SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on August 29, 2012 at 5:00 p.m. with Chairman Hutchison presiding. Members present were Mr. Davis and Mr. Keller. Mr. Perza and Mrs. Russell were absent. Councilman Lynn (arrived at 5:13 p.m.) and Mayor Carey (arrived at 5:15) were also present.

AGENDA ADDITIONS/DELETIONS

Mr. Davis moved for approval of the agenda, seconded by Mr. Keller and unanimously carried.

Proposed Ordinance #2012-05 Amending Chapter 46 - Fire Prevention and Protection

Mr. Dave Truax, Fire Marshal, advised members that Proposed Ordinance #2012-05 would amend Chapter 46 - Fire Prevention and Protection and Appendix F - Fees and Fines to clarify existing language and create new subsections which would make it unlawful for any person to tamper with or impair any fire protection system from operating as designed; specify the authority of the Fire Marshal; prohibit open burning, commercial barbecuing, and unattended outdoor fireplaces at any time and authorize the Fire Marshal, code official, fire officer, or police to order the open burning extinguished; and remove the requirement for fire alarm installation reports. It would also create new sections to address fire hydrants and Fire Department connections; reporting of fires and spreading of alarms; unlawful regulations or orders; maintaining records for inspections; and marking rated walls. Mr. Truax explained that staff met with representatives of the Kent County Association of Realtors and the Central Delaware Chamber of Commerce to receive input on the proposed ordinance.

Staff recommended that the Committee forward Proposed Ordinance #2012-05 to City Council with a recommendation for adoption.

In response to Mr. Davis regarding Lines 250 - 252 of the proposed ordinance, Mr. Truax explained that in some cases building managers have issued verbal advisories or posted written orders that instruct residents to delay notification of the Fire Department when an alarm sounds, stating that the establishment's staff would make sure there was a fire and then notify the Fire Department. Mr. Truax stated that such orders would defeat the purpose of a fire alarm. He also noted that repeated soundings of a fire alarm can alert the Fire Marshal's Office that an alarm system is not being maintained properly.

Responding to Mr. Hutchison in regard to community education about the ordinance, Mr. Truax stated that the ordinance would be posted to the City's website and that the press often publicizes such ordinances. He explained that typically when new provisions are implemented, such as the requirement to keep a log of all fire inspections, staff would not issue a summons or fine for violations during the first year but would use these opportunities to educate those affected regarding the new provisions.

Mr. Hutchison suggested that a summary of the changes be prepared and distributed to larger apartment complexes and day care centers in the City. Mr. Truax stated that the information would be posted on the City's website and that staff would do whatever must be done to get the information out to the public.

Mr. Keller moved to recommend adoption of Proposed Ordinance #2012-05 Amending Chapter 46 - Fire Prevention and Protection, as recommended by staff, seconded by Mr. Davis and unanimously carried.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the City develops a list of transportation project priorities and submits them in the form of a letter to the Secretary of Transportation annually. She noted that she and Mr. Scott Koenig, City Manager, reviewed the priorities submitted last year and, in light of more recent discussions and issues, reordered them and included additional projects. Mrs. Townshend reviewed the 2012 Transportation Prioritization List, noting that Project #1, the West Dover Connector, was on track and moving forward. She indicated that Project #2, Sidewalks on Route 8 in the Vicinity of the New Dover High School, had been added to the list for 2012 and that this project should be given very high priority. She stated that she has been very outspoken about concerns regarding the need for signalization and pedestrian access during regular coordination meetings held in connection with the construction of the school. Mrs. Townshend noted that the Route 8/Hazlettville Road Connector project had been placed as Priority #3 and that the Delaware Department of Transportation (DelDOT) had postponed this project, with design now planned to begin in 2017. She expressed concern that traffic problems would occur if this project was not moved forward, since the new high school was scheduled to open in 2014. Mrs. Townshend stated that the Garrison Oak Connector Road was listed as Project #4 and Project #11, Kings Highway/Route 13 Intersection Improvements, was added to the 2012 list. She explained that the cost of transportation improvements needed at the intersection had hindered potential development projects, in particular at the former Playtex site at the southwest side of the intersection. She indicated that this intersection had been assigned a DelDOT Level of Service (LOS) grade of F, which would require improvements for large or small projects at that location. Mrs. Townshend stated that discussions had been held with DelDOT regarding the adoption of a resolution by City Council that would establish the intersection as a study area for transportation planning. She anticipated that the City would be working with DelDOT to bring forward what the County terms a "Transportation Improvement District" (TID), whereby a defined area would be studied and developers would pay into a fund for associated improvements, rather than bearing the entire cost of improvements. She noted that staff felt it important to get this project on the "radar screen."

Mr. James Galvin, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), noted that DelDOT was in the process of creating its own TID model and it was anticipated that this would be available by the end of 2012. He stated that the State would begin by working with TIDs developed by the County.

In response to Mr. Hutchison regarding the number of failing intersections (are rated LOS F on the DelDOT grading system) in the City that connect with Route 13, Mr. Koenig advised members that some intersections fail only during rush hour and others fail throughout the day. He stated that the Kings Highway/Route 13 intersection fails "a couple of times per day." Mr. Koenig explained that there are a number of small properties at that location (Dunkin Donuts, Capital Cleaners, and Rita's

Water Ice) and that expansion of the intersection (except at the Rite Aid property) would involve not only acquiring the right-of-way but buying and relocating the businesses. Mr. Koenig stated that it would not be possible to upgrade many of the Route 13 intersections to LOS A, B, or C because of area restrictions and the fact that large intersections are not desirable there (if not needed) because they create difficulty in crossing the highway. He felt that some intersections that were identified as either failing or almost failing would necessarily be present as part of the transportation system and that a balance must be found between the function and the level of service required. It was his recollection that the City had determined to accept a LOS D for intersections in the Comprehensive Plan.

Mrs. Townshend concurred; however, she noted that this intersection was rated below LOS D.

Mr. Koenig noted that additional information was needed to determine if only certain aspects of the intersection were failing, such as the turning angles.

Mr. Hutchison noted the importance of economic development at the intersection of Kings Highway and Route 13 and felt that options should be explored.

Mrs. Townshend stated that the other projects included on the 2012 Transportation Prioritization List had been in the queue for a number of years and noted that there were more projects than funds available; however, she felt it important that they remain "on the radar screen."

Responding to Mr. Davis, Mrs. Townshend stated that improvements could be made to the Kings Highway/Route 13 intersection prior to knowing the exact type of development that would occur because some assumptions could be made regarding the type of development expected based on the zoning and the market, and work could begin within those parameters. She noted that since the intersection was constrained, the area could be improved only to a certain point. Priorities would include making the intersection run straight across Route 13 and providing two (2) turn lanes to allow a smoother flow of traffic. She noted that the City could also consider improving Maple Parkway, which is a City street; however, she felt that most businesses at that location would want direct access to Kings Highway and Route 13.

Mr. Davis moved to recommend approval of the 2012 Transportation Prioritization List (*Attachment #1*), as recommended by staff, seconded by Mr. Keller and unanimously carried.

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she recently attended a Dover High School construction coordination meeting and that the remaining concerns related primarily to signalization and pedestrian access at the school. She reminded members that on June 27, 2012 the Committee recommended that City Council send a letter to the Delaware Department of Transportation (DelDOT) regarding these issues and that this letter was sent on July 9, 2012. She stated that the Secretary of Transportation responded on August 7, 2012, stating that DelDOT could not support the signalization and the sidewalk was not

in their capital program; however, a cost estimate could be developed. Mrs. Townshend provided members with correspondence from Natalie Barnhart, Chief Engineer, Delaware Department of Transportation (DelDOT) dated August 29, 2012 ***(Attachment #2)*** which included a cost estimate of $600,500. Mrs. Townshend stated that staff would work with the Dover/Kent County Metropolitan Planning Organization (MPO) to prepare a Transportation Improvement Program (TIP) amendment, explaining that the project must be included in the MPO TIP before it can be submitted to the State Capital Transportation Plan (CTP). She felt that the City should work concurrently with legislators, possibly through the Transportation Enhancement Program, to see if the project could be addressed outside the CTP process, which would likely take at least two (2) years to obtain funding.

Mr. James Galvin, Principal Planner, Dover/Kent County MPO, stated that the Transportation Enhancement Program (TEP) has been discontinued under new federal highway legislation and that projects that previously competed only with other TEP submissions would now compete with all road projects.

Mrs. Townshend stated that the City would continue to bring this issue up and that other sources of funding could be explored, such as the Nemours Foundation.

Mr. Hutchison stated that student safety should be given the highest priority and that this should be emphasized with DelDOT.

Mrs. Townshend stated that if safe pedestrian access were not provided, more parents would be driving their children, requiring more cars on the road. She understood that traffic engineering models dictate how things work; however, she felt that the City must stay on the record stating this must be done correctly because this project differs from other projects in that it is a school and is built around the needs of children.

In response to Mr. Hutchison, Mrs. Townshend was unsure how many children would be walking to school; however, noted bus transportation would not be provided for students residing within two (2) miles of the school.

In response to Mr. John Gaines, Project Manager, Delaware Department of Transportation (DelDOT), Mrs. Townshend stated that high schools were ineligible for DelDOT's Safe Routes to School Program.

Mr. Davis noted that a Certificate of Occupancy would be denied to a restaurant with unsafe conditions and inquired if this were a possible course of action for the new high school.

Responding to Mr. Davis regarding the position of the Capital School District, Mr. Koenig stated that the District had a study performed which indicated that a light was not needed immediately at the east entrance of the school, and the DelDOT engineer who reviewed the project specified the amount of sidewalk that was required and the District had complied. The sidewalk being discussed

was beyond the limits of the District's property and was, therefore, an offsite improvement. He indicated that members of the Capital School District have maintained that the new school is a community facility and if the infrastructure around the facility must be expanded to accommodate it, this was not their financial responsibility. Mr. Koenig stated that District members did not consider the District to be a developer and they felt that the District's community mission was to build a school and support the function of the school, not the transportation network.

Mr. Hutchison expressed his opinion that the City's function was to review and make recommendations to DelDOT, who is ultimately responsible. He noted that the City's primary concern was the safety of the students in the school and the traffic pattern.

Mr. Lynn stated his belief that, in Delaware, developers are responsible for the causative effects of projects on the surrounding community. He noted that several heavily litigated ordinances had been set forth by Kent County Levy Court and it was determined that developers are responsible for the effect they have on their surrounding community. He felt that the Capital School District was a developer and had a responsibility to the area infrastructure.

Responding to Mr. Lynn regarding the measures that the City could take to pursue this issue, Mrs. Townshend indicated that the City should begin to appeal to the Capital School Board, maintaining that they are a developer, they have a responsibility in this matter, and these are their students that the City is attempting to get safely to their facility. She felt that the City should work with the School District to "get them vocal" on the issue and to determine if they have funds that could be brought to the table. Mrs. Townshend indicated that the five (5) years that may be required to get the project through the CTP process would be too late. She felt that the District was willing to put the signal in, so the City could not hold them responsible because DelDOT would not allow signalization. Regarding the sidewalk, she suggested that the School District may be able to assist in obtaining funding from legislators.

In response to Mr. Lynn, Mrs. Townshend stated that the project plans submitted did not indicate the light; however, all discussions included two (2) signalized intersections. Staff realized early in the project that because of the location and the scale of the project, this would be one of the most important projects that they would deal with, and the Planning Commission and the Capital School Board held a joint meeting before the application was submitted and specifically discussed signalization at that time. While staff was aware that the warrants were required, staff received the sense that this was almost a formality and was given no impression from DelDOT that there was a low likelihood that the signal would be approved.

Mr. Lynn inquired if the City could require DelDOT to install the light or shut the project down.

Mr. Koenig stated that the City would not want to withhold inspections because a massive lawsuit for damages would likely be received from the individual contractors associated with the project; however, the City did have authority to withhold a Certificate of Occupancy. In addition, he noted that there are unusual occurrences of traffic lights within the City, for example, at Gibbs Drive and

Route 8,which has little sidestreet traffic. He questioned why this light met the warrants but the area in question did not. He felt that the City should advise the Capital School District about the possibility of not being able to open because of this concern.

Mr. Hutchison suggested reaching out to the President of the Capital School District Board of Education and the District Superintendent to ask them to attend next month's meeting to determine their position on this issue.

Mr. Koenig noted that the new Dover High School was a huge project that would instantaneously change that area of the City on the day that it opens.

Mr. Hutchison requested that staff obtain information from the School District regarding the number of students expected to be walking to the new high school.

Mr. Hutchison requested and members agreed that the President of the Capital School District Board of Education and the District Superintendent be asked to attend the next meeting to discuss signalization and sidewalks on Route 8 in the vicinity of the new Dover High School.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mr. John Gaines, Delaware Department of Transportation (DelDOT), provided members a briefing on DelDOT Projects, as follows:

DelDOT Repaving Project

The Delaware Department of Transportation (DelDOT) Repaving Project encompasses seven (7) locations. The first two (2) projects, College Road and Walker Road, are complete. The method of construction involves three (3) steps, including: 1) concrete work (such as islands, sidewalks, American Disabilities Act (ADA) curbs, and curb ramps); 2) any necessary intersection improvements; and 3) milling, paving, and striping. The first two (2) steps of the Forrest Avenue and Governors Avenue projects are complete, so milling of Forrest Avenue will start the first week of September (depending on weather), followed by paving during the second week, and milling on Governors Avenue will begin during the second week of September, followed by paving. He stated that, ideally, Forrest Avenue and Governors Avenue should be complete in September and DelDOT would then move forward with the remaining three (3) projects.

West Dover Connector

Semi-final right-of-way and construction plans for the West Dover Connector were submitted two (2) weeks ago, which Mr. Gaines stated was a major milestone. The next major milestone would be finalization of the right-of-way plans, which was scheduled for November. Once the final right-of-way is complete, he estimated that it would take DelDOT's real estate acquisition section approximately two (2) years to acquire properties on Charles Polk Road to clear the right-of-way. He advised members that appraisals had already been performed on these properties. Mr. Gaines stated that the project was funded for construction in FY 2015-2017 and indicated that there would be no additional update information before the semi-final and final right-of-way phases were concluded.

Route 8/Hazlettville Road Connector

Mr. Gaines stated that the Route 8/Hazlettville Road Connector project was "pushed out" and was funded for preliminary engineering in 2017. Mr. Gaines stated that this project was included in the Community Transportation Plan; however, due to a breakdown in the procedure, the environmental process was never conducted. He stated that the major landowner who would be affected by the project was not in favor of it, and without an environmental document to support acquisitions, the project could not be approved. He stated his belief that this project may have been postponed in order to work on this step of the process.

Responding to Mr. Hutchison, Mr. Gaines stated that he did not expect to attend future Committee meetings on a regular basis but was asked by DelDOT to provide an update since he was knowledgeable about the projects being discussed.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO)

Mr. James Galvin, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), stated that the Dover Pedestrian Bike Path planned for the downtown area was originally planned to extend along the St. Jones down to Public Safety Boulevard using funding identified by the Governor for bicycle routes. He indicated that the portion of the project behind Legislative Hall from the St. Jones, down Court Street to Route 13, and along Route 13 to the traffic light at the intersection of Public Safety Boulevard had been funded. This section was currently in the design phase, which should be complete by January 2013, and it was hoped that construction would begin in the Spring of 2013. He indicated that a meeting had been arranged with the City to discuss this first phase. Mr. Galvin advised members that future phases of the project would include the area along Park Drive to Legislative Hall and Court Street (behind the Delaware Public Archives) and a connection from Court Street to the former sewage treatment plant and continuing along the river as far as possible and ultimately connecting with Pine Street.

In addition, Mr. Galvin advised members that the Dover/Kent County MPO was in the process of amending the Transportation Improvement Program (TIP), and one (1) of the items included was approval of additional funding for extending Clarence Street from North Street to Forest Street. He reviewed a plan for the project that was developed by Century Engineering, approved by DelDOT, and was presented through public workshops ***(Attachment #2)***. An additional $1.4M was being sought which would cover final design into the right-of-way phase, although it would not allow for acquiring all of the necessary right-of-way or for construction of the project. He noted that the route runs through a tar ditch, goes around an industrial warehouse and buildings that are accessible from Lincoln Street, and runs through two (2) houses on Forest Street, and the net real affect would be on these two (2) houses. Mr. Galvin stated that additional funding was being sought in the TIP to pay for the project to move forward within the next year.

Mr. Keller moved for adjournment, seconded by Mr. Davis and unanimously carried.

Meeting Adjourned at 5:57 P.M.

James L. Hutchison
Chairman

JLH/JS/dd/tm
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2012\08-29-2012 SA&T.wpd

Attachment
Attachment #1 - 2012 Transportation Prioritization List
Attachment #2 - Correspondence from Natalie Barnhart, DelDOT, dated August 29, 2012
Attachment #3 - Plan - Clarence Street Extension

MEMORANDUM

City of Dover
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: August 20, 2012

To: Safety Advisory and Transportation Committee

From: Ann Marie Townshend, AICP, Director of Planning & Community Development
Scott D. Koenig, P.E., City Manager

RE: 2012 Transportation Prioritization

Each year, the City Council develops a list of transportation priorities and shares these priorities with the Secretary of Transportation for consideration as the Department of Transportation develops the State's Capital Transportation Plan. We have reviewed the priorities approved in September 2011 by City Council, and we recommend the following priority ranking for the coming year.

1. West Dover Connector
2. Sidewalks on Route 8 in Vicinity of New Dover High School (new)
3. Route 8/Hazlettville Road Connector
4. Garrison Oak Connector Road
5. US Route 13 Sidewalk Construction
6. Loockerman Street/Forest Street Improvements
7. Dover Transit Hub – Public/Private Partnership for Building
8. US Route 13 Service Road Corridor
9. Kenton Road Corridor Upgrades
10. College Road Corridor Upgrades
11. Kings Highway/Route 13 Intersection Improvements (new)
12. Crawford Carroll Avenue Extension

We look forward to discussing this prioritization with the Committee on August 29th.

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

SHAILEN P. BHATT
SECRETARY

August 29, 2012

Mr. Thomas Leary
Council President, City of Dover
P.O. Box 475
Dover, DE 19903

Dear Mr. Leary,

Reference is made to DelDOT's August 7, 2012 correspondence to you responding to traffic and safety concerns in the vicinity of the new Dover High School. As indicated in that letter, DelDOT prepared a cost estimate to construct the sidewalks you requested. I attached a narrative and cost estimate for your use.

As explained in our correspondence, currently there is no funding programmed in our capital transportation program to develop or construct this project. We encourage you to work with your Metropolitan Planning Organization and/or local legislators to prioritize this project against other needs in the city and Kent County in order to add this project to the 6 year capital program.

Should you have any questions, or require additional information, please fee l free to contact me at (302)760-2305 or Natalie.Barnhart@state.de.us.

Sincerely,

Natalie Barnhart

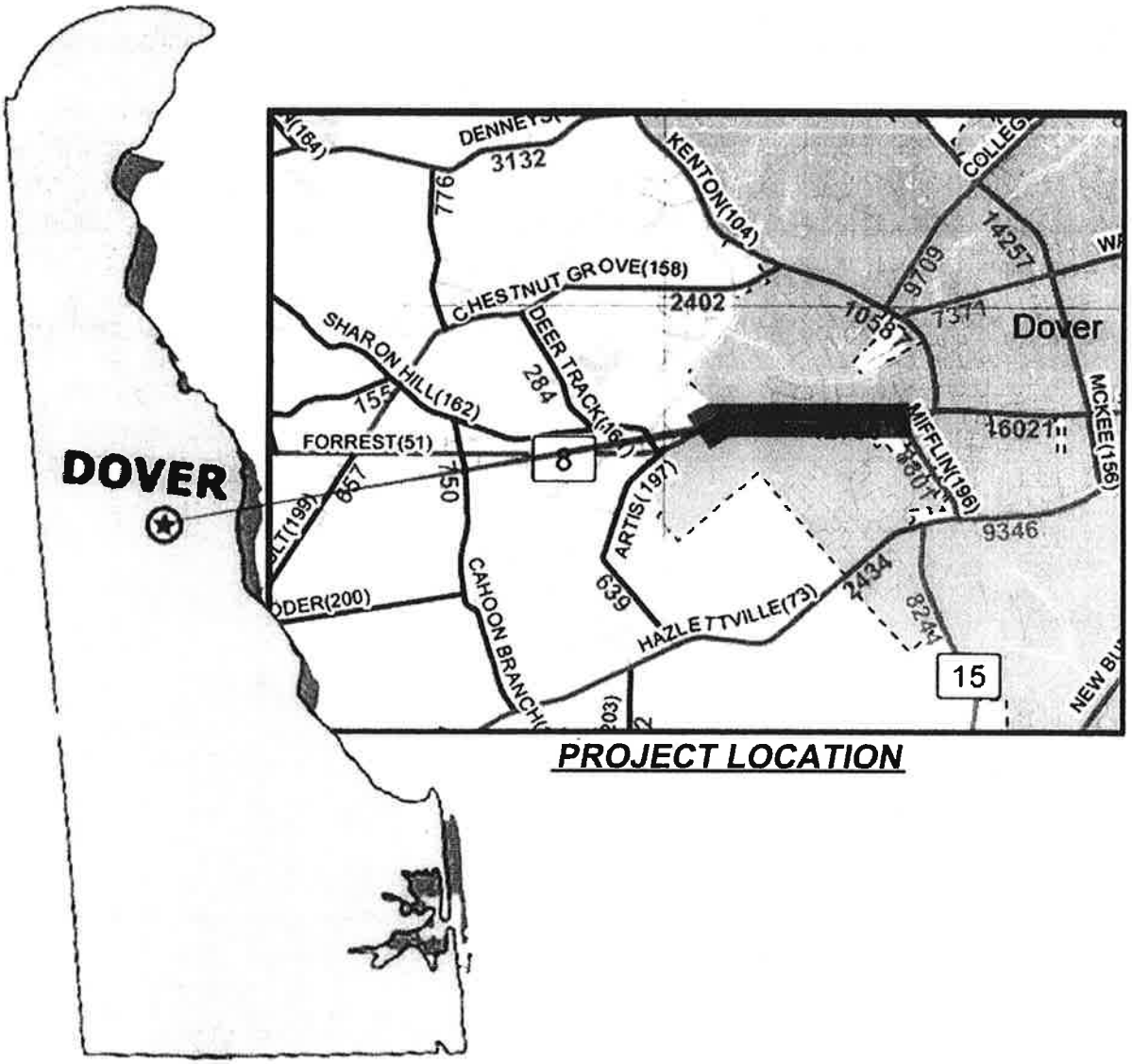
Natalie Barnhart, P.E.
Chief Engineer

NB
Attachments
cc w/attachments:
Senator Brian Bushweller
Representative Darryl Scott
Shailen Bhatt, Secretary
Nicole Majeski, Acting Chief of Staff
Joseph Wright, Director, Maintenance & Operations
Geoff Sundstrom, Director, Public Relations
Michael Simmons, Assistant Director, Project Development, South
Brian Urbanek, Assistant Director, Transportation Engineering
Tina Shockley, Legislative Liaison
Scott Koenig, City Manager, City of Dover
Ann Marie Townshend, Director of Planning and Community Development, City of D

DelDOT

Dover High School on SR8 Sidewalk Improvements

This project involves the construction of new pedestrain improvements on SR8 from .12 miles west of Mifflin Rd. continuing .8 miles west to the proposed entrance for the new Dover High School. The project will include the construction of sidewalks, replace non ADA compliant curb ramps and sidewalks and cross walk striping. There are minor drainage impacts on this project.There is anticipated right of way acquisition and utility relocations for this project.



PROJECT LOCATION

Cost Estimate Summary
Dover High School Sidewalks

Contractor Items*	$270,000.00		
Const. Contingency	$13,500.00	@	5.00%
CE**	$42,000.00	@	15.56%
Traffic	$0.00		
Utilities	$55,000.00		
QA/QC for HMA	$0.00		
Asphalt Cost Adj	$0.00		
Total Construction:	$380,500.00		

** CE costs consist of the following:	
Advertisement	$1,000.00
Construction inspection services	$10,000.00
Construction engineering services	$10,000.00
E&S Inspection services	$14,000.00
Pipe Video Inspection Services	$2,000.00
Materials and Research Insp. Services	$5,000.00

Preliminary Engineering:	$50,000.00
Right-of-Way:	$170,000.00
Construction:	$270,000.00
Contingency	$13,500.00
CE	$42,000.00
Utilities	$55,000.00
Total Project Estimate:	**$600,500.00**

ATTACHMENT #3
SA&T Committee Meeting of August 29, 2012

