

## **REGULAR COUNCIL MEETING**

The Regular Council Meeting was held on July 9, 2018 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell.

Staff members present were Captain Bernat, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:45 p.m.).

### **OPEN FORUM**

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

There was no one present wishing to speak during the Open Forum.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance and a moment of silence for former Councilman, and City Chaplain Wallace Dixon.

### **AGENDA ADDITIONS/DELETIONS**

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

**Mr. Neil moved for approval of the consent agenda, seconded by Mr. Lewis and carried by a unanimous roll call vote.**

### **ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF MAY 29, 2018**

**The Minutes of the Special Council Meeting of May 29, 2018 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.**

### **ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JUNE 25, 2018**

**The Minutes of the Special Council Meeting of June 25, 2018 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.**

### **ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JUNE 25, 2018**

**The Minutes of the Regular Council Meeting of June 25, 2018 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.**

**PRESENTATION - SOLID ROCK BAPTIST CHURCH**

The City Clerk read the following Certificate of Appreciation into the record:

***CERTIFICATE OF APPRECIATION***

*presented to*

***Solid Rock Baptist Church***

*for opening your facility to provide space for community meetings*

*Your generous hospitality has enhanced community engagement in the City of Dover.*

*July 9, 2018*

On behalf of the Mayor, Council, and citizens of Dover, Mayor Christiansen and Councilmen Anderson and Sudler presented the Certificate to Reverend Will Grimes of Solid Rock Baptist Church.

**PRESENTATION - DR. WILMA MISHOE**

The City Clerk read the following Certificate of Recognition and Congratulations into the record:

***CERTIFICATE OF RECOGNITION AND CONGRATULATIONS***

***WHEREAS***, throughout her life, Dr. Wilma Mishoe has championed such causes as education, social action, juvenile justice, housing, and foster care in the Dover community, the State of Delaware, and beyond and, through these efforts, has made lasting contributions that have influenced countless individuals. She has committed her career to assisting others to attain their academic goals through her work as an administrator at Wilmington College, where she served as Dean of Students and Director of Financial Aid, and during her 30 year tenure at Delaware Technical and Community College, where she served in many capacities, including Dean of the Office of Instruction, Dean of Student Services, federal programs coordinator, and Affirmative Action officer; and

***WHEREAS***, Dr. Mishoe has played key roles in numerous organizations throughout our community, state, and nation, including Acting President of Wilberforce University, Chair of the Delaware State University Board of Trustees, Secretary of the Board of Trustees of Wilberforce University, and President of the Capital School District Board of Education, has served as a member of many organizations and boards, and was inducted into the Hall of Fame of Delaware Women for 2013; and

***WHEREAS***, on July 1, 2018, Dr. Mishoe became the 11<sup>th</sup> President of Delaware State University, and serves with the distinction of being the University's first female president.

*NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER, DELAWARE, are privileged to present this Certificate of Recognition and Congratulations to*

*Dr. Wilma Mishoe*

*acknowledging her dedicated service to higher education and her appointment to this prestigious office.*

*July 9, 2018*

On behalf of the Mayor and Council, Mayor Christiansen and Councilmen Anderson, Lewis, and Sudler presented the Certificate to Dr. Wilma Mishoe.

Dr. Mishoe stated that the task in front of her was an honor and an awesome responsibility. She noted that she grew up at Delaware State University and that they were proud to be a part of the City of Dover. Dr. Mishoe advised that she just returned from China and they are forging some partnerships at universities across the world and that they are very eager, and very proud, to be a part of what's going on in Dover, Delaware. She thanked members for the honor.

**ANNEXATION/REZONING OF PROPERTY LOCATED AT 3074 NORTH DUPONT HIGHWAY, OWNED BY JESSE L. ALLEN**

Mr. David Hugg, Director of Planning and Community Development, reviewed the Petition to Annex and Rezone property. The Planning Commission recommended annexation of the property with the zoning designation of C-4 (Highway Commercial), as submitted.

**Public Hearing - Zoning Classification**

Members considered a request for rezoning of property proposed for annexation located at 3074 North DuPont Highway, consisting of 0.69<sup>+/-</sup> acres, owned by Jesse L. Allen. The property is currently zoned BG - General Business District (Kent County zoning classification) and the proposed zoning is C-4 - Highway Commercial (City of Dover zoning classification).

Responding to Mr. Neil, Mr. David Hugg, Director of Planning and Community Development, stated that utilities would not be immediately available for this property; however, it has onsite services, which, assuming they are in acceptable working order, as approved by the Department of Natural Resources and Environmental Control (DNREC), will be the source of immediate service. He noted that there are no immediate plans by the City to extend water and sewer. Mr. Hugg advised that this property does have the potential for access to public water through a Tidewater Certificate of Public Convenience and Necessity (CPCN) that is about 600 feet away.

Responding to Mr. Anderson, Mr. Hugg stated that there is a large enclave of property immediately surrounding this property, on the east side of Route 13, that are all in the county and some properties immediately south on Route 13 and the properties that are involved with Wilmington University on the north are in the City.

Mr. Anderson asked if Mr. Hugg thought that spot annexation was a positive, particularly in regard to trash service, road maintenance, and other services. Responding, Mr. Hugg stated that he believed

that, in the long run, annexation of all of the enclaves in the City are in the best interest of the City, both in terms of efficiency of service and response to fire, police, and other kinds of activities. He noted that, at this moment, this is the only applicant seeking annexation, which is a voluntary action by an applicant. Mr. Hugg advised that there is no basis in this application for the City to take any adverse action and that the property owner has met all of the requirements for annexation and is fully aware of the limitations of water and sewer service, and what other conditions may apply. He stated that, in terms of immediate impacts on the City, the property fronts on US 13, which is a State-maintained road and he suspected that the public safety and life safety services, if needed, were probably first provided by the City of Dover, whether or not the property is in City limits. Mr. Hugg stated that he did not think there would be a significant impact on other public services and advised that this property is already a City of Dover electric customer.

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 3074 North DuPont Highway, owned by Jesse L. Allen.

Council President Slavin declared the public hearing open.

Mr. Jesse Allen, 736 North Bradford Street, advised that he was the property owner and that he was seeking annexation just to get some sewer and water. He stated that he thought that if his property were annexed, other people would also come in to the City. Mr. Allen stated that a Dunkin Donuts was being built right down the street from him.

There being no one else present wishing to speak, Council President Slavin declared the public hearing closed.

**Adoption of Annexation Resolution No. 2018-06**

Members considered Annexation Resolution No. 2018-06 for property located at 3074 North DuPont Highway, owned by Jesse L. Allen.

**By motion of Mr. Neil, seconded by Mr. Cole, Council, by a unanimous roll call vote, adopted Resolution No. 2018-06, as follows:**

APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City in accordance with Title 22, Chapter 1, Section 101 of the Delaware Code (22 Del.C.§ 101); and

WHEREAS, the Mayor and Council deem it to be in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described, within the limits of the City of Dover; and

WHEREAS, the Charter of the City of Dover provides that if an annexation is petitioned by all owners of all property considered for annexation, no election shall be required. For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures

established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, along with all adjacent paths, sidewalks, roadways, and rights-of-way in their entirety, shall be annexed to and included within the limits of the City of Dover:

ALL those three certain lots, pieces or parcels of land, together with the improvements thereon erected, known as 3074 North du Pont Highway, Dover, Delaware 19901, lying on the easterly side of U.S. Route 13 leading from Dover to Smyrna, about two miles north of the City of Dover in East Dover Hundred, Kent County and State of Delaware, and designated as Lots 26, 27 and 28 as laid out on a lot of plots known as "DuPont Manor" of record in the Office of the Recorder of Deeds in and for Kent County, State of Delaware at Dover in Plot Book I, Page 299, and having combined frontage on U.S. Route 13 of 150 feet and extending back between parallel lines a distance of 210 feet and containing 31,500 square feet of land, be the same more or less, being more particularly bounded and described as follows, to-wit:

BEGINNING at a point in the Northeasterly side of the Northbound Lanes of U.S. Route 13, said point of Beginning being distance North 40 degrees 00 minutes 00 seconds West, 100.00 feet measured along the said Northeasterly side of the Northbound Lanes of U.S. Route 13 from the point of intersection thereof with the Northwesterly side of Woodford Place (at 50 feet wide);

Thence from said point of Beginning by the aforementioned Northeasterly side of the Northbound Lanes of U.S. Route 13, North 40 degrees 00 minutes 00 seconds West 150.00 feet to a corner for Lot 29;

Thence thereby North 50 degrees 00 minutes 00 seconds East, 210.00 feet to a point in line of Lot 37;

Thence thereby South 40 degrees 00 minutes 00 seconds East, 150.00 feet to a corner for Lot 25;

Thence thereby South 50 degrees 00 minutes 00 seconds West, 210.00 feet to a point in the aforementioned Northeasterly side of the Northbound Lanes of Route 13, the point and place of Beginning. Be the contents thereof what they may.

SUBJECT TO ALL other covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

BEING the same lands and premises which were conveyed unto Allerdyce, LLC, by deed of Pansy Mercedes Myrie dated October 19, 2006, and recorded in the Office of the Recorder of Deeds in and for Kent County, DELAWARE, on October 31, 2006, in Instrument No. 2006-71939, Volume 3352, Page 73.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs then in force, effective upon such lands being included within the limits of the City of Dover.
3. That the certified copy of this resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.
4. That the effective date of this resolution shall be the 10th day of July, 2018 at 12:01 a.m.

**ADOPTED: JULY 9, 2018**

**Final Reading/Adoption of Rezoning Ordinance #2018-04**

Members considered Ordinance #2018-04, rezoning property located at 3074 North DuPont Highway, owned by Jess L. Allen.

**Mr. Lewis moved that the Final Reading of Ordinance #2018-04 be acknowledged by title only, seconded by Mr. Hare and unanimously carried.** (The First Reading of the ordinance was accomplished during the Council Meeting of May 14, 2018.)

**Mr. Neil moved for approval of the rezoning, as recommended by the Planning Commission. The motion was seconded by Mr. Hare and, by a unanimous roll call vote, Council adopted Ordinance #2018-04, as follows:**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 3074 NORTH DUPONT HIGHWAY**

**WHEREAS**, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

**WHEREAS**, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from BG - General Business District (Kent County zoning classification) to C-4 - Highway Commercial (City of Dover zoning classification).

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:**

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from BG - General Business District (Kent County zoning classification) to C-4 - Highway Commercial (City of Dover zoning classification) on that property located at 3074 North DuPont Highway, consisting of 0.69 <sup>+/-</sup> acres, owned by Jesse L. Allen  
(Tax Parcel: ED-00-057.02-01-04.00-000; Planning Reference: AX-18-01; Council District: 3)

**ADOPTED: JULY 9, 2018****COUNCIL COMMITTEE OF THE WHOLE REPORT - JUNE 26, 2018**

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.

**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”.

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.

The Committee recommended applying for the grant and then seeing what happens from there.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote.**

**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 recommended 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.

**By consent agenda, Mr. Neil moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Lewis and carried by a unanimous roll call vote.**

#### **MONTHLY REPORTS - MAY 2018**

**By motion of Mr. Neil, seconded by Mr. Lewis, the following monthly reports were unanimously accepted by consent agenda:**

City Assessor's Report  
City Council’s Community Enhancement Fund Report  
City Manager's Report  
City Planner's Report  
Controller/Treasurer's Budget Report  
Fire Chief's Report (April and May)  
Police Chief's Report

#### **REAPPOINTMENT RECOMMENDED BY CHAIRMAN ROY SUDLER, JR. - KIM WARFIELD - COUNCIL COMMITTEE OF THE WHOLE SUBCOMMITTEE/ PARKS, RECREATION, AND COMMUNITY ENHANCEMENT - ONE YEAR TERM TO EXPIRE MAY 2019**

Councilman Roy Sudler, Jr., Chair of the Parks, Recreation, and Community Enhancement Subcommittee, recommended the appointment of Dr. Kim Warfield to serve on the Parks, Recreation, and Community Enhancement Subcommittee of the Council Committee of the Whole for a one year term to expire May 2019.

**By consent agenda, Mr. Neil moved for approval of the appointment of Dr. Kim Warfield, as recommended by Chairman Sudler. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote.**

#### **REAPPOINTMENTS RECOMMENDED BY MAYOR CHRISTIANSEN**

**By motion of Mr. Neil, seconded by Mr. Lewis, the following appointments recommended by Mayor Christiansen were unanimously approved by consent agenda:**

- Board of Adjustment - Richard Senato - Three (3) Year Term to Expire July 2021

- Construction and Property Maintenance Code Board of Appeals - Charles C.K. Martin (Representative of Local Real Estate Industry Association) - One Year Term to Expire May 2019
- Planning Commission - Three (3) Year Terms to Expire June 1, 2021
  - ▶ Second District: Andrea B. Maucher
  - ▶ Third District: Dean E. Holden

**PROPOSED RESOLUTION NO. 2018-07 AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$881,400 SEWER REVENUE BONDS OF THE CITY OF DOVER FOR THE CONSTRUCTION OF CERTAIN SEWER PROJECTS AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH**

Ms. Lori Peddicord, Controller/Treasurer, briefly reviewed Proposed Resolution No. 2018-07, authorizing the issuance and sale of up to \$881,400 Sewer Revenue Bonds of the City of Dover for the construction of certain sewer projects and authorizing all necessary action in connection therewith.

**Mr. Hare moved for the adoption of Resolution No. 2018-07. The motion was seconded by Mr. Sudler and, by a unanimous roll call vote, Council adopted the Resolution, as follows:**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$881,400 SEWER REVENUE BONDS OF THE CITY OF DOVER FOR THE CONSTRUCTION OF CERTAIN SEWER PROJECTS AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH**

**WHEREAS**, the City of Dover (the "City") is authorized pursuant to Volume 52, Delaware Laws, Chapter 111, as amended by Volume 57, Delaware Laws Chapter 340, Volume 36 Delaware Laws, Chapter 158, as amended, and the City Charter (collectively the "Enabling Acts") to issue revenue bonds for the purpose of financing the extension, reconstruction or improvements to the City's water, sewer and electric systems; and

**WHEREAS**, pursuant to the Enabling Acts, the City adopted a Bond Resolution on February 27, 1989 (the "Bond Resolution") providing for the issuance of water and sewer revenue bonds and pursuant to the Bond Resolution the City has issued and there remains outstanding its (a) \$750,000 Water and Sewer Revenue Bonds, Series 2000, (b) \$5,581,059 Water and Sewer Revenue Bonds, Series 2009, (c) \$2,404,017 Water and Sewer Bonds, Series 2010, (d) \$765,060 Water and Sewer Revenue Bonds, Series 2011, and (e) \$6,125,000 Water and Sewer Revenue Bonds, Series 2013 (the "Outstanding Bonds"); and

**WHEREAS**, the City desires to issue additional revenue bonds pursuant to the Bond Resolution on a parity with the Outstanding Bonds; and

**WHEREAS**, the City has approved certain capital improvements to its Sewer System and desires to issue its additional parity revenue bonds (the "Bonds") pursuant to the Bond Resolution and to pay the costs of said improvements, including, but not limited to the following:

1. Delaware Tech Pump Station
2. Silver Lake Pump Station
3. Walker Woods Pump Station (the "Projects"),

**NOW, THEREFORE, THE CITY OF DOVER HEREBY ORDAINS (AT LEAST THREE FOURTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):**

Section 1. Amount and Purpose of the Bonds. Acting pursuant to the Enabling Acts and the Bond Resolution, the City shall issue its negotiable obligations in the maximum aggregate principal amount not to exceed \$881,400 to finance, refinance or reimburse itself for a portion of the cost of the construction and equipping of the Projects, an estimate of which is appended hereto as Exhibit A.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by City Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Projects or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Projects; and the reimbursement of authorized costs previously expended by the City from other funds.

Section 2. Terms of the Bonds. The Bonds shall be sold to the Delaware Water Pollution Control Revolving Fund (the "SRF Fund") administered by the State of Delaware Department of Natural Resources and Environmental Control pursuant to the terms of its commitment letter dated March 19, 2018 (the "Commitment Letter"), a copy of which is appended hereto as Exhibit B, and the other terms and conditions to be contained in a Financing Agreement between the City and the SRF Fund (the "Financing Agreement").

Section 3. Security for the Bonds. The principal, interest and premium, if any, on the Bonds shall be payable solely from the City's Net Operating Revenue which is hereby pledged to secure the Bonds on a parity with the Outstanding Bonds. The full faith and credit of the City shall not be pledged to pay principal and interest on the Bonds.

Section 4. Rate Covenant. The City covenants that it will fix and collect rates, fees and other charges for the use of and for services furnished or to be furnished by the Sewer System, and will from time to time revise such rates, fees and other charges so that in each Fiscal Year the Net Operating Revenue available to pay debt service on the Bonds will equal at least the principal and interest requirements for the Bonds. If, for any reason, the revenues are insufficient to satisfy the foregoing covenant, the City shall within ninety (90) days adjust and increase its rates, fees and other charges or reduce its Operating Expenses so as to provide sufficient Net Operating Revenue to satisfy such requirement.

Section 5. Details of the Bonds. The Mayor and City Treasurer are authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements of the Bonds; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds;

registration, conversion and transfer provisions of the Bonds; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the Mayor and City Treasurer, shall contain an impression of the City Seal or a facsimile thereof and shall be attested by the manual signature of the City Clerk.

Section 6. Further Action. The Mayor, the President of the City Council, the City Treasurer, the City Manager and the City Clerk are authorized and directed to take such other action on behalf of the City, as may be necessary or desirable to effect the adoption of this Resolution and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Resolution, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage. The City Clerk is hereby directed to publish once in a newspaper published in the City a notice in substantially the following form:

"NOTICE IS HEREBY GIVEN that the City Council of The City of Dover, Delaware on July 9, 2018 pursuant to Chapter 111, Volume 52, Delaware Laws, as amended, adopted a resolution entitled as follows:

"A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$881,400 SEWER REVENUE BONDS OF THE CITY OF DOVER FOR THE CONSTRUCTION OF CERTAIN SEWER PROJECTS AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH"

The purpose of the issuance and sale of said bonds is to provide funds (approximately \$881,400) to pay a portion of the costs of certain projects including, but not limited to: (1) Delaware Tech Pump Station; (2) Silver Lake Pump Station, and (3) Walker Woods Pump Station.

Any action or proceeding to contest the validity of said resolution or any of its provisions must be commenced within thirty (30) days after publication of this notice. After expiration of such period of limitation, no right of action or defense founded upon the invalidity of said resolution or any of its provisions shall be asserted, nor shall the validity of said resolution or any of its provisions be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within such period."

**ADOPTED: JULY 9, 2018**

**CITY MANAGER'S ANNOUNCEMENTS**

Mrs. Donna Mitchell, City Manager, thanked all of the volunteers, agencies, and workers that helped with the 4th of July celebration. She noted that she thought it went very well and everybody seemed to enjoy themselves.

**COUNCIL MEMBERS' ANNOUNCEMENTS**

Mr. Lewis announced that he, along with Mr. Lindell, attended the Dover Police Youth Academy at the Murphey School on June 29, 2018 and he wanted to publicly commend the instructors that did an awesome job in training and teaching the youth. He noted that they played an integral part, and it was an awesome graduation. Mr. Lewis requested Captain Bernat to relay his thanks to the staff.

Mr. Sudler thanked Mrs. Mitchell and her staff for promptly responding to the Woodcrest community, their constituents, and the 4th district, over the Woodcrest community concerns. He noted that they greatly appreciated it and he wanted to convey that to Mrs. Mitchell and her staff.

Mr. Anderson assured residents of the unit block of North and South Governors Avenue that they have not forgotten them. He noted that the Police Department and the City are busy working on their plans. Mr. Anderson noted that he and Mr. Sudler were planning a town hall so that they could have a two-way conversation.

Mr. Anderson thanked Mrs. Mitchell for getting the street lights fixed, and problems of that nature. He also thanked Mrs. Mitchell and the Dover Police Department for helping to make the wish of a little girl named Lexi come true. Mr. Anderson stated that Lexi was able to participate in a parade and see fireworks, noting that, altogether, they were able to make that happen.

Mr. Anderson noted the passing of a great colleague and friend, former Councilman Wallace Dixon, and prayed for comfort to his family. Mr. Sudler also thanked the Dixon family for sharing Mr. Dixon with the City. Mr. Hare advised that Mr. Dixon's loss was felt by the whole City, not just the 4<sup>th</sup> district.

**Mr. Sudler moved for adjournment, seconded by Mr. Neil and unanimously carried.**

Meeting adjourned at 8:04 p.m.

TRACI A. McDOWELL  
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of July 9, 2018, are hereby approved.

ROBIN R. CHRISTIANSEN  
MAYOR

/TM