

City Manager's Weekly Report

Friday, November 6, 2015

Department:

Administration - City Manager

Notable Notes:

Mayor and Council -

Thank you for your input and comments related to the Budget at Monday's Budget Hearing. Staff and I are working on pricing or modifying the document in accordance with Council's direction in advance to the second hearing now scheduled for November 30th.

Please find the following attachments:

- DEMEC Draft Strategic Plan received this week
- Minutes of the first meeting of the new legislative year of the DLLG's Legislative Committee. I have also attached a copy of HB 200 referenced as an attachment to the Legislative Committee minutes for reference.
- All Delaware Utility Winter Rates
- Memorandum advising of our development of an RFP soliciting proposals for a Public Private Partnership related to Parking Lot 1.

As you are aware, we had a meeting with representatives from CCI (Chesapeake Crescent Initiative). They provided some detail related to some possible research and funding opportunities specific to SCADA, substation and infrastructure. They were to follow up with more detail or proposal information for review.

Activity or Project:

ACES Natural Gas Outlook 10/26/2015

Description:

Please see below the current natural gas report from ACES. It shows the continued breakdown in natural gas market prices, with a plunge of 18% in the last month. Related to this trend, forward energy only prices are also plummeting. We just purchased two energy only 7X24 forward transactions for June 1, 2016 thru December 31, 2019 at West Hub for an average price of \$34.40. This is 23% lower than the comparable average 2011 price of \$44.55. We expect to see continued natural gas price drops toward \$2.00/MMBtu. Today's prompt month contract for Nov2015 gas is at \$2.08 (down 9.03%), while the Dec2015 contract is at 2.37 (down 4.99%). This current trend of falling energy only prices is a welcome relief from the steady diet of rising capacity and transmission prices we have been experiencing. While no one knows how long this trend will last, we are seeing energy prices falling on the trading exchanges as far out as 2024. Stay tuned. Patrick E. McCullar President & CEO DEMEC, Inc.

Status:

Started

Expected Completion: 10/30/2015
Execution Status: On Track

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Alderman's Court

Notable Notes:

We held 3 court sessions this past week.

Activity or Project:

Court Sessions

Description:

We processed 26 arraignments, 12 trials, 9 capias, 5 case reviews and videoed 3 prisoners.

Status: Completed

Expected Completion: 11/4/2015

Execution Status: On Track

Activity or Project:

T2 Parking RFP

Description:

We have completed the installation of T2 on our parking. We are now in the process of getting all the associated reports, letters, etc. built to start using the system effectively.

Status: Completed

Expected Completion: 10/29/2015

Execution Status: Completed

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Electric Department

Notable Notes:

The line crews moved a 12kV circuit over to new poles at Academy and Park Place in the early morning hours this week. They will do the same with the 4kV circuit later. The line crews have also been working at Forest Lane near the West Main Substation getting circuits ready for future upgrades and at Alder Creek continuing installing underground infrastructure.

An underground bore contractor is running into rock at Windy Hills. The contractor is trying to bore in primary cables to eliminate a low voltage problem and tree issues. Alternate routes are being explored.

The electricians continued working on the office renovations at the Municipal Building and escorted an infrared contractor throughout the system looking for hot spots.

Engineering performed firmware updates on SCADA radios that were having intermittent communication problem. This seems to have solved the problem. Engineering has coordinated the crane company, transport company, and a fence contractor to be ready for a November 17th pick of a 50,000 lb. substation transformer that is being sent away for repair.

Activity or Project:

SevOne at STAR Campus

Description:

Install 2 padmount transformers and metering for data center which tie into Bloom Boxes.

Status: In-Progress

Expected Completion: 1/1/2016

Execution Status: On Track

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Parks and Recreation Department

Notable Notes:

I attended the 2016 Operating and 2016 - 2020 Capital Budgets hearing Monday night.

I have committed significant time in recent weeks working with Recreation Superintendent Joe Spadafino on succession efforts.

Park Superintendent Zaleski conducted park inspections and prepared related maintenance work orders. He also committed time meeting with the Davey Resource Group regarding the tree inventory.

We met with representatives of the White Clay Wild and Scenic organization. They wish to donate trees to be planted in the wet land meadow area at Curtis Mill Park. We hope to do the planting in November.

We are continuing to plan for the EAB and BLS Workshop scheduled for November 17.

Management staff are continuing to gather and prepare data and information and attend training sessions

for the new Work Order Management Program.

The parks crew completed or worked on these tasks this week:

- * Frontline equipment maintenance to mowing equipment
- * Tree pruning and trimming
- * Placed trail markers at Redd Park
- * Applied wood carpet (safety surface) to various play units
- * Prepared soccer fields for league play
- * Started mowing Electric ROW's
- * Mowing operations
- * Cutting back perennials and ornamental grasses

Our Adult Winter Volleyball Leagues will begin league play on November 12. This year 19 teams will participate in two leagues.

We conducted our Annual Halloween Party at the Wilson Center on October 30. 75 guests attend, all having a great time! 39 volunteers helped with the event providing us with 114.5 hours of outstanding assistance.

We continue to wrap up items from the Halloween Parade and are preparing for the Turkey Trot, Thanksgiving Day Breakfast and Winterfest.

We secured 22 volunteers to help with last Saturday's Mayor's Masquerade Run.

During the week of October 26 - November 1 volunteers committed 180.5 hours assisting with various events and programs.

Management staff are committing time completing personnel evaluations.

Activity or Project:

Park and Open Space Tree Inventory: CIP Project No. K1303

Description:

The Davey Resource Group will complete their field work this week.

Status: Started

Expected Completion: 11/30/2015

Execution Status: On Track

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Planning and Development Department

Notable Notes:Building Maintenance

- Facilities Maintenance performed the following:
 - Adjusted supply diffusers in the Finance Department;
 - Began painting bathroom partitions at the George Wilson Center and the bollards in front of the Municipal Building.
- Work continues on the creation of new offices on the 2nd floor of the Municipal Building.
- We continue to collect bids on the replacement of the Municipal Building sump pump, which is failing. A temporary pump has been installed.

Code Enforcement

- The driveways that were damaged at Twin Lakes were repaired this week.
- Final Certificates of Occupancy were issued for 412 and 413 Terrace Drive (each building contains 4 apartment units) in the Alder Creek Subdivision.
- Code Enforcement is working on a path forward for the abandoned Rockmoss property.
- A foundation-only permit was issued for 52 North Chapel Street.
- Code Enforcement Supervisor David Culver and Code Enforcement Officer Tim Poole attended the Downtown Newark Partnership Design Committee meeting on Tuesday to introduce Dave to the Committee.

- Work continues on the façade of the Washington House condominiums at 113 East Main Street.

Parking

- Time was spent preparing for the new parking fee collection equipment which is scheduled to be delivered the week of November 11th.
- Some time was also spent on lease agreements for Parking Division operations.

Planning

- On Monday evening, Planning and Development Director Maureen and Parking Manager Marvin Howard attended the Council meeting on the 2016 Operating and 2016-2021 Capital Budgets.
- On Wednesday afternoon, Maureen met with the President of Chapel Street Players to discuss property maintenance concerns in the area of the theater.
- On Wednesday evening, Maureen attended the Council workshop on Noise.
- Some time was spent this week preparing packets for Council consideration of land use proposals, including the Newark Country Club rezoning and the 70 East Main Street Minor Subdivision, Parking Waiver and Special Use Permit application.
- This week the Department received an application for Rezoning, Minor Subdivision and Site Plan Approval for the property located at 47 West Cleveland Avenue. Plans were distributed to operating departments for comments.
- This week the Department also received an application for Rezoning of the property located at 249 East Main Street from BLR to BB. No development plan is associated with the rezoning. Plans were distributed to operating departments for comments.
- On Wednesday, Maureen and Development Manager Mike Fortner met with three separate developers to discuss potential development proposals, including submission requirements and timeframes.
- This week the Council packet was prepared for the application for a Special Use Permit from Newark Community Radio, Inc./Stephen Worden of 117 Bent Lane to operate a Low Power FM (LPFM) station from his owner-occupied residential property. The application will be considered at the November 9th Council meeting.
- The following was also completed this week:
 - 11 Deed Transfer Affidavits
 - 56 Building Permit Reviews

Activity or Project:

Planning Commission Meeting

Description:

At the Planning Commission meeting held Tuesday evening, the Commission discussed their 2016 Work Plan to submit to City Council. The Commission anticipates approving the Work Plan at their December meeting. Also on the December agenda will be the Millcroft Memory Care Facility and a presentation on the revised Comprehensive Development Plan V. In the meantime, the revised draft of the Newark Comprehensive Development Plan V was completed based on the comments from Council at the October 5th Workshop. The Planning Commission will have their final public hearing for Comp Plan V at the January Planning Commission meeting.

Status: In-Progress

Expected Completion: 1/5/2016

Execution Status: On Track

Activity or Project:

Parking Enforcement Software

Description:

The Parking Division spent a lot of time this week going live with the new parking enforcement software. Time was also spent training Parking Ambassadors on using the new handheld ticket writers and printers. The Parking Ambassadors and Parking Division staff are very happy with the new ticketing system as it is easy to use, produces clearer tickets, and meshes well with Alderman's Court responsibilities.

Status: Completed

Expected Completion: 11/5/2015

Execution Status: Completed

Activity or Project:

Code Enforcement

Description:

Code Enforcement staff reported only minor property maintenance and overcrowding issues on Halloween weekend patrols. Staff is now preparing for UD Homecoming this weekend.

Status: In-Progress

Expected Completion: 11/8/2015

Execution Status: On Track

Department:

Police Department

Notable Notes:

Many additional officers will be working this Saturday for the university homecoming weekend. We will be assisted by officers from Delaware Alcohol and Tobacco Enforcement. The overtime grant we usually receive from DATE was not available this year, but we were able to combine two other grants to pay for the homecoming overtime. We have coordinated with the code enforcement inspectors working that day. The weather is expected to be warm and sunny, so we anticipate a busy day.

We continue to deal with alcohol overdoses due to excessive drinking. On October 30th, an officer observed a 21-year-old female stumbling in the roadway in the area of Delaware Avenue and Academy Street. The officer reported the female had trouble holding herself up and could not provide her address. She was transported to the emergency room by Aetna. Also on October 30th, officers responded

to a report of a possible alcohol overdose in a parking lot. Upon arriving at the scene, the officer observed a 21-year-old female laying on the ground, vomiting and trying to stand up. We plan on reaching out to various student groups with an attempt to conduct presentations on the dangers of excessive drinking.

This week, officers from the Traffic Division attended the Office of Highway Safety Conference in Dover. During the conference on Wednesday, Chief Tiernan attended a luncheon where Corporal Wayne Aston was presented with an award from Office of Highway Safety. The award is for Wayne's extensive work in promoting safety on our roadways.

Activity or Project:

N/A

Description:

N/A

Status: Completed

Expected Completion: 11/4/2015

Execution Status: Completed

Activity or Project:**Description:**

Status:

Expected Completion:

Execution Status:

Activity or Project:**Description:**

Status:

Expected Completion:

Execution Status:

11/1/2015

to 11/7/2015



Delaware Municipal Electric Corporation Strategic Plan

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Letter from the CEO

Dear Members:

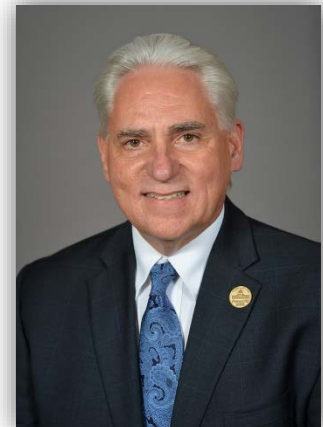
For over a century, Public Power Agencies have provided communities with affordable and reliable energy. And for over 35 years, DEMEC has served the nine municipal electric distribution agencies of Delaware as a Joint Action Agency and wholesale power provider.

We provide wholesale power, provide the benefits of scale to over 125,000 customers, and service a peak load of over 450 Megawatts. We have invested over \$100 Million in the development of a large portfolio of qualifying renewable energy generation resources to achieve the lowest possible cost of regulatory compliance.

Wholesale power supply cost to our full-requirements members has decreased over 20% in the last four years as we have replaced a significant amount of our market-based contracts with new economic self-supply assets. The expansion of our Beasley Peaking Power Station and the addition of the Fremont Combined-Cycle Intermediate Power Plant in 2012 have significantly contributed to these lower wholesale costs, as well as the historic drop in natural gas fuel prices due to the huge increase in domestic supply from the fracking technology.

Our judicious cost control and responsible generation portfolio management has yielded significant efficiency and value to you, our members, and that value is reinvested in our communities through lower retail rates and enhanced municipal services. We at DEMEC are proud of our historical achievements.

However, we are facing changes in the regional electric industry that will challenge our ability to continue to provide stable, competitive wholesale power supply to our member communities. We see a rapidly shifting landscape for our industry. Regulatory and technological changes threaten the viability of the electric utility business model. The one certainty we have is that our next 35 years of Joint Action and



Patrick E. McCullar
DEMEC President & CEO

wholesale power provision will be radically different from the prior era. As an organization, DEMEC must re-evaluate how we add value to members and what kinds of changes we need to begin making now.

Costs of wholesale power supply are more likely to go up than down in the next three years. The main drivers of these expected higher power supply costs are loss of generation reserve due to the proposed Environmental Protection Agency (EPA) regulations, increasing transmission costs, and expected higher capacity costs. In addition to the significant cost drivers discussed above, Renewable Portfolio Standards (RPS) obligations for each DEMEC member will continue to increase each year, causing additional costs as we move up the compliance schedule toward 2025, when 25% of our power supply must come from qualifying renewable generation resources.

Our senior management and the Board of Directors undertook a strategic planning process early this year that included a deep dive into the challenges being raised by the rapid and complex changes in the electric industry in the eastern United States where we operate. This strategic plan outlines our approach to addressing these changes while maintaining high quality power supply services to you, our members. Our strong connection with our member communities continues to be a key asset in an increasingly competitive marketplace.

While the changes coming in the industry will be challenging, we are well prepared to meet members' changing needs and pursue continued growth of assets and services to maximize the company's value to its member communities. As we implement these initiatives, we'll be making course adjustments to deliver the best possible set of outcomes. We realize DEMEC must transform and take a proactive leadership role in our industry's evolution. We will report our implementation status and next steps annually—and I invite you to share your views on the effectiveness and value of DEMEC to your community.

In closing, I want to thank the employees of DEMEC and its member systems, as well as the Board of Directors, whose creativity, hard work and dedication to growing the value of the company have made our past achievements possible and created this roadmap to a successful future.

Sincerely,



Patrick E. McCullar
DEMEC President & CEO



Strategic Planning Overview and the Case for Change

The public power industry is facing an unprecedented rate of change with a number of factors threatening the existing utility business model, such as:

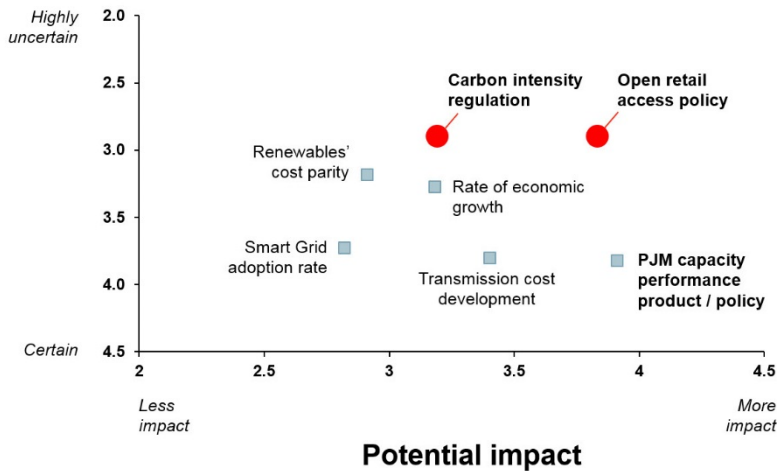
- Buy-out offers that disadvantage community utilities
- Declining per-capita power usage, stressing the revenue model and fixed cost coverage
- Potential for tighter environmental regulation, decreasing the relative viability of carbon-intense generation
- Development of increasingly economic distributed generation options, threatening the conventional approach to serving utility load
- Uncertainty regarding transmission costs, increasing the need to evaluate local generation alternatives
- Ongoing stressed municipal budgets, demanding increasing utility efficiency
- Retiring workforce challenges and difficulty staffing key operational positions

While DEMEC members have not experienced all of these factors to date, several are likely to present challenges in the future. In particular, DEMEC Senior Management and Board Leadership identified a couple of external drivers as having the greatest potential impact on the organization and its Members and whose development has the greatest degree of uncertainty.

- **Carbon regulation and pricing:** This could change from the prior status quo of effectively no carbon pricing, all the way to \$20/ton of CO₂ pricing scheme, based on political factors. The more intensive the carbon regulatory environment, the greater the importance of distributed generation and associated business model changes, including more complex cost allocation and billing, and greater importance of data management driven by smart metering.
- **Open Retail Access:** Because of the natural municipal aggregation buying aspects of Public Power in Delaware, imposing regulatory open retail access would not add value to our customers but would actually harm our communities. If this regulatory policy was forced on the municipal communities, DEMEC and its members would face loss of load, more complicated billing models,

increasingly complex regulatory filings, and greater uncertainty in load planning and utilization, all of which would result in increased cost to the member communities.

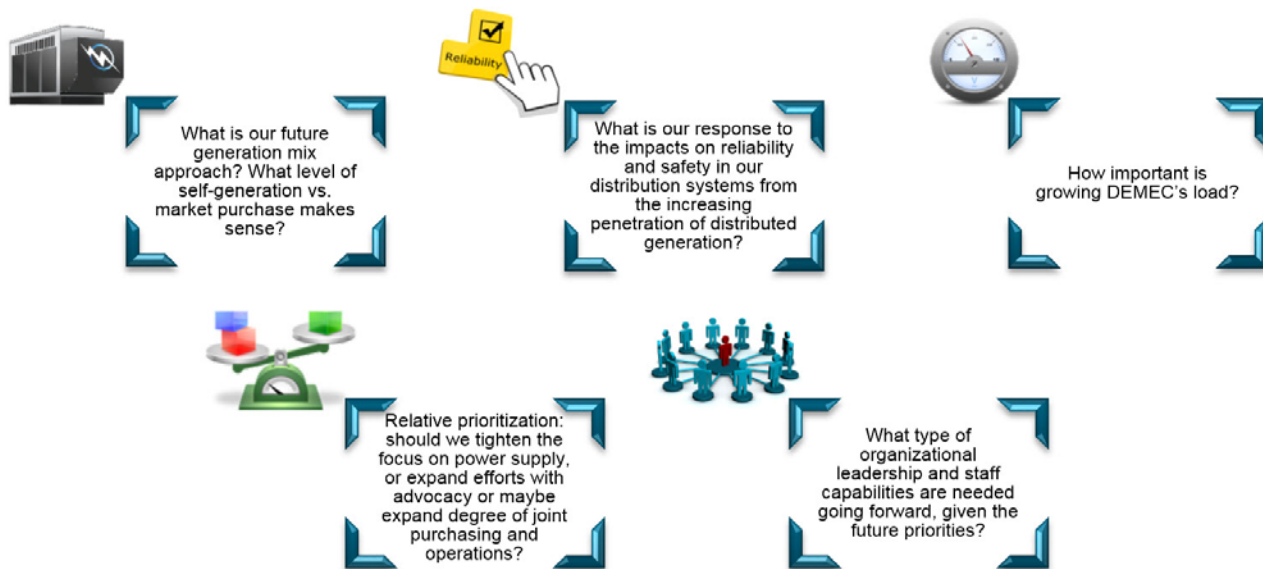
Uncertainty



In short, public power agencies face the dilemma of either reforming their business models, or experiencing potential revenue loss and failure to recover costs.

Figure 1: Future uncertainties facing DEMEC and members-ranked by potential impact and degree of uncertainty. The key uncertainties of carbon regulation and economic growth rate were used to form planning scenarios.

DEMEC itself faces a set of particular challenges and strategic questions at this juncture, driven both by industry trends and specific operational and organizational issues:



To answer these questions, DEMEC Senior Management and Board assessed alternative future scenarios, identified logical responses, and from this, formed a few different strategic options for evaluation:

- Maintain current DEMEC focus primarily on power supply provision at generally the same operating scale and with similar range of services
- Expand DEMEC mission to include broader provision of value-added services to members
- Expand DEMEC's operating scale- focusing on growing load.

Each option was evaluated, with Senior Management and Board assessing the "burden of proof" required to make each option the preferred alternative. The resulting plan balances the need for change with the need to preserve service levels and community support.

DEMEC Vision and Mission

Through the strategic planning process, the Senior Management and Board re-assessed the organization's overarching Mission and Vision. The Mission was re-affirmed:

Mission:

To provide high quality energy services to members in an economical manner.

The Vision was tightened to reflect the three key ways in which DEMEC fulfills its Mission:



Provide

WHOLESALE POWER PROVISION

Provide its members reliable, low-cost, and environmentally responsible wholesale power supply options to members from a diverse portfolio, including owned resources, balancing cost and price predictability.

Educate



ADVOCACY & EDUCATION

Educate, advocate and represent its members' interests at the local, state and federal levels.

Encourage



MEMBER COLLABORATION

Provide a forum for training and other collaboration actions for members and provide selected value-added services as needed.

The Board affirmed the primary importance of the power supply provision component of DEMEC's Vision and directed that diversification into additional value-added services is not an immediate priority. With this guidance, DEMEC's Senior Management will focus on wholesale power supply provision and advocacy/education activities, while expanding additional services as needed in an extremely focused manner.

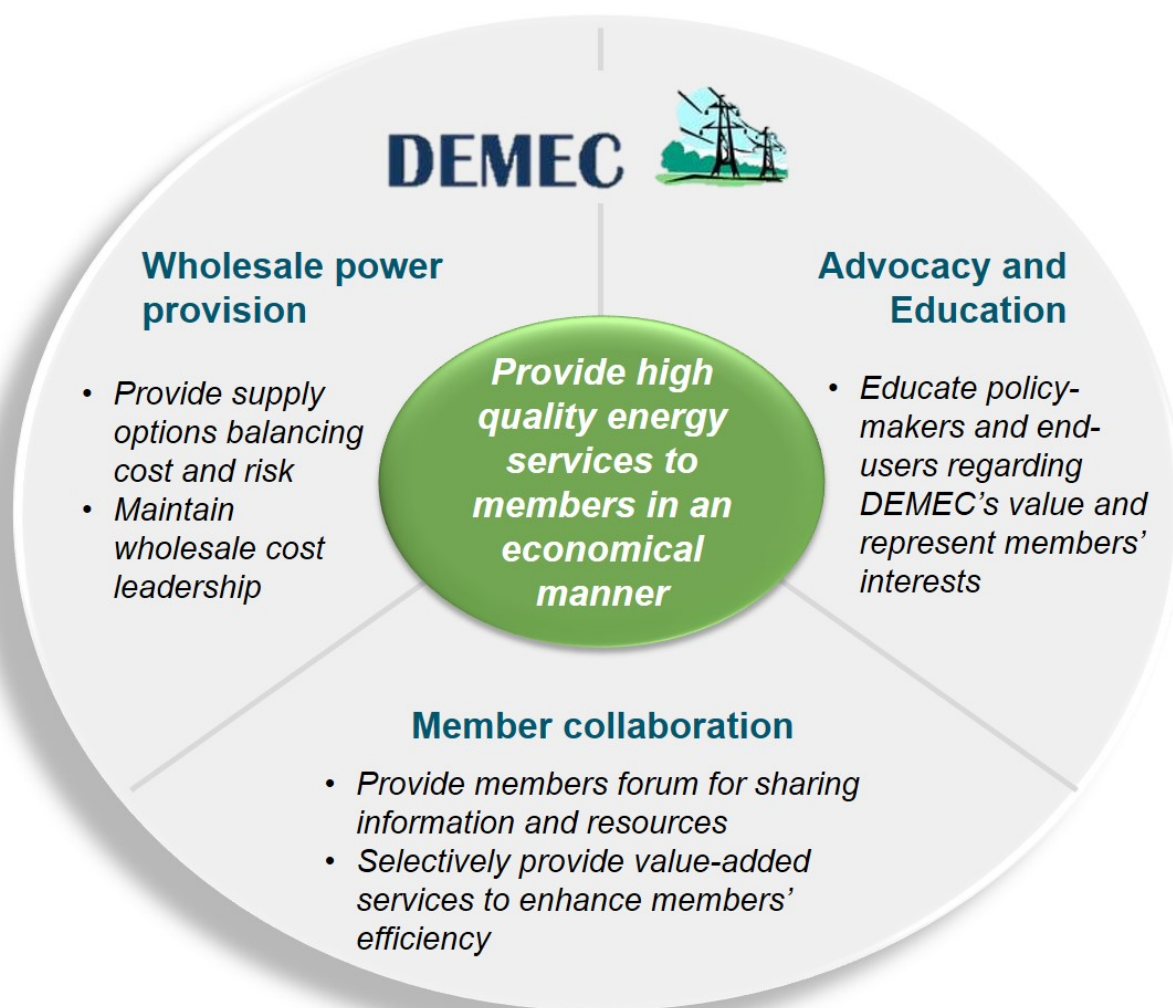


Figure 2: DEMEC's Mission and supporting Vision Elements



Future Strategy and Supporting Initiatives

Following analysis of the organization's current position, the external trends and uncertainties, and the potential options to respond, DEMEC identified a set of changes to its model that will position the organization to best serve Member needs over the next 10 years.

While DEMEC's Mission remains unchanged, the areas of relative emphasis have evolved based on the degree of change in the industry and in the local operating region. The core value-added function of DEMEC, wholesale power supply, remains the top priority and the organization cannot diffuse focus from this. To enhance DEMEC's value in wholesale power supply, however, the organization needs to invest further in developing owned generation, including capacity resources and "behind the meter" resources, while engaging with key customers to provide mutually beneficial supply options.

The most significant area of increased focus for DEMEC over the next 1-2 years must be its advocacy and education activities. Members' governing bodies, end-users and other relevant policy makers do not understand fully the degree of value DEMEC creates for member communities.

While DEMEC can enhance the degree of value it adds through services and fostering member collaboration through expanding its scope, it must be done selectively, as needed.

Further expansion of DEMEC in terms of scope of services and/or serving additional customer load will be evaluated as opportunities arise. Such growth can offer economic advantages to DEMEC members as the benefits of scale continue to increase due to growing data and IT centrality of power provision. The key strategic activities identified as critical by the Senior Management and Board was organized into logical sets of tactics, each supporting a pillar of DEMEC's vision.

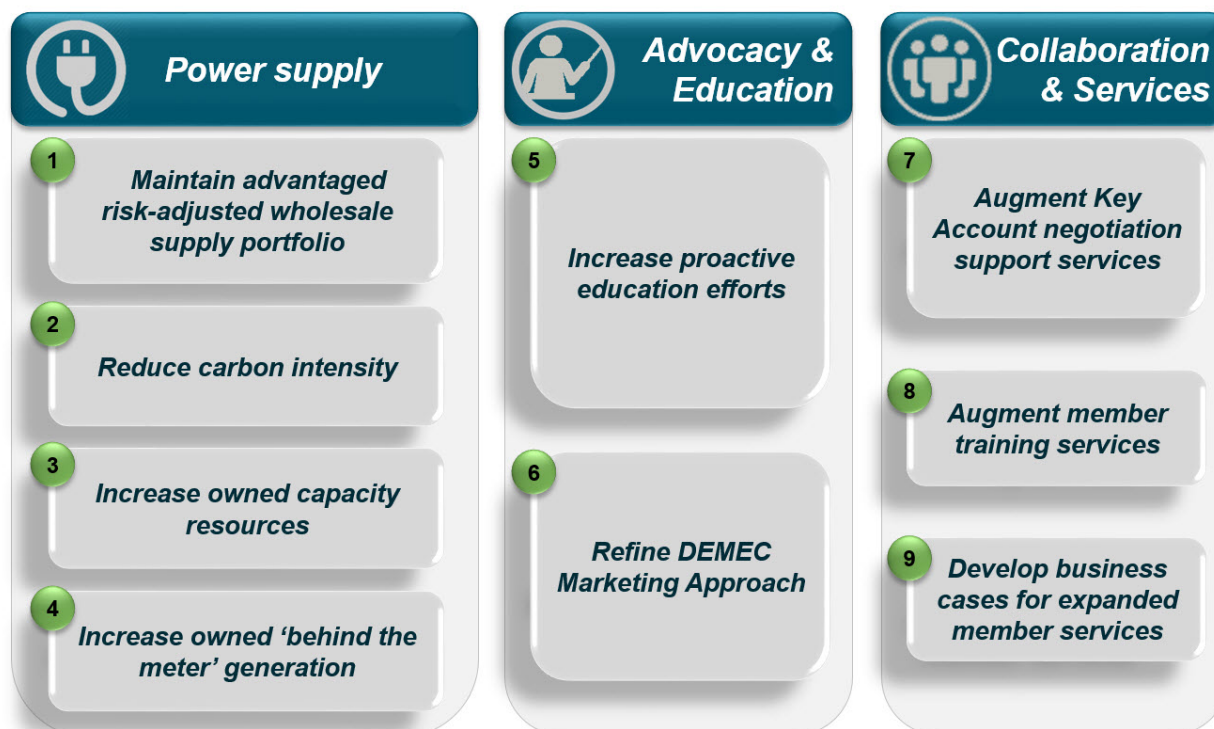


Figure 3: Strategic initiatives developed for each pillar of DEMEC's vision

The focus and key tasks of each initiative are outlined below:

1. Maintain advantaged risk-adjusted wholesale supply portfolio:

- Refine DEMEC wholesale supply portfolio based on market conditions to maintain desired price certainty.
- Evaluate participation in additional capital projects to balance DEMEC's portfolio exposure and hedge fuel and regulatory risks.

2. Reduce carbon intensity:

- Evaluate options for new non-carbon based generation (e.g. hydropower based supply, other renewable energy resources).
- Advance demand response and energy efficiency program growth.
- Develop partnerships with third-parties as needed to leverage relevant competencies.

3. Increase owned capacity resources:

- Evaluate options for new owned generation (e.g. nuclear, other diverse owned resources).
- Develop partnerships with third-parties as needed to leverage relevant competencies.

4. Increase owned 'behind-the-meter' generation:

- Evaluate options for local generation (e.g. Combined Heat Power [CHP], community scale solar).
- Conduct cross-member analysis to identify potentially valuable opportunities to leverage storage coupled with intermittent generation.
- Develop partnerships with third-parties as needed to leverage relevant competencies.

5. Increase proactive education efforts:

- Develop prioritized plan for ongoing education/familiarization sessions with elected officials, policy makers and end-users at the local, state and federal levels.
- Track education efforts at DEMEC and Member levels and refine priorities based on feedback.
- Implement regular surveying of elected officials, policy makers and end-users.

6. Refine DEMEC marketing approach:

- Develop updated marketing materials defining DEMEC's value-add.
- Provide succinct materials to Board members regarding Public Power generally and DEMEC's contributions specifically, tailored for sharing in public forums.
- Refine DEMEC survey approach: review the questions and response scales for surveys of Board Members and of Elected Officials. Revise as needed to ensure data informs key decisions under evaluation.
- Evaluate and refine the marketing channel mix used by DEMEC (web, print).
- Add full-time Marketing and PR resource to DEMEC staff to leverage benefits of experience and scale.

7. Augment key account negotiation support services:

- Prioritize key accounts across membership base for future negotiation support; develop resource-loaded schedule for expected support.
- Provide dedicated staff support to contract negotiation preparation and execution.
- Evaluate adding dedicated DEMEC staff member to support analysis and negotiation, based upon estimated volume of future needs.

8. Augment member training services:

- Develop schedule of DEMEC hosted training sessions, prioritizing target audiences based on Board input.
- Evaluate AMP and APPA training content / resources and ability to leverage for local purposes.

9. Develop business cases for expanded member services:

- Evaluate future need for and potential benefit for joint DEMEC approach to selected issues and the required investments, ultimately producing business case for Board evaluation. Evaluation is expected to address the following:
 - Expanded financial support (on behalf of financing)
 - Expanded renewables planning services
 - Coordinated IT system adoption and rollout: meter data management and billing
 - Joint procurement programs
 - Joint coordination of financial services (rate design, cost allocation, time-of-use rates, rate class development)
- Confirm DEMEC governance agreements allow for collaborative procurement.

The initiatives articulated above do not represent all functional areas and obligations of the corporation, but are meant to highlight the key areas of emphasis in this strategic plan.



Strategy Implementation Approach

A key point of emphasis for DEMEC in our strategy development process has been ensuring we translate our strategic plan into action. This translation requires clear definition of milestones and metrics supporting each strategic initiative.

Senior Management and the Executive Committee are refining a set of Key Performance Indicators (KPI) by strategic objective. Following ongoing iteration, they will present a recommendation to the Board.

Below is the current working draft summary of the KPI by strategic objective:

	Objective	Key Performance Indicator	Target value
Power supply	Cost efficiency	- Annual % Δ versus market index - Annual % Δ in Avg Variable Cost	0% (remain on par) <5%
	Certainty	- Percent of power supply owned - Percent of power supply hedged 3 years forward	60% by 2017 90% by 2016
Advocacy & Education	Advocate for members' interests	Board survey score: Average satisfaction level	80% top 2 box score
	Educate relevant audiences	Elected official survey score: Average satisfaction level	80% top 2 box score
Collaboration & Services	Enhance collaboration	Board survey score: Agree DEMEC fosters value-added collaboration	80% top 2 box score
	Provide efficiency through services	Metric TBD: Will be based on \$ cost savings and on demonstrated ROI of member fees	

Every quarter, the DEMEC CEO will provide a brief status update regarding strategy implementation. Every year DEMEC will publish a summary of KPI achievement and any adjustments to the strategic priorities and/or supporting initiatives.

DLLG Legislative Advocacy Committee
Meeting Minutes – October 29, 2015
DLLG Office, Camden

Attendees

Eugene S. Dvornick, Jr., Town Manager, Georgetown
Marge Hadden, Council Member, Newark
Carol Houck, City Manager, Newark
David S. Hugg, III, Town Manager, Smyrna
Jesse Savage, Town Manager, Bridgeville
Polly Sierer, Mayor, Newark
Michael Spencer, Mayor, Newport
Teresa Tieman, City Manager, Harrington

Carl Luft, Executive Director, DLLG
Mark Lally, Lally & Associates, DLLG Lobbyist

General Discussion

1. Agreement on basic principles
 - a. Continue to battle the diversion of municipal revenues to balance the State budget
 - i. Municipal Street Aid, Community Transportation Funds, Realty Transfer Tax
 - b. Plan to advocate for much needed investment in infrastructure (water, sewer, and transportation)
 - c. Home Rule
 - d. Adequate, stable, and flexible resources
 - e. Economic Prosperity
2. Process Moving Forward
 - a. Budget Crunch Year (worse than FY 2016)
 - b. Election Year (may impact willingness to increase tax items)
 - c. DEFAC continues Doom & Gloom forecasts
 - d. At some point, meeting with Governor Markell to get sense of his priorities
 - e. Indications the focus will be financial issues – not social issues (focus over the last few years)

Legislative Item Discussion

Key Considerations:

- Willingness to support non-financial impact bills
- Encourage bills to help offset potential lost revenues
 - o Tax Intercept (past due property taxes)
 - o Accommodations Tax for Municipalities (Title 22 change)

Identified Concerns:

- Body Camera's for law enforcement (initial cost, storage, ongoing costs)
- DELJUS cost – shift from State to Local
- Unfunded Mandates

DLLG Legislative Advocacy Committee
Meeting Minutes – October 29, 2015
DLLG Office, Camden

- Impact of a change to Realty Transfer Tax split – one alternative, add ½ % or 1% to be given to the State

Specific Legislation:

Accessible Parking

- HB 200 (*Copy Attached*)
 - o Some concern over inspection requirements and enforcement
 - o Adopt a watch and monitor approach at this time

Action Items:

1. Begin gathering information:
 - a. Delinquent Property Taxes by municipality
 - i. Amount outstanding
 - ii. Age of past due
 - b. Impact of a change to Realty Transfer Tax split
 - i. What does each municipality lose?
 - ii. What is the RTT rate in surrounding states?
2. Contact OMB for Department budget presentation and hearing timeline (Carl Luft)
3. Investigate if there was an identified budget reduction percent provided to Departments (Mark Lally)
4. Consideration of a meeting with Governor Markell, post State of the State, to hear his plans and see where there may be commonality with municipal concerns
5. Meeting with the DLLG Executive Board prior to the November 17, 2015 meeting

Next Meeting

Thursday, November 12, 2015, 2:00 PM, Dover Downs



SPONSOR: Rep. Viola & Rep. Hudson & Sen. Poore
Reps. Heffernan, Kowalko, Matthews, Ramone

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 200

AN ACT TO AMEND TITLES 9, 21, AND 22 OF THE DELAWARE CODE RELATING TO ACCESSIBLE PARKING SPACES.

1 WHEREAS, the number and quality of accessible parking spaces for persons with disabilities varies widely
2 throughout the state; and

3 WHEREAS, federal standards for accessible parking do not meet the needs of most persons with disabilities using
4 accessible parking; and

5 WHEREAS, there is inconsistent application of existing standards for accessible parking spaces, and enforcement
6 of those standards is poor; and

7 WHEREAS, individuals in this state continue to park illegally in accessible parking spaces to the detriment of
8 persons with disabilities and the establishments that provide goods and services to those persons;

9 NOW, THEREFORE,

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all
11 members elected to each house thereof concurring therein):

12 Section 1. Amend § 4183, Title 21 of the Delaware Code by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 4183 Parking areas for vehicles being used by persons with disabilities.

15 (a) For purposes of this section, the term "vehicle being used by a person with a disability" means a vehicle:

16 (1) That displays a valid special license plate issued pursuant to § 2134 of this title on the rear of the vehicle,
17 or that displays a valid parking placard issued pursuant to § 2135 of this title on the front windshield rearview mirror of
18 the vehicle or, if there is no mirror, on the dashboard, or that displays a valid plate, placard or other item issued under a
19 similar statute in another state or country; and

20 (2) In which the person for whom the plate or placard is issued is either the operator or a passenger or, in the
21 case of an organization, in which a person who is entitled to obtain a permanent or temporary placard is a passenger.

(b) With the exception of a vehicle being used by a person with a disability, it is unlawful to park on public or private property any vehicle in any area under the control of the Department of Transportation or a local authority within its respective jurisdiction or under the control of an owner or lessee of private property that is designated as a parking space or zone for persons with disabilities which limit or impair the ability to walk and that is conspicuously marked as such. For purposes of this section, "conspicuously marked" means that a vertical sign has been placed at an approximate height of at least 5 feet but no more than 7 feet when measured from the surface directly below the sign to the top of the sign for each parking space or zone. The sign must substantially follow federal specifications that identify a parking zone or space as one for persons with disabilities which limit or impair the ability to walk. A sign at least 12 inches wide by 18 inches tall that includes the internationally recognized wheelchair symbol of access substantially follows federal specifications. These requirements may not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space or zone, or a tow away warning sign substantially complies with the requirements for an accessible parking space, as defined in § 4183A of this title.

(c) Upon the discovery on private property of a vehicle, other than a vehicle being used by a person with a disability, in a ~~designated parking space or zone for persons with disabilities that~~ substantially complies with the requirements for an accessible parking space as defined in §4183A of this title, the owner or lessee of the private property may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles. Any costs of removal and storage must be borne by the owner or operator of the vehicle. Upon the discovery of a vehicle illegally parked in a ~~designated parking space~~ that substantially complies with the requirements for an accessible parking space as defined in §4183A of this title or ~~zone for persons with disabilities~~ that is under the control of the Department of Transportation or local authorities, the State Police, county police or municipal police having jurisdiction may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles. Any costs of removal and storage must be borne by the owner or operator of the vehicle.

(d) In addition to unlawful parking on public or private property ~~in a space in an accessible parking space or zone for persons with disabilities~~, the following acts are prohibited on both public and private property and may be enforced pursuant to this section:

- (1) Creating or using a counterfeit license plate or parking placard, as described in § 2134 or § 2135 of this title;
- (2) Altering a license plate or parking placard issued pursuant to § 2134 or § 2135 of this title;

(3) Parking on a striped area or access aisle within or adjacent to a an accessible parking space that substantially complies with the requirements of § 4183A of this title. ~~or zone designated for a vehicle being used by a person with a disability;~~

(4) Being the person or organization to whom a license plate or parking placard has been issued pursuant to § 2134 or § 2135 of this title, allowing another to use the plate or placard; or

(5) Parking a vehicle with a license plate or placard issued pursuant to § 2134 or § 2135 of this title ~~in a space or zone defined in subsection (b) of this section~~ in an accessible parking space that substantially complies with the requirements of § 4183A of this title. unless a person on whose behalf a special license plate or placard has been issued is being transported.

(e) A uniform parking summons may be attached to an unattended vehicle found in violation of this section by a person authorized to issue a summons for a violation of this section. It is prima facie evidence that the person or organization in whose name the unattended vehicle is registered is responsible for the violation. The owner or operator of the unattended vehicle may mail or deliver the summons and the designated fine and costs directly to the court identified on the summons instead of appearing before the court for arraignment on the charge, provided that the owner or operator identifies himself, herself or itself and that the summons and fine and costs are received by the court at least 2 days before the arraignment date designated on the summons.

(f) A person or organization who violates any provision of this section shall receive a mandatory fine of ~~\$100~~ \$250 for a first offense, and for a subsequent like offense, a mandatory fine of ~~\$200~~ \$500 or a term of imprisonment of not less than 10 nor more than 30 days, or both. In addition, a person or organization who holds a valid special license plate or parking placard issued pursuant to § 2134 or § 2135 of this title and who violates paragraph (d)(1), (2), or (4) of this section may receive an additional penalty of up to a 6-month suspension or the permanent revocation of the plate or placard. If a plate is suspended or revoked pursuant to this subsection, the person may apply for and be issued a regular license plate.

(g) The Superintendent of the State Police is authorized to appoint State Police Academy cadets to enforce this section within the unincorporated areas of each county. Cadets appointed pursuant to this subsection must be at least 18 years of age. The Superintendent may establish other qualifications considered necessary or desirable.

(h) A summons issued by a cadet appointed by the Superintendent pursuant to subsection (f) of this section has the same force and effect as a summons issued by the State Police.

(i) Fines collected from summonses issued by the State Police or by cadets appointed pursuant to subsection (f) of this section must be deposited into the General Fund.

(j) The authority of the State Police or a cadet appointed by the Superintendent to enforce this section is not limited by any jurisdictional agreement between the State Police and any local law-enforcement agency.

Section 2. Amend Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

Section 4183A Requirements for Design, Construction and Maintenance of Accessible Parking Spaces.

(a) “Accessible parking space” is defined as any parking space or parking zone designated by an owner or lessee of any public or private property for use by a “vehicle being used by or for a person with disability”, as defined in §4183 of this title.

(b) Where accessible parking spaces are provided, they shall be designed and constructed in compliance with the requirements of this section and with the applicable regulations promulgated by the United States Department of Justice and the United States Department of Transportation under the Americans with Disabilities Act, Titles II and III, the Guidelines for Pedestrian Facilities in Public Rights of Way, when such Guidelines are adopted and codified in the United States Code of Federal Regulations, any applicable building code adopted by any county or municipality, and any statewide building code, all as they may be amended.

(c) In addition to meeting the standards for accessible parking spaces in subsection (b) of this section, any applicable building code adopted by any county or municipality, and any statewide building code, all accessible parking spaces shall meet the following requirements:

(1) Accessible parking spaces shall be a minimum of 108 inches wide, in addition to a mandatory 60 inch access aisle. Van accessible spaces shall be a minimum of 144 inches wide with an access aisle of 60 inches, or 108 inches wide if the access aisle is 96 inches wide.

(2) For every five accessible parking spaces required by law, one additional space shall be reserved for wheelchair and scooter users only, in addition to designating any required van accessible spaces.

(3) Each accessible parking space shall have a sign that shall be clearly visible to a person parking in the space, at a minimum height of 60 inches, shall be marked with the International Symbol of Access, shall indicate that the space is reserved for vehicles with plates and/or permits issued to persons with persons with disabilities under § 2134 and § 2135 of this title, and shall display the then current fines established in § 4183(f) of this title. Each accessible parking space shall be marked on both sides with a blue painted border.

(4) A van accessible space shall have an additional sign marked “Van Accessible” mounted below the sign. An accessible parking space reserved for wheelchair users shall have a sign that includes the words “Wheelchair/Scooter Users Only.”

109 (5) All access aisles shall have conspicuous signage to indicate that parking and obstruction of the access
110 aisle is prohibited. Signs shall not obstruct or interfere with an accessible route and shall display the then current fines
111 established in §4183(f) of this title.

112 (6) All access aisles shall be marked with a blue painted border around the perimeter; the area within the blue
113 border shall be marked by 4 inch hatched lines painted diagonally on a 45 % angle to the blue border, in a color
114 contrasting the aisle surface.

115 (7) All newly constructed or designed accessible parking spaces shall be designed and constructed such that a
116 disabled driver or passenger will not be required to wheel or walk behind parked vehicles (other than their own).
117 Unless prevented by local fire codes, accessible parking spaces shall be placed on the shortest accessible route to the
118 accessible entrance.

119 (8) Accessible parking spaces and access aisles shall be maintained so as to meet the requirements of this
120 section. Snow, ice and debris shall be removed as soon as is practicable. Access aisles shall remain clear of all
121 obstructions, including without limitation, plowed snow, bicycle racks or shopping carts.

122 (d) The obligation to design and construct accessible parking spaces consistent with this section extends to all
123 newly installed spaces, and to any existing accessible parking spaces whenever they are restriped, repainted, resurfaced, or
124 otherwise altered, effective six months from the date of enactment. All accessible parking spaces shall comply with this
125 section not later than three years from the date of enactment.

126 (e) No new accessible parking spaces and no existing accessible parking spaces owned or leased by any private
127 entity or person shall be installed, and no existing accessible parking spaces shall be restriped, repainted, resurfaced or
128 otherwise altered, until the county or municipal authority having jurisdiction over the construction or alteration of
129 commercial buildings has issued a permit authorizing such action and has inspected the installation or modification of the
130 space to ensure that it has been constructed or modified in accordance with this section.

131 Section 3. Amend §110, Title 22 of the Delaware Code by making deletions as shown by strike through and
132 insertions as shown by underline as follows:

133 § 110 Parking spaces for use by persons with disabilities.

134 (a) The county government of each of the 3 Delaware counties shall, on or before ~~January 1, 2004~~ July 1, 2016,
135 and the municipal government of each incorporated municipality within each county shall, on or before ~~March 1, 2004~~
136 July 1, 2016 adopt regulations or ordinances regarding the duty of individuals and artificial entities to ~~erect~~ construct and
137 maintain ~~signage on parking spaces or zones for use by persons with disabilities~~ accessible parking spaces consistent with
138 § 4183A of Title 21.

(b) The county government of each of the 3 Delaware counties shall, on or before July 1, 2016, and the municipal government of each incorporated municipality within each county shall, on or before July 1, 2016 adopt regulations or ordinances requiring that no new accessible parking space shall be constructed and no existing accessible parking space shall be installed, restriped, repainted, resurfaced or otherwise altered until the county government or municipality has issued a permit authorizing such action and has inspected the construction or modification of the space to ensure that it is compliant.

~~(b)~~ (c) The ~~signage~~ regulations or ordinances adopted pursuant to subsection (a) and (b) of this section must include an enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a written warning to an individual or artificial entity who is required ~~to erect and maintain signage~~ construct and maintain accessible parking spaces, but has failed to do so, consistent with the obligations under § 4183A of Title 21. If, after 30 days from the date that a warning is issued, the individual or artificial entity has not ~~erected and/or maintained the required signage~~ constructed or maintained the accessible parking spaces, the enforcement officer may issue a summons or apply for a warrant in the name of the offending individual or artificial entity.

~~(c)~~ (d) A municipality may elect to adopt accessible parking space regulations or ordinances of the county government of the county in which the municipality is located. A municipality which elects to do so may also adopt additional regulations or ordinances as required by its own particular conditions. Whether a municipality adopts its own accessible parking regulations or ordinances, or adopts the regulations or ordinances of the county along with additional regulations or ordinances to meet particular conditions, the municipality's adopted regulations or ordinances may not be less restrictive than those of the county.

Section 4. Amend §310, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 310 Parking spaces for use by persons with disabilities.

(a) The county government of each of the 3 Delaware counties shall, on or before ~~January 1, 2004~~ July 1, 2016, and the municipal government of each incorporated municipality within each county shall, on or before ~~March 1, 2004~~ July 1, 2016, adopt regulations or ordinances regarding the duty of individuals and artificial entities to ~~erect~~ construct and maintain ~~signage on parking spaces or zones for use by persons with disabilities~~ accessible parking spaces consistent with § 4183A of Title 21.

(b) The county government of each of the 3 Delaware counties shall, on or before July 1, 2016 , and the municipal government of each incorporated municipality within each county shall, on or before July 1, 2016, adopt regulations or ordinances requiring that no new accessible parking space shall be constructed and no existing accessible parking space

shall be installed, restriped, repainted, resurfaced or otherwise altered until the county government or municipality has issued a permit authorizing such action and has inspected the construction or modification of the space to ensure that it is compliant.

(b) (c) The signage regulations or ordinances adopted pursuant to subsection (a) and (b) of this section must include an enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a written warning to an individual or artificial entity who is required to erect and maintain signage construct and maintain accessible parking spaces, but has failed to do so, consistent with the obligations under § 4183A of Title 21. If, after 30 days from the date that a warning is issued, the individual or artificial entity has not erected and/or maintained the required signage constructed or maintained the accessible parking spaces, the enforcement officer may issue a summons or apply for a warrant in the name of the offending individual or artificial entity.

(e) (d) A municipality may elect to adopt accessible parking space regulations or ordinances of the county government of the county in which the municipality is located. A municipality which elects to do so may also adopt additional regulations or ordinances as required by its own particular conditions. Whether a municipality adopts its own accessible parking regulations or ordinances, or adopts the regulations or ordinances of the county along with additional regulations or ordinances to meet particular conditions, the municipality's adopted regulations or ordinances may not be less restrictive than those of the county.

Section 5. This Act becomes effective 30 days after it enactment into law.

SYNOPSIS

This Act adds provisions to Title 21 defining accessible parking spaces, incorporating federal standards for accessible parking spaces found in the Americans with Disabilities Act and adding additional requirements that enhance these standards and better reflect the needs of persons with disabilities in Delaware. The Act increases the penalty associated with violating the statute that prohibits individuals who do not possess a parking placard or special license plate from parking in accessible parking spaces, or in the access aisles located next to accessible parking spaces. This Act adds provisions in Titles 9 and 22 of the Delaware Code to require county and municipal governments to adopt regulations and ordinances incorporating these requirements for accessible parking spaces, including the requirement that property owners have a permit and inspection for new or modified accessible parking spaces, in order to increase compliance and uniformity statewide.

Selected Area Utilities

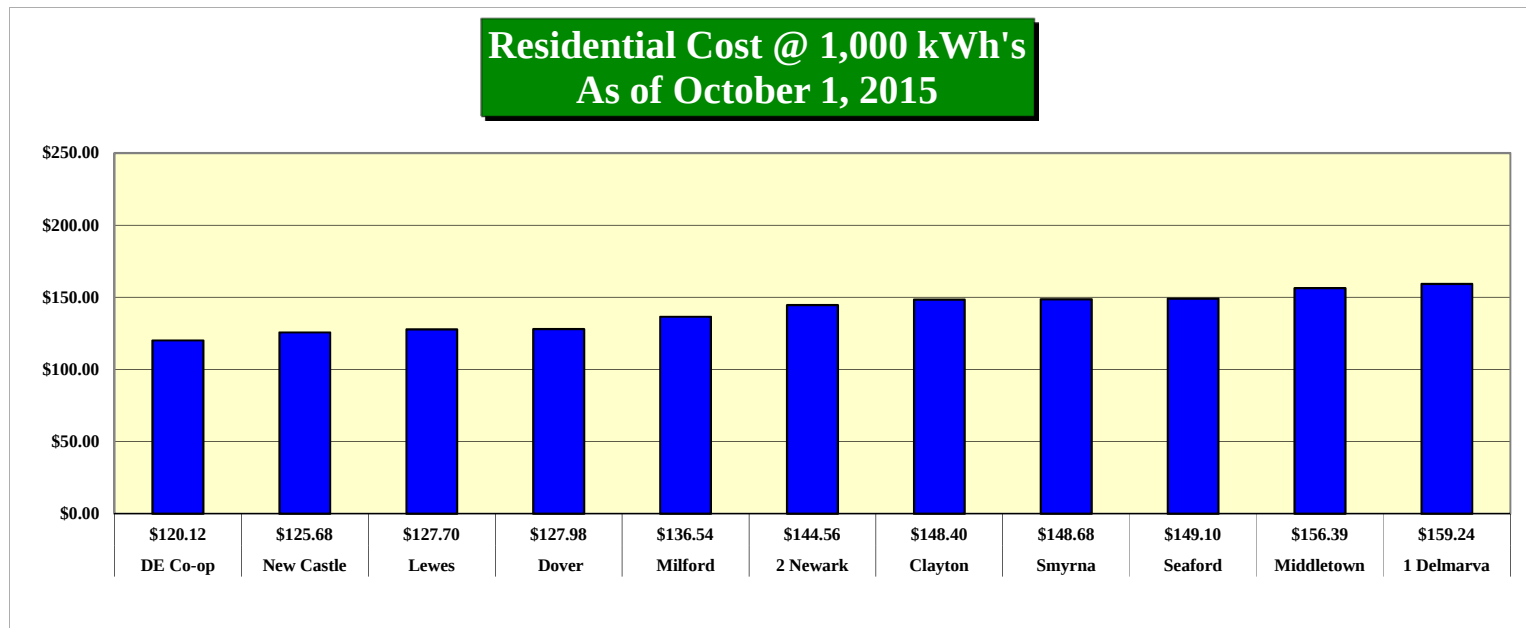
Winter (Oct. - May)

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		DE COOP	DPL
		<u>% Difference</u>	<u>% Difference</u>
<u>DE Co-op</u>	\$120.12	0.0%	-24.6%
<u>New Castle</u>	\$125.68	4.6%	-21.1%
<u>Lewes</u>	\$127.70	6.3%	-19.8%
<u>Dover</u>	\$127.98	6.5%	-19.6%
<u>Milford</u>	\$136.54	13.7%	-14.3%
² <u>Newark</u>	\$144.56	20.3%	-9.2%
<u>Clayton</u>	\$148.40	23.5%	-6.8%
<u>Smyrna</u>	\$148.68	23.8%	-6.6%
<u>Seaford</u>	\$149.10	24.1%	-6.4%
<u>Middletown</u>	\$156.39	30.2%	-1.8%
¹ <u>Delmarva</u>	\$159.24	32.6%	0.0%

¹ Approximate. DP&L's transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load
Each customer has a unique PLC that changes every January

² City of Newark begins Summer Rates in April



CITY OF NEWARK

Delaware

November 5, 2015

TO: Mayor and Council

FROM: Carol S. Houck, City Manager

SUBJECT: Intent to Issue a Request for Proposal (RFP) Soliciting Interest and Proposals
Related to a Public Private Partnership (P3) Related to the Development of a
Parking Structure with Retail/Office/Other Component

As you are aware, we recently acquired ownership of the last parcel of properties that make up our largest municipal parking lot in our core downtown area. This achievement follows many years of effort, with the support of past Council members, to be in a position to consider the development of additional, possibly tiered parking in this location. You are also aware of and supported our recent land swap negotiations that preceded the purchase.

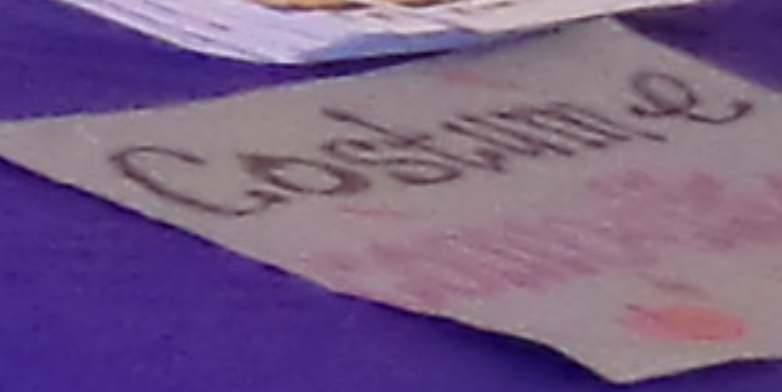
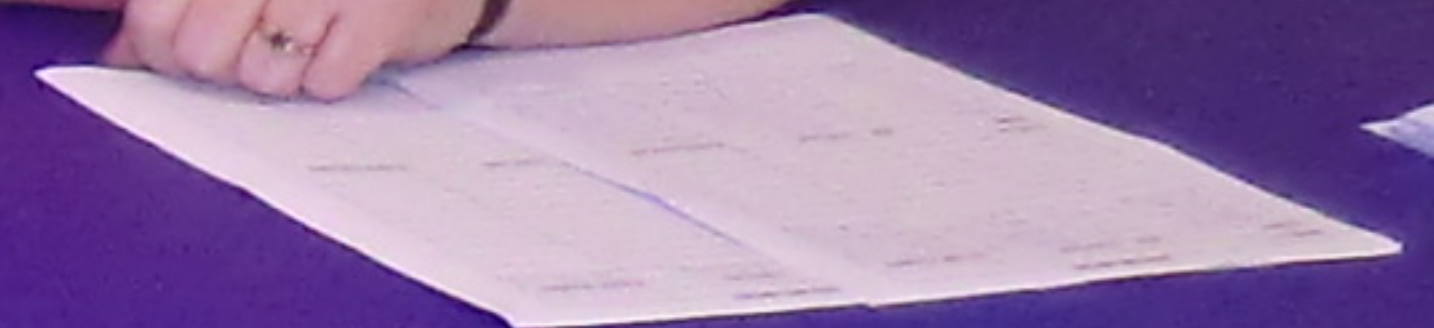
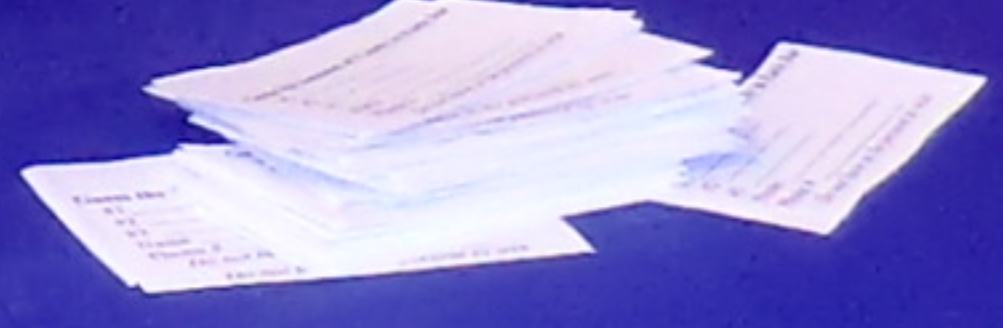
As advised at our budget hearing of November 2nd, we have recently been approached by two different development teams that have each expressed interest in a Public Private Partnership (P3) with Newark related to the Lot 1 site. These inquiries align well with the interest of some members of Council to explore opportunities to increase parking in our downtown through some form of partnership.

The issuance of an RFP to obtain full interest and proposals from our development community related to such a venture may provide Mayor and Council with an opportunity to consider multiple proposals. From the limited discussions entertained, it is possible that the proposals may also offer added value propositions for our downtown and community.

Staff is currently initiating the effort to develop the RFP, with an intended launch date of no later than January 15, 2016. Please do not hesitate to contact me with any questions you may have.



Guess how
much
Candy...



NEWARK POLICE DEPARTMENT

WEEK 10/25/15-10/31/15

INVESTIGATIONS

CRIMINAL CHARGES

	2014 TO <u>DATE</u>	2015 TO <u>DATE</u>	THIS WEEK <u>2015</u>	2014 TO <u>DATE</u>	2015 TO <u>DATE</u>	THIS WEEK <u>2015</u>
<u>PART I OFFENSES</u>						
a)Murder/Manslaughter	0	0	0	0	0	0
b)Attempt	1	0	0	1	0	0
Kidnap	1	5	0	1	1	0
Rape	3	5	1	5	1	0
Unlaw. Sexual Contact	7	8	0	2	2	0
Robbery	29	26	1	27	29	0
- Commercial Robberies	5	12	1	2	11	0
- Robberies with Known Suspects	3	2	0	4	1	0
- Attempted Robberies	5	2	0	0	7	0
- Other Robberies	16	10	0	21	10	0
Assault/Aggravated	7	5	0	9	26	0
Burglary	67	52	2	78	19	0
- Commercial Burglaries	10	7	0	5	3	0
- Residential Burglaries	53	42	2	38	15	0
- Other Burglaries	4	3	0	35	1	0
Theft	489	467	19	253	178	5
Theft/Auto	37	30	1	12	7	0
Arson	5	2	0	0	1	0
All Other	71	66	3	172	44	0
TOTAL PART I	717	666	27	560	308	5
<u>PART II OFFENSES</u>						
Other Assaults	225	266	10	178	148	2
Rec. Stolen Property	2	3	0	36	17	0
Criminal Mischief	228	178	5	72	106	2
Weapons	18	10	1	54	57	0
Other Sex Offenses	0	1	0	0	2	0
Alcohol	350	237	4	747	411	12
Drugs	109	94	7	280	205	10
Noise/Disorderly Premise	621	432	27	292	187	9
Disorderly Conduct	157	151	2	182	83	3
Trespass	148	141	5	92	62	2
All Other	419	401	17	408	259	4
TOTAL PART II	2277	1914	78	2341	1537	44
<u>MISCELLANEOUS:</u>						
Alarm	866	779	11	0	0	0
Animal Control	483	463	12	3	4	1
Recovered Property	229	222	6	0	0	0
Service	21398	26912	642	0	0	0
Suspicious Per/Veh	483	457	16	0	0	0
TOTAL MISC.	23459	28833	687	3	4	1

	THIS WEEK <u>2014</u>	2014 TO <u>DATE</u>	THIS WEEK <u>2015</u>	2015 TO <u>DATE</u>
TOTAL CALLS	830	32,382	897	37,318



Newark Police Department
Weekly Traffic Report
10/25/15-10/31/15



TRAFFIC SUMMONSES	2014 YTD	2015 YTD	THIS WEEK 2014	THIS WEEK 2015
Moving/Non-Moving	8,284	7,736	133	184
DUI	163	175	6	2
TOTAL	8,447	7,911	139	186

TRAFFIC ACCIDENTS				
Fatal	2	2	0	0
Personal Injury	158	182	4	1
Property Damage (Reportable)	309	486	15	7
Property Damage (Non-Reportable)	407	267	10	5
Hit and Run	208	222	5	0
TOTAL	1,084	1,159	34	13