UTILITY COMMITTEE

A G E N D A

March 9, 2004 - 4:30 P.M. - Caucus Room - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Jgreen@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Persimmon Park Place - Right-of-Way and Street Dedication

2. Dedication of Public Infrastructure - Jason and Conwell Streets (College Park)

3. Bid - Walker Road Pump Station

4. Proposed Amendments to the City of Dover Electric Service Handbook - Small Commercial Service (Section C, 1.517)

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

ACTION FORM

PROCEEDING: Utility Committee **AGENDA ITEM**: 3/9/04 - 1

DEPARTMENT OF ORIGIN: City Manager and Public Works **DATE SUBMITTED**: 2-18-2004

PREPARED BY: Anthony J. DePrima & Scott Koenig, P.E., Director of Public Works

SUBJECT: Persimmon Park Place – Right-of-Way & Street Dedication

REFERENCE: N/A

RELATED PROJECT: N/A

APPROVALS: N/A

EXHIBITS: **Exhibit A** – Letter from Condominium Council dated October 8, 2001; **Exhibit B** – Condominium Council Minutes of September 19, 2001; **Exhibit C** – Cost & Benefit Analysis of Street Dedication dated September 29, 2001; **Exhibit D** - Map

EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A

TIMETABLE: To be decided; street improvements could be added to the 2004 Street Program pending dedication.

RECOMMENDED ACTION: In an effort to preserve this community, staff recommends dedication of the existing streets in Persimmon Park Place as shown on the attached map with the follow conditions:

1. Public hearing should be held to insure that all property owners have an opportunity to express their opinions to City Council. Prior to the public hearing, the City should send a detailed statement of all proposed assessments and services to homeowners.
2. City Solicitor should review the condominium documents to assure that the Condominium Association has the sole authority to transfer the streets to the City of Dover. The Association should assume all legal costs associated with the dedication.
3. Capital funding of street pavement, street lights, and street signs should be funded through the Condominium Association or Community Transportation Funds with the understanding that these streets will be added to the City's annual paving program as soon as funding is provided.
4. All properties should be reassessed for improved property values related to public streets as soon as the dedication process has been completed. The City should obtain an opinion from the Tax Assessor and City Solicitor that this is permissible under Delaware law.
5. No consideration of dedication of the pool, club house, drainage system outside of the dedicated right-of-way or open space should be made.

BACKGROUND AND ANALYSIS

Persimmon Park Place was originally presented as a 508-unit manufactured housing development in the early 1980's. City staff originally recommended public streets, standard curb and gutter and street lighting to be approved by the City. During plan development for the project, the developers were successful in modifying the original recommendations presented by City staff, and they pursued a private street community with a condominium association responsible for maintenance of all of the infrastructure except for utility infrastructure which was to remain the responsibility of the association. After petitioning City Council, the developers were allowed to construct the community without a standard right-of-way and street width using a condominium association for long-term maintenance.

The development was not fully developed as planned. Only 179 lots were created. There are currently 145 homes in the development. Private street constructed total 1.73 miles. The community has an active condominium council and is governed by a condominium association.

Staff began to discuss possible street dedication in early 2001. Several meetings with the Condominium Council were held, and internal cost studies were completed. The City received a formal petition signed by approximately 140 lot owners requesting the transfer of ownership of the streets to the City of Dover. The petition acknowledged receipt of: (1) a letter from the Condominium Council dated October 8, 2001 (Exhibit A), (2) September 19, 2001 minutes of a Condominium Council meeting (Exhibit B) and (3) cost/benefit analysis (Exhibit C), and also acknowledged awareness of a 20% or $80 increase in real estate taxes should dedication occur..

In 2002 the City was notified that Rep. Bruce Ennis of the 28th District would be contributing Community Transportation Funds for the street paving. The following Community Transportation Funds have been dedicated to the paving of the existing streets in Persimmon Park Place:

FY-2003:	$ 72,573 – Drainage, Right-of-Way & Paving – Rep. Ennis
FY-2004:	$ 30,000 – Curbing & Paving – Rep. Ennis
FY-2005:	$ 30,000 – Curbing & Paving – Rep. Ennis
Total:	$132,573

Rights-of-Way and Street Construction

The platted private rights-of-way for the streets are significantly less than the 60 feet as required by the subdivision code. In addition, the pavement width varies from 22 to 24 feet which is significantly less than the 38 feet required by the City code. Also, there are reduced center line radii, intermittent lack of curb and no sidewalks within the development. These deficiencies have created a substandard road section with respect to geometry and cross-section when compared to City standards.

As previously discussed, this is a substandard right-of-way in accordance with the subdivision code; therefore, by dedicating these rights-of-way, the City would be acknowledging the existing condition as substandard. Dedication would constitute a defacto waiver of those requirements. No additional waivers would be necessary since the improvements have already been constructed, and the City is able to view the improvements prior to dedication. No additional property would be required to be dedicated by individual property owners since the City could not bring the right-of-way into compliance with the standards outlined in the code.

There is still one street, Susan Street, that has not been completed. Approximately 96 linear feet of the total 1,100 +/- linear feet is now paved. Separe, Inc. will be responsible for constructing the pavement section in accordance with approvals granted for Persimmon Park Place. Pavement thickness will be equal to or greater than the pavement thickness on the surrounding streets. Separe, Inc. bought the remaining vacant lots in Persimmon Park Place and is the developer of Wild Meadows.

In September 2001, Tilcon Delaware, Inc. performed a core sample analysis of the road pavement sections at 12 locations identified by the Assistant City Engineer. The minimum depth of paving was approximately 4.25 inches. The results of the analysis have been reviewed by City staff and are considered adequate for dedication. The pavement section achieves the required structural number necessary to meet the City's requirements for road construction; therefore the pavement section is not substandard with respect to pavement thickness.

Cost Estimates for Street Paving

In Aprill 2003, staff prepared a field estimate for milling and repaving of the existing streets in Persimmon Park Place. This estimate included all of the streets except portions of Beth Place and Karen Place which have been paved within the last two years. The total cost of the work including a 5% contingency was $169,995. This work is necessary to provide the City with a "fresh" pavement section that will not need significant maintenance for approximately 15 years.

This leaves a funding gap of $37,422 for the paving of existing streets after Rep. Ennis' contribution. To date, no agreements have been executed with DelDOT regarding these funds. Correspondence from Rep. Ennis indicated that Senator Vaughn was interested in assisting with additional funds to complete the funding for the paving. To date, the Department of Public Works has not received written confirmation from Senator Vaughn that additional funds have been appropriated for this proposal. In addition, all funds currently dedicated to this project will be used for resurfacing the existing streets. No work has been planned for drainage or curbing issues.

Street Lighting and Signs

Street lights to a standard approved by the City were part of the original recommendations in 1983; however, the developer was allowed to construct yard "lanterns" in lieu of the standard street lights. These "lanterns" are part of the individual property improvements and do not constitute street lighting in the opinion of the Director of Public Works. Street lighting is not a specific code requirement but is a recommended feature for all new subdivisions. If these rights-of-way are dedicated to the City of Dover, area legislators can fund the installation of the street lights in accordance with City standards. In addition, street lighting could be installed through the special assessments option of the Dover code. In 2001 the Electric Department noted that 62 lights would be required at an estimated cost of $50,000. In addition, standard street signs should be installed. The estimated costs would be $5,000.

Other Private Streets in Dover

City staff has identified the following private street sections within the City of Dover: Baytree townhouses (two streets), The Centre at Dover (Centre Drive), Oak Shadows (all streets) and Wild Meadows (all streets). It has previously been requested that the Baytree townhouse streets be dedicated to the City of Dover. However, it was determined upon review of the property deeds that individual property owners owned up to the center of the private street, and dedication would require revisions to all of the deeds associated with the townhouse section of the subdivision. Upon receipt of this information, the Baytree Townhomes Homeowners' Association decided not to pursue dedication. Centre Drive is part of a commercial subdivision at The Centre at Dover and is perpetually maintained by the commercial condominium and maintenance association. Oak Shadows is a 32-lot residential subdivision with less than ten completed lots. Wild Meadows is the name of the balance of the Persimmon Park Place subdivision and has constructed road sections which include Type II curb. Wild Meadows is significantly different from Persimmon Park Place because the lots are owned by the developer.

None of the homeowners in any of the subdivisions listed above indicated a desire to pursue dedication of the private streets. While there is no mechanism to prevent such a request, any request for dedication should be judged upon the individual circumstances and merits of the application.

Legal Liability

According to Bill Pepper, the County and Municipal Tort Claim Law protects the City of Dover by providing immunity from claims brought by individuals or organizations against the City for not having street standards met by the dedication.

Operational Cost/Revenue Analysis and Re-evaluation of Taxes

The following is a generalized analysis of the cost and revenues that would be associated with street operations rounded to the nearest dollar.

COSTS

Street Maintenance:	$7,945 [1] per mile x 1.73 miles	= $13,745
Street Lighting	$42 per light X 63 lights	= $ 2,646
Total		$16,391

REVENUES

Municipal Street Aid:	$5,093[1] per mile X 1.73 miles	= $ 8,811
Increase Tax Base[2]		= $ 8,248
Total		$17,059

[1]These figures were taken from the Urban Partners Annexation Model

[2]This figure assumes a 20% increase in the tax base after reassessment should street dedication occur. The Tax Assessor has determined that there is a 20% difference in assessed value between homes in Persimmon Park Place and comparable properties on public streets. The Assessor has determined the current assessed value of all property (including lots only) in Persimmon Park Place to be $10,087,600. Taxes collected on these properties currently total $41,460.

Community Preservation:

The substandard right-of-way, lack of upright curb, tight radii, and geometric configurations of the streets will create some operational issues for the Department of Public Works with regard to street sweeping and snow plowing. However, the dedication of the streets for public maintenance should be considered a preemptive effort by the City to preserve this community and maintain or improve its tax value. Continued deferment of street infrastructure maintenance will increase costs of this critical asset over time. It is doubtful that a community of this size and families of moderate income will ever be able to afford the maintenance and reconstruction of the private streets indefinitely. As streets in the community deteriorate, it will become a less desirable place to live; and property values will decrease. Street dedication will transfer the financial burden of street maintenance from individual property owners to the City's Street Program. In addition, a public street status would allow for traffic law enforcement by City of Dover Police.

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM**: 3/9/04 - 2
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 2/25/04
PREPARED BY: Scott D. Koenig, Director of Public Works	
SUBJECT: Dedication of Public Infrastructure – Jason & Conwell Streets (College Park)	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: Attachment A – List of Public Improvements to be accepted by the City of Dover Attachment B - Map	
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A	
TIMETABLE: All infrastructure improvements will become the responsibility of the City of Dover upon action by City Council.	
RECOMMENDED ACTION: Acceptance of dedication of public infrastructure on Jason and Conwell Streets. Dedication is to include all of the referenced public improvements.	

BACKGROUND AND ANALYSIS

The developer of the University Courtyard Apartments for Delaware State University, Ambling Development Company, L.L.C., has requested that all public infrastructure improvements related to this site development plan be dedicated to the City of Dover for permanent ownership and maintenance. That attached map shows the general location and configuration of the improvements. The Ambling Development Company, L.L.C. improved existing rights-of-way in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and provided the developer with a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. As of this date, all work has been completed by the developer. A one-year Maintenance Agreement, Maintenance Bond and a Release of Liabilities have been submitted by the developer. In addition, as-built drawings have been submitted to the Department of Public Works for its permanent records.

DEDICATION OF PUBLIC INFRASTURCTURE
JASON & CONWELL STREETS

ATTACHMENT A

The following is a list of all public improvements which are to be accepted by the City of Dover:

Sewer Utility Infrastructure (construction value = $12,500.00):

8" PVC Sanitary Sewer Main	-	170 l.f.
4' Diameter Sanitary Sewer Manholes	-	1 ea. (10.6 v.f.)

Water Utility Infrastructure (construction value = $25,000.00):

8" Ductile Iron Water Main	-	518 l.f.
12" Gate Valves	-	1 ea
8" Gate Valves	-	6 ea.

Street Infrastructure: (0.09 miles) (construction value = $61,430.00):

Jason Street	Station 0+00 to Station 2+15	215 l.f.
Conwell Street	Station 0+00 to Station 2+55	255 l.f.
		470 l.f.

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM**: 3/9/04 - 3
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 2/26/04
PREPARED BY: Scott D. Koenig, Director of Public Works	
SUBJECT: Evaluation of Bids – Walker Road Pump Station Upgrade, Engineering Services Agreement – Construction Phase & Walker Road Sewer Diversion Project Authorization	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: Attachment A – Bid Tabulation, Attachment B – Engineering Services Agreement (Construction Phase), Attachment C – Proposed Budget & Timeline, Attachment D – Revised Walker Road Pump Station Upgrade CIP Sheet, Attachment E – Revised Puncheon Run Motor Control & Pump Replacement CIP Sheet.	
EXPENDITURE REQUIRED: 1) $386,097.00 for the Walker Road Pump Station Project. 2) $20,000.00 for the Walker Road Sewer Diversion Project. **BUDGETED**: $250,000.00 for the Walker Road Pump Station Project to be amended as detailed in this action form. Funding for the Walker Road Sewer Diversion Project is being made available from funds previously earmarked for the Puncheon Run Motor Control & Pump Replacement Project. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Wastewater Fund; page 202 & page 371 of the 2004 Annual Operating Budget.	
TIMETABLE: Committee: 03-09-2004; Council: 03-22-2004; Estimated Construction Start Date: 04-19-2004; Estimated Construction Completion Date: 08-31-2004.	
RECOMMENDED ACTIONS: 1) Approve the low bid submitted by JJID, Inc. Bear, DE in the amount of $308,557.00 plus a 5% construction contingency for the construction of the Walker Road Pump Station Upgrade. 2) Approve the negotiated Engineering Services agreement with Pennoni Associates, Inc. to provide construction phase services as detailed in their proposal dated February 23, 2004 in the amount of $27,660. 3) Authorize staff to construct the Walker Road Flow diversion with funds from the Puncheon Run Motor Control & Pump Replacement Project in the amount of $20,000.00. 4) Amend the CIP per revised pages as attached.	

BACKGROUND AND ANALYSIS

In July 2003, the City of Dover approved an engineering services agreement for design related services related to the upgrade of the Walker Road Pumping Station. The upgrade includes the replacement of the existing pumps and interior station piping, installation of a Poly-Triplex Wet Well Liner, installation of new electrical equipment and controls, installation of a new HVAC system, bypass pumping, and miscellaneous building improvements. The bid package was advertised to the public. Bids were opened and read aloud on Friday, January 30, 2004. Five (5) contractors submitted bids as follows:

Contractor	Location	Amount of Bid
JJID, Inc.	Bear, DE	$ 308,557.00
MGK Industries, Inc.	Pottstown, PA	$ 352,339.00
Hopkins Construction, Inc.	Bridgeville, DE	$ 359,000.00
C & D Contractors	Wilmington, DE	$ 360,000.00
George & Lynch, Inc.	New Castle, DE	$ 397,600.00

A tabulation of the price segments has been provided as Attachment A. After the bids were opened, our consulting engineer was contacted by the low bidder regarding the pump supplier's failure to include the cost of a spare rotating

assembly (approximately $11,000.00) in their quote. This situation was discussed with the Assistant City Engineer, Mr. Andrew Riggi, P.E., and it was determined that this spare assembly is not a critical component for the upgrade since it is a spare part. The pump supplier also failed to include these costs in some of the other quotes to bidders. This situation was discussed with Mr. Nicholas Rodriquez, City Solicitor, and Mr. Rodriquez indicated in written correspondence that it would be fair to add bidders if the requirement of spare rotating assembly was removed from the bid requirements thus leaving the low bid intact.

The Department of Public Works also requested a cost proposal from Pennoni Associates, Inc. to provide construction phase services to aid city staff in completing the project. These services include shop drawing review, attendance at progress meetings, and assistance with technical questions. This proposal is considered a negotiated item and would be executed as an addendum to the original engineering services agreement. The total estimated cost of the construction phase engineering services is $27,660.00. See Attachment B.

Since the referenced costs exceed the project budget, the Department of Public Works has proposed amending the project budget in accordance with the attached revised 2004-2008 Capital Investments Plan worksheets. A proposed project timeline and financing schedule is included as Attachment C. The funds necessary to complete the upgrade of the Walker Road Pump Station will be transferred from the Puncheon Run Motor Control & Pump Replacement Project. The budget for the Walker Road Pump Station Project will be increased from $250,000.00 to $386,097.00. See the revised CIP Sheet label as Attachment D. Construction on the Puncheon Run Project will be deferred from FY-2004 to FY-2005/FY-2006 to provide the necessary funds to complete the Walker Road Project. As of this date, the projected construction budget for the Puncheon Run Motor Control & Pump Replacement has been increased to $1,000,000.00 because of current conditions discovery during the preliminary design of the proposed project. See the revised CIP sheet labeled as Attachment E. The allotted time to complete the Walker Road Pump Station Upgrade is 135 consecutive calendar days; therefore, the completion of the construction contract will not occur until August 31, 2004.

Additional Authorization for related In-house Construction Project – Walker Road Sewer Diversion Project:

In 1999, staff prepared flow projections for each sewer basin in the City's system. The projections for the Walker Road Pump Station basin included plans to divert existing flows from a portion of the Hamlet Subdivision and the Hamlet Shopping Center from the Walker Road basin to the Puncheon Run Basin. This project was only conceptual at the time and staff intended for the diversion to occur when Lot #1 (the corner commercial lot in Four Seasons located at the intersection of Saulsbury Road and Walker Road) was to be developed. The proposed reconstruction of Walker Road which is to begin in the April of 2004 has accelerated the need to construct this gravity sewer project now since upon completion of the road improvements, DelDOT will implement a 5-year moratorium on utility cuts. City staff is prepared to construct the flow diversion immediately. The improvement includes the installation of approximately 350 linear feet of 8" diameter gravity sewer main. The cost to complete this segment of sewer is approximately $20,000.00. This improvement will divert 60 E.D.U.'s from the Walker Road basin to the Puncheon Run basin.

ACTION FORM

PROCEEDING: Utility	**AGENDA ITEM NO.:** 3/9/04 - 4
DEPARTMENT OF ORIGIN: Electrical Engineering	**DATE SUBMITTED**: 01/28/04
PREPARED BY: Steve Enss, Engineering Services & System Operations Superintendent	
SUBJECT: Small Commercial Service	
REFERENCE: Electric Service Handbook, Section C 1-517. GENERAL	
RELATED PROJECT:	
APPROVALS: City Manager	
EXHIBITS:	
EXPENDITURE REQUIRED: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A	**AMOUNT BUDGETED**: N/A
TIMETABLE: Change to be effective March 23, 2004	
RECOMMENDED ACTION: Staff recommends that Section C 1-517. GENERAL of the Electric Service Handbook be amended as outlined below.	

BACKGROUND AND ANALYSIS

The Electric Service Handbook currently requires some commercial service customers, (depending on service size), to install secondaries to the City of Dover facilities. Small commercial services must install the metering, and the City of Dover must install secondaries to this point.

In order to maintain formality and to prevent damage to customer-owned equipment, the Electric Department is requesting that all commercial services including the installation of secondaries become the responsibility of the customer. This will help reduce cost to the City. Having commercial services be the responsibility of the customer is common practice with many other utilities.

We have been experiencing difficulties installing secondaries to commercial services due to the wide variety of electrical equipment that is lawfully installed. Our equipment is primarily used to install primary cables; secondaries are typically directly buried. In areas where we install secondaries in conduit for the City of Dover's necessity, we use specified pulling boxes which allow us to use our equipment without damaging materials.

Current Electric Service Handbook Language: 1-517. GENERAL: The City will install and maintain the underground conductors to the first mechanical connection (weatherhead, trough, meter socket, or disconnect) on the customer's premises at the service point side. The customer will supply the meter socket, conduit (if underground, the conduit shall extend from the meter socket to a point one (1) foot into the earth), and/or any necessary equipment for the service. All self-contained services regardless of phase, must have a lever operated by-pass in the meter socket for safety and customer convenience.

Proposed Electric Service Handbook Language: 1-517. GENERAL: The customer will own and maintain the underground or overhead conductors from the City of Dover's service point (transformer, pole, or pedestal). The customer will supply the meter socket, conduit (if underground, the conduit shall extend one (1) foot below grade to the meter socket), and/or any necessary equipment for service. All self-contained services regardless of phase must have a lever-operated bypass in the meter socket for safety and customer convenience.