

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on June 26, 2018 at 5:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis (arrived at 5:54 p.m.), Mr. Cole, Mr. Polce (arrived at 5:05 p.m.), Mr. Hare (arrived at 5:50 p.m., departed at 6:25 p.m., and returned at 6:26 p.m.), and Mr. Lindell. Mayor Christiansen was also present. Civilian members present for ethics training and their Committee meetings were Mr. Garfinkel (*Safety Advisory and Transportation*), Mrs. Doyle and Ms. Scarborough (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*). Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*) and Mr. Shelton (*Safety Advisory and Transportation*) were absent.

Other Committee, Commission, or Board members present for ethics training were Ms. Tricia Arndt, Mr. James Burcham, Mrs. Lisa Enright, Dr. Cherritta Matthews, Mr. Charles Martin, Mrs. Nancy Shevock, Mr. Jonathan Street, and Mr. Robert Wetherall.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE SAFETY ADVISORY AND TRANSPORTATION COMMITTEE UTILITY COMMITTEE

Ethics Training

Ms. Deborah Moreau, Commission Counsel, Delaware Public Integrity Commission, reviewed a presentation entitled “Ethics in Government.”

Mr. Sudler thanked Ms. Moreau for providing clarity regarding the Ethics Commission. He asked how the public could be assured that the Ethics Commission members are competent in efficiently interpreting and administering the ethics codes defined by State or City statute. He asked if there is training for each member or whether their resumes are reviewed and assessed by the State to determine if they have some knowledge of the law and how to apply it to situations for valid judgments. Responding, Ms. Moreau stated that it is up to the City’s Commission to set up some type of training program if it is deemed necessary for incoming members. She explained that knowledge of the law should not be the requirement for every member, noting that, in order to have perspectives from all angles, it is important to have a well-rounded commission, which would include lay people and lawyers. Ms. Moreau advised that, on their committee, they have a couple of attorneys, a farmer, a retiree, and it is a mix of people from all three (3) counties. She stated that she thinks it is important to have people who can bounce ideas off of each other and see different perspectives. Mr. Sudler stated that he agreed with Ms. Moreau to a certain extent; however, he expressed his opinion that members should have some knowledge of how to interpret and apply the code, to be able to fully participate and provide good input, separate from just general knowledge. Ms. Moreau noted that their new members come in wide-eyed and a little intimidated but, when they sit down and go through the process, they learn from the other members. She explained that it is really good to go through the process with other people who know what they are doing, and then they take their cues from there and if they have a different take on it, then they have a different take. Ms. Moreau stated that you have to learn this process by doing it.

Mr. Sudler asked Ms. Moreau what her professional opinion is in regard to the City's Ethics Commission not being under the jurisdiction of the State Ethics Commission, and what negative encounters cities have confronted having their own ethics committees, when it comes to rulings or judgments. In response, Ms. Moreau stated that she does not have a professional opinion about whether a city should have their own ethics committee or not. She noted that sometimes cities are not as enthusiastic about making sure their committees are fully staffed, for example, approximately six (6) months ago, there was an article in the News Journal that the Wilmington Ethics Department had dissipated and no one had even noticed. Ms. Moreau explained that this is a danger when cities have their own committees and it is important to ensure that someone stays on top of it and keeps track to make sure they have a full complement of members.

Mr. Slavin thanked everyone for attending and expressed his appreciation to Ms. Moreau for providing the training for the City. Ms. Moreau thanked Mr. Slavin for inviting her, noting that she had provided nine (9) sessions and she could tell that people did not know a whole lot about it, so it was good to get the word out.

Mr. Sudler asked for some examples of non-monetary, personal gain that may give an appearance of impropriety. Responding, Ms. Moreau noted that two (2) examples were the employee who used their Delaware Justice Information System (DELJIS) access to look up individuals' information for their personal use, and the guy using the HIV positive list for his own personal benefit to provide dating lists to his friends and neighbors.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Chairman Lewis presiding.

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda, seconded by Mr. Neil and unanimously carried.

Delaware Bicycle Council Grant for a Feasibility Study - Multi-Purpose Path Linking Mallard Pond Park to Fox Hall West

Mrs. Margery Cyr, Library Director, advised members that, in May, the City received an announcement of grant availability from the Delaware Bicycle Council for projects that yield high and visible impacts within the community. She stated that the granting agency expects to award a total of \$20,000 in this grant cycle. Mrs. Cyr explained that the invitation letter indicated that requests for assistance in advancing new projects such as, but not limited to, pathways, protected bike lanes, and bicycle streets will be considered and will support project ideas that expand existing cycling infrastructure, filled gaps, and address obstacles and safety hazards. She stated that the intent of the grant is to provide cycling infrastructure in communities and the project can be a missing link between existing facilities or the project needs to be completed to avoid a hazard or is part of a master plan. Mrs. Cyr informed members that the first grant in 2015 was awarded to Bridgeville and was used to complete the design of a path. She stated that the deadline for submitting the grant is July 31, 2018, and the City's Bicycle/Pedestrian Subcommittee considered this opportunity during its meeting of June 19, 2018.

Mrs. Cyr reminded members that the City's 2015 Pedestrian Plan recommended the installation of a new sidewalk or trail connecting Fox Hall West and Mallard Pond. She noted that the recommendation stated that,

Fox Hall West and Mallard Pond are residential communities in the west part of Dover, comprising nearly 200 single-family lots. The communities only have access from Kenton Road. Fox Hall West is only about 1/4 mile north of Route 8. However, the community does not have vehicular or pedestrian access to Route 8, so all trips traveling to Route 8 must be made via Kenton Road. Due to the lack of sidewalks along Kenton Road, it can be safely assumed that these trips are almost exclusively done with a motor vehicle, as opposed to walking or riding a bike. The new Dover High School, which opened in the summer of 2014, is located along Route 8 in close proximity to these communities. However, due to the lack of pedestrian access to Route 8, a trip from the southern end of Fox Hall West to the new school is 2.2 miles, traveling along Kenton Road. If there were direct pedestrian access to Route 8 though, this trip would be reduced to 0.8 mile. The City of Dover owns 2 parcels of land in between Route 8 and Fox Hall West, comprising 8.7 acres of open space (including Mallard Pond Park). It is recommended that the City of Dover evaluate the feasibility of constructing a bicycle/pedestrian trail connection from Fox Hall West (via Pebble Valley Drive) to Marsh Creek Lane, as a means of providing a direct non-motorized connection to Route 8. A trail connection could also be made to an existing sidewalk that connects the Mallard Pond community with the Mallard Pond Park. Providing direct pedestrian access to Route 8 would eliminate vehicular trips along Kenton Road, provide additional recreational access for area residents, and improve access to the new high school. Marsh Creek Lane is just east of the HAWK pedestrian-activated traffic signal that was installed in the summer of 2014. Marsh Creek Lane has sidewalks along its entire length.

Mr. Eddie Diaz, Planner I, reviewed a map entitled "Proposed Mallard Pond Trail Link" (**Attachment #1**).

The Bicycle/Pedestrian Subcommittee recommended that the City apply for the grant and that Mrs. Cyr inquire on a quote price of conducting the feasibility study, to be included in the presentation to Council.

Mr. Neil asked whether there was support from the neighborhoods for this park. Responding, Mrs. Cyr explained that, in anticipation of this discussion regarding the possibility of installing a multi-use pathway, staff sent a notice out to all of the neighborhoods and invited the neighbors to attend the meetings to provide input to members of the Subcommittee. She advised that one (1) member of the public, Colonel Thomas Dix, Retired, attended the Bicycle/Pedestrian Subcommittee meeting on June 19, 2018 and provided input. Mrs. Cyr noted that the meeting notice was published on the City's website and mailed to residents.

Mrs. Donna Mitchell, City Manager, advised members that all meeting are published on the City's website; however, in an effort to increase public awareness, the notice regarding the June 19, 2018

Bicycle/Pedestrian Subcommittee meeting was also publicized on Facebook. She stated that, since this area is in the First Council District, staff also sent the flyer to First District Councilmen Lindell and Polce, for them to provide to all the homeowners' associations (HOA's) and residents that are part of their constituent groups with which they communicate.

Mrs. Cyr noted that Colonel Dix, Retired, stated that he supported the project for the multipurpose path; however, he did not support a feasibility study to do it, he just thought it should be done.

Mrs. Cyr stated that the Bicycle/Pedestrian Subcommittee recommended applying for this available grant funding for the purpose of a feasibility study to explore the best route for such a multi-use trail, the requirements for the construction of such a route and the estimated cost of such a project.

Mr. Anderson noted that this would involve City and HOA property and asked if any feedback was received from the HOA's regarding their willingness to give these easements. Responding, Mrs. Cyr advised that no feedback was received from any of the HOA's.

Colonel Thomas Dix, Retired, Independence Boulevard, Bicentennial Village, stated that it was his understanding that the Fox Hall West HOA had been dissolved.

Responding to Mr. Anderson, Mr. James Hutchison, Bicycle/Pedestrian Subcommittee Chair, advised that the opportunity to receive feedback had not been exhausted. He explained that holding advertised meetings and soliciting feedback from the different residents of the area would be a part of the process of the feasibility study, for which they wanted to apply for the grant.

Mr. Lindell asked what the estimated cost of the feasibility study would be. In response, Mrs. Cyr stated that she received responses from three (3) different entities regarding the estimated cost and the responses were widely disparate. She advised that the low estimate was between \$8,000 to \$10,000, and the high estimate was between \$40,000 to \$50,000.

Responding to Mr. Lindell, Mrs. Cyr stated that this was not currently included in the City's budget and staff was not anticipating asking for additional funding from the City for it.

Mr. Sudler stated that the Heatherfield HOA was currently inactive but looking to be active. He noted that Councilman Polce had met with them last year, and urged him to reach out to those individuals to get a pulse on the sentiment of something like this coming through Heatherfield.

In response to Mayor Christiansen, Mrs. Cyr stated that they did not currently have any alternative funding sources for a possible study, in case this grant is not awarded to the City. As the Chairman of the Dover/Kent County Metropolitan Planning Organization (MPO), Mayor Christiansen suggested that she may want to apply to the MPO for funding, if this grant does not come to fruition. He explained that the MPO has funding available for alternative studies for multi-modal transport.

Mr. Hutchison advised members that it was Bicycle/Pedestrian Subcommittee's intention to cover the complete cost of the feasibility study with the grant. He stated that they did not intend to try to undertake the study if they cannot get all of the funding from the grant.

Mr. Slavin stated that he was fully supportive of these efforts. He noted that these trails are currently being built all across Delaware and have really improved the lives of many people. Mr. Slavin informed members that a lot of these activities have been done in New Castle and Sussex Counties and it is extraordinary to see what's happening. He explained that it is true that when you build it, people will come out and use it, and it will not just be bicyclists and runners, it will be people who just want to take advantage of a safe passage to take a walk at any given time of the day. Mr. Slavin expressed thanks to the Bicycle/Pedestrian Subcommittee for bringing this item forward.

Responding to Mr. Polce, Mrs. Cyr stated that there is not a match requirement or component to the grant.

Mr. Polce thanked Mrs. Cyr, noting that this is his backyard and he walks his three (3) dogs around this area nonstop. He stated that he really appreciates Mrs. Cyr letting him know how he can be helpful in soliciting community feedback, specifically in Fox Hall West, because he is happy to help.

Mr. Hare, referring to Mr. Slavin's comments regarding all the things New Castle County is doing, noted that if the legislature would treat Kent County equally to New Castle County, then Kent County might be able to do some of those things and help out too.

Mr. Lindell moved to recommend applying for the grant and then seeing what happens from there. The motion was seconded by Mr. Anderson and unanimously carried.

Improvements to Division Street - Impact on Circulation (Dix)

Colonel Thomas Dix, Retired, Independence Boulevard, Bicentennial Village, reviewed a memo to members regarding his critique of the Dover Capital Gateway Plan and Design, dated June 26, 2018.

Mr. Sudler thanked Colonel Dix, Retired, for taking the time, as a citizen, to do the research and providing his detailed critique. He stated that he was very impressed and that he thought it made a lot of sense.

Mr. Anderson thanked Colonel Dix, Retired, for his critique, noting that he thought it was a breath of fresh air. He indicated that he had heard some concerns, but had not heard from anyone in support of tearing up of all the roads. Mr. Anderson stated that he thought it seemed like an insane idea that would harm economic growth and development in the City, and would not improve the lives of the City's citizens. He expressed his opinion that the roads are for travel and vehicles, not artistic experiments.

Mr. Neil stated that the purpose of the exercise was actually to create a very attractive entrance to the capital city in Dover. He explained that there are various options and the decision would be the City's regarding what best relays the message "Welcome to the City." Mr. Neil reminded members that this was happening in other areas as well, noting that the Martin Luther King, Jr. Boulevard area had been made more attractive using greenery and decorations. Mr. Neil stated that he hoped Colonel Dix, Retired, was not recommending not having curb cuts, explaining that they are necessary for people with disabilities who need to move with wheelchairs and walkers. Responding, Colonel Dix, Retired, stated that he was referring to the curb cuts for disused driveways. He

suggested that a welcome sign could be placed at the triangle at the intersection of Forest and Division Streets or in the area between Mifflin and Kenton Roads.

Mr. Slavin stated that, with all due respect, he could not disagree more with the observations of Colonel Dix, Retired, and Councilman Anderson. He noted that he would not go into the details of it; however, he thought that it was shortsighted to say “let’s just leave a road the way it is for 20 years.” Mr. Slavin stated that roads are not just for cars, they are for multi-modal transport, especially when there is a middle school in the middle of the road being discussed. Mr. Slavin indicated that he thought that members were trying to ensure safety and economic development, and improve the City, not just trying to move cars faster through town. He noted that while he appreciated their observations, he disagreed with them.

Mr. Hare moved for adjournment of the Safety Advisory and Transportation Committee meeting, seconded by Mr. Lindell and unanimously carried.

Meeting adjourned at 6:56 p.m.

Mr. Hare moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Anderson and unanimously carried.

Meeting adjourned at 6:56 p.m.

Timothy A. Slavin
Council President

TAS/TM/dd/jt

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Attachments

Attachment #1 - Map entitled “Proposed Mallard Pond Trail Link”

