and recommended conveyance of the same to the parcels represented by 971 and 975 Forest Street with conveyance in proportions complimentary to the existing lot widths of those parcels. It was noted that 983 Forest Street appears to utilize the unimproved alley for access. Since this parcel is also owned by Faithwork LLC, staff recommended that the owner establish cross access easements between 971, 975 and 983 Forest Street at the time of conveyance.

Staff recommended abandonment of the subject alley with conveyance to 971 and 975 Forest Street currently owned by Faithwork LLC.

Mr. Perza moved to recommend approval of staff's recommendation, seconded by Mr. Blakeman and unanimously carried. ***[City Clerk's Note: In accordance with the City's Procedure for Alley Abandonments, a Resolution setting a Public Hearing (Attachment #1) will be presented to Council for consideration for adoption.]***

TEA/NAES Report (October)

The TEA/NAES Monthly Report for October 2012 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Blakeman moved to recommend acceptance of the TEA/NAES Monthly Report for October 2012, seconded by Mr. Perza and unanimously carried.

Update - Garrison Oak Technology Park Project

Mr. Scott Koenig, City Manager, stated that progress was being made on the Garrison Oak Technology Park Project. Since the last update, he stated that the City had authorized cleaning of the tax ditch that runs through the middle of the property, which is expected to be completed by the Kent Conservation District in advance of the full construction of the improvements associated with the Garrison Oak Technology Park. He stated that in recent weeks, staff had met several times with representatives of Calpine to discuss the status of each of the milestone issues related to the project.

Mr. Koenig stated that the City is near final submissions for the Kent Conservation District stormwater approval, as well as the final re-submissions of the subdivision plan for the Park. He advised members that Becker Morgan was working individually with Calpine to finish site plan applications, which are expected within the next few weeks for final review and approval. He stated that late last year, the City issued design contracts for the 1.5 million gallon water tower, as well as a new sanitary sewer pump station, both to be located at the Garrison Oak Technology Park. Both of the design periods were coming to an end; therefore, final drawings on the design packages were expected in the near future and the projects would then be let out to bid. Mr. Koenig advised members of a draft document from Calpine including milestones established for the project which indicated that Calpine would like to pull a building permit around March 1, 2013. Staff was attempting to assure that the City's construction schedule matches the milestones provided by Calpine.

Mr. Koenig anticipated that Calpine's air permit would be issued within the week. He noted that Calpine was working diligently with the Federal Energy Regulatory Commission (FERC) and the natural gas company to assure that the natural gas line would be extended from Cheswold. Calpine was also working with several independent property owners for the feeder line (referred to as the radial line) from the energy center to the 230kV tie since they were intending to cross private property. Mr. Koenig stated that to his knowledge, discussions between LS Power and Calpine are ongoing; however, Calpine was confident that they are nearing conclusion of those discussions. He noted that LS Power had filed a suit against the City of Dover Planning Commission related to construction dust and potential water plume coming off the energy center. He stated that, according to Calpine, these issues were being resolved and noted that LS Power had also indicated to him that there were ongoing discussions with Calpine to resolve the issues.

Responding to Mrs. Williams, Mr. Koenig stated that energy must be produced to the grid by June 2015 for the first unit (309 megawatts) and that there was a possibility of testing in January 2015. He stated that the City had not continued further discussions regarding a purchase power agreement. He anticipated those discussions to occur in the next 90-180 days.

Mr. Hutchison suggested that staff keep in mind what has happened between LS Power and Calpine in the future when the City begins negotiations with other vendors.

Mr. Koenig indicated that staff had been meeting with the Division of Natural Resources and Environmental Control (DNREC) regarding the City's water allocation permit and that a letter had been received from DNREC indicating that the City is no longer a part of the regional Delaware River Basin Commission (DRBC) docket and that the City's allocation permits were managed by DNREC rather than the DRBC. He advised members that this is a positive for the City, noting that the City had been working for the last two (2) to three (3) years with DNREC to get all water allocation permits in line with how the City's facilities are producing. Mr. Koenig stated that this would be important when discussions begin for managing water resources related to the Garrison Energy Center and all water utilities. He advised members that, based on engineering analysis, there was a need for the City to make improvements to the water system; however, he assured members that there was enough water to supply Unit 1, or Block 1, of the Garrison Energy Center. If Unit 2 becomes activated, he stated that the City would need to develop additional water resources to ensure safe operating factors necessary to run the system with two (2) units running full blast on the hottest day of the year if a four (4) hour fire was underway. Mr. Koenig indicated that there were several conditions to be met on the engineering side.

Responding to Mr. Hutchison, Mr. Koenig stated that upon issuance of the air permit, the next step for the City would be to conduct a final review of the site plan. He indicated that he would need to determine if the City could issue a building permit while there was an outstanding issue with LS Power, noting that he would prefer the LS Power issue to be resolved before any further action was taken in this regard.

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

Meeting Adjourned at 5:10 P.M.

Beverly C. Williams
Acting Chairwoman

BCW/TM/mk/dd/js
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Attachment
Attachment #1 - Resolution Setting Public Hearing - Alley Abandonment - 971 and 975 Forest Street

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2013-02

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover favors the vacating and abandoning of the following alley:

Adjacent to 971 Forest Street (ED-05-076.07-01-62.00)
Being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running east to west, lying on the northerly side of and running parallel to Forest Street, said portion of alley beginning at a point identified as the northeast corner of parcel No. ED-05-076.07-01-62.00; thence running North 85 degrees 00 minutes 00 seconds West 100 feet along the southerly line of a 15' wide alley to the northwest corner of parcel No. ED-05-076.07-01-62.00; thence running perpendicular across said 15' wide alley to a point in the northwest line of a 15' wide alley; thence running South 85 degrees 00 minutes 00 seconds East 100 feet along the northerly line of a 15' wide alley to a point at the corner of parcel No. ED-05-076.07-01-61.00; thence running 15 feet along the easterly boundary of the 15' wide alley to the point and place of beginning and containing 0.0344 acres (1,500 square feet) of land be the same more or less.

Adjacent to 975 Forest Street (ED-05-076.07-01-37.00)
Being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running east to west, lying on the northerly side of and running parallel to Forest Street, said portion of alley beginning at a point identified as the northwest corner of parcel No. ED-05-076.07-01-37.00; thence running South 85 degrees 00 minutes 00 seconds East 50 feet along the south line of a 15' wide alley to the northwest corner of parcel No. ED-05-076.07-01-62.00; thence running perpendicular across said 15’ wide alley to a point in the northeast line of a 15' wide alley; thence running North 85 degrees 00 minutes 00 seconds West 50 feet along the northerly line of a 15' wide alley to a point at the corner of parcel No. ED-05-076.07-01-36.00; thence running 15 feet along the western boundary of the 15' wide alley to the point and place of beginning and containing 0.0172 acres (750 square feet) of land be the same more or less.

Section 2. The Council of the City of Dover will sit on Monday, February 11, 2013, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 158, Volume 36, Laws of Delaware).

Draft

Section 3. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

ADOPTED: *

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

Actions History:
January 28, 2013 - Introduced at City Council
January 14, 2013 - Considered by the Utility Committee

Draft