REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 13, 2015 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Perza, Mr. Slavin, and Mr. Hutchison. Mrs. Williams and Mr. Hare were absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, First Line Fire Captain O'Connor (departed at 8:05 p.m.), City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 8:09 p.m.).

OPEN FORUM

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

Mr. Stanley Richardson, 126 Reese Street, informed members of a shooting that occurred in Lincoln Park the previous Thursday night. He stated his understanding that six (6) shots were fired at a teenager who was fighting with someone in Simon Circle. Mr. Richardson indicated that this teenager's father had told him and the Dover police that the teenager beat up two (2) guys and they came back with their posse and started shooting. Mr. Richardson stated that shots were fired toward his house, as well as the houses of two (2) neighbors. As he was downstairs watching television, mortar came through his window and his neighbor's garage door, hitting his muffler. He indicated that if this shot went further, it would have hit the gas tank, his neighbor would not be here, and his own house would have been on fire. The second shot above his neighbor's son's bedroom would have gone through the wall if it was a foot higher. Mr. Richardson stated that two (2) more shots went through another neighbor's car, and if it hit her gas tank there would have been three (3) big fires. He advised members that they were tired of these conditions and want something done. Mr. Richardson felt that more cameras were needed in front of his house so that there would be a straight shot of Paul Street. He stated that the father of the teenager moved from Philadelphia to the area so it would be safer for his family; he didn't realize that Simon Circle was this bad and sent them down to the Boys and Girls Club, which Mr. Richardson advised is a joke. He expressed his opinion that they need cameras at the vacant house on the corner of Reese Street right before Simon Circle. He felt that the City should find a way to house a police substation there 24 hours per day, seven (7) days per week and all of this would be eliminated. Mr. Richardson stated that if he has to, he will put cameras up on his house for his protection and indicated that he would now have to do some more fencing because people are cutting across. When the shooting happened, after he talked to 911, Mr. Richardson opened his front door and found that a person was hiding in the back of his truck. Thinking that this person might have been hit, he asked if he was shot. When he stated that he was not, Mr. Richardson told him to get out of his yard. He reiterated that he and his neighbors were tired and noted that seven (7) months ago there was another shooting involving the same family; this time it was about 15 or 20 shots. The Dover Police Department was called, and they responded. He stated that the father came to talk to Mr. Richardson last night and advised him that his son was back in Philadelphia, and half of the problem was taken care of; the other half was the kids that were doing the shooting. This man's son does not want to be a snitch and give up names; however, Mr. Richardson questioned if he would still not give up names if someone were killed. The father stated that he knows nicknames. Having worked in the prison system for 27 years, Mr. Richardson remarked that they do have nicknames on parolees who have been arrested.

Mr. Richardson stated that he did not know if the cameras in Simon Circle are working or not, but more were needed there because it is getting bad and it's coming from Simon Circle. Mr. Richardson advised members that when homes come up for sheriff's sale, slum lords buy them and put in Section 8. He stated that it's coming down in our neighborhood and that somebody has to do something about it. Mr. Richardson reiterated that a bullet came into his house, resulting in glass in his dogs' cage, and they were lying on glass all night. He stated that they need some help and they need it now.

Mr. Alan Gaddis, 448 North State Street, stated that, perhaps in reaction to a situation about a year ago, City Council approved a change in City government on March 9, 2015 and approved an amendment to that action on March 23, 2015 that substantially changed the functions of the Mayor, the City Manager, and Council. Mr. Gaddis felt that the timing of these actions so near an election seemed awkward, to put it gently. He indicated that he was puzzled and confused by these actions and believed that the general public was also. He stated that if these actions were, in fact, adopted because of the appearance last year, he felt that Council had sufficient time to find a less drastic remedy in consultation with any and all parties involved, along with input from the City attorney. He informed members that Mayor Christiansen was quoted in the Delaware State News stating that the adopted proposals could require up to 35 changes to the City charter. After these changes were made, the General Assembly would then have to approve them. Mr. Gaddis expressed his opinion that this seemed to be an inordinate amount of trouble and Council could have and should have found a simpler remedy. He felt that Council should rescind both of the actions adopted March 9 and March 23, leaving city government as it was. Council should propose a simpler and more logical remedy to what has been perceived as a major difficulty.

The invocation was given by Reverend Theodore Henderson, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Dixon and unanimously carried.

Mr. Slavin moved for approval of the Consent Agenda, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MARCH 23, 2015

The Minutes of the Regular Council Meeting of March 23, 2015 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Dixon and bore the written approval of Mayor Christiansen.

PRESENTATION - THE AMERICAN INSTITUTE OF ARCHITECTURE DELAWARE 2014 HONOR AWARD

Mr. Gregory Moore, Becker Morgan Group, Inc., advised members that the American Institute of Architecture (AIA) Honor Award is a State-wide award that was given by the AIA for the design of the Dover Public Library and was the top award for 2014. The library received special recognition for its sustainable design. Mr. Moore stated that the City of Dover, Holzman Moss Bottino Architecture, EDiS Company, Becker Morgan Group, the City of Dover, and the entire team should be very proud of winning this award.

Mayor Christiansen presented the award to Ms. Margery Cyr, Director, Dover Public Library, for safe-keeping in the library where it should rightly be displayed for six (6) months and then sent to his office for six (6) months, and subsequently rotated on an as-needed basis. He stated that Ms. Cyr did an outstanding job and that the library is a building that we all can be proud of.

Ms. Cyr expressed the desire to acknowledge the team that went into the planning and building of the library, noting that it was a wonderful team to work with and everyone had the best interests of all of the community at heart in the planning and design. She gave credit to Becker Morgan Group, EDiS, Holzman Moss Bottino, and the City team that was involved in the project and thanked them for their efforts.

Council President Bonar thanked Mr. Moore and Ms. Cyr for all they do for the City, stating that they had made it a far better place.

PRESENTATION OF CERTIFICATES

Certificate of Appreciation - Code Purple

The City Clerk read the following Certificate into the record:

CERTIFICATE OF APPRECIATION

presented to

Allan Angel
Diane Kaskeski
Rebecca Martin
Jack McGloughlin
Justino Melendez

On behalf of the City of Dover and the individuals who you served, we thank you for your dedication and commitment to the Greater Dover Community as demonstrated by your leadership in the Code Purple Program during the Winter of 2014-2015.

April 13, 2015

"For I was hungry and you gave me food,
I was thirsty and you gave me drink.
I was a stranger and you welcomed me..."
Matthew 25:34-40

Mayor Christiansen presented the certificates to Kent County Levy Court Commissioner Allen Angel, Ms. Kaskeski, Ms. Martin, Mr. McGloughlin, and Mr. Melendez. Mayor Christiansen stated that the phrase at the bottom of the certificates exemplified the Code Purple actions that took place throughout the past winter and he was very honored to present the certificates to these individuals for their efforts.

Ms. Martin expressed thanks to the communities of Dover and Kent County, stating that without the community support and love they had received from everyone, Code Purple would not have been possible. She informed members that during the first year of the program, they brought in at least 75 to 80 people per night. Ms. Martin stated, God bless every one of them for opening their doors, and leaving their families behind, to make a difference in the lives of those that were out in the cold, hungry and did not have a place to go. She expressed her pride in being a member of the community of Dover, Delaware and stated that the next year would be even better. Ms. Martin indicated that those involved do not just work to bring people in from the cold and give them a bed, but show them love and support, and try their best to put them back into the community and give them a home. She expressed the desire to make a difference so that no one in our County would want for food, warmth, or any need, and professed her love for these people.

Council President Bonar stated that he lives on State Street, and although that area is not renowned for homelessness, he had a homeless woman knock on his door at 5:00 on a Saturday afternoon. He stated that before this organization was founded, it was difficult to find a place for people. He indicated that he and his wife spent several hours trying to find a place for this woman to go, and although she is not a success story yet, at least they felt better about getting her in off the street and getting her shelter. He stated that what had been done with Code Purple in conjunction with the Dover Interfaith Mission for Housing (DIMH) and other shelters around the area was remarkable. He thanked those involved and wished them success in the coming years.

The City Clerk read the following Certificate into the record:

CERTIFICATE OF APPRECIATION

presented to

Calvary Baptist Church
Centennial United Methodist Church
Christ Church Dover
Dover Interfaith Mission for Housing
Dover Presbyterian Church
Milford Community Center
Mt. Carmel Church of the Living God
Wesley United Methodist Church
Wyoming United Methodist Church

On behalf of the City of Dover and the individuals who you served,
we thank you for your dedication and commitment to the
Greater Dover Community as demonstrated by your participation
in the Code Purple Program during the Winter of 2014-2015.

April 13, 2015

For I was hungry and you gave me food,
I was thirsty and you gave me drink.
I was a stranger and you welcomed me..."
Matthew 25:34-40

Mayor Christiansen stated that some of the facilities being recognized were outside the City of Dover; however, they stepped forward just as quickly as the facilities in Dover and took in overflow. At Mayor Christiansen's request, the individuals who participated in the Code Purple stood to be recognized and were applauded.

At Mr. Bonar's request, photographs were taken of all the individuals and groups who worked in the Code Purple Program.

Mr. Bonar recognized Mr. Herb Konowitz and Ms. Jeanine Kleimo, Dover Interfaith Mission for Housing, for the community work that they do, and thanked the churches involved with Code Purple.

Certificate of Recognition - Dover Police Department CALEA Certification
The City Clerk read the following Certificate into the record:

Certificate of Recognition

presented to

Dover Police Department

in recognition of being accredited for the 6th consecutive time by the Commission on Accreditation for Law Enforcement (CALEA) which is the Gold Standard for Public Safety.

Congratulations and thanks are extended to all members of the Dover Police Department for your continued dedication and for receiving this prestigious honor.

You continue to make us, and the community, proud.

Mayor Christiansen, Council President Bonar, and Councilman Hutchison presented the certificate to Chief Paul Bernat on behalf of the Mayor and Council. Mayor Christiansen stated that this is an indication that the City has a gold standard police department, manned by police officers who operate well within the parameters of acceptable police work. He expressed sincere appreciation for the men and women who protect and serve our community.

Mr. Bonar expressed appreciation for the Department gaining national certification. He stated that the Dover Police Department has one (1) of the quickest response rates and greatest solvability rates in the country, with about 80% of crimes solved, which is awfully good. Noting that the Police Department is the largest expense in the City, Mr. Bonar indicated that this is for a good cause because it keeps us safe in our beds at night. Acknowledging that there are problems, he stated that solutions will only come with the assistance of people out in the street letting the police know what they see and hear. As a former policeman, he stated that he could never express his appreciation enough to these men and women.

As a former police chief and a former mayor of the City of Dover, Mr. Hutchison congratulated the men and women of the Dover Police Department. He stated that national accreditation is one (1) of the most important things the Department can do as it sets the Department totally apart from everybody else. He congratulated all those who had worked so hard to make it happen.

Certificate of Congratulations - Dover Police Department 90th Anniversary
The City Clerk read the following Certificate into the record:

CERTIFICATE OF CONGRATULATIONS

Presented to the

Dover Police Department

in celebration of

90 years of commitment and dedication to protecting and serving the Dover community.

The City of Dover extends it's congratulations on attaining this special milestone.

April 13, 2015

Mayor Christiansen expressed his pride in presenting the Certificate. He stated that the Dover Police Department is celebrating its 90th anniversary and many events will be coming up that will involve the community. On behalf of the Mayor, Council, and the citizens served, Mayor Christiansen wished the Department a Happy 90th Birthday.

Chief Bernat stated that it was a true honor to accept both the CALEA and the 90th anniversary awards. He advised members that the Department could not have received the CALEA without the civilian and sworn men and women of the Department, both past and present, who worked very hard over the past 15-18 years. Chief Bernat indicated that they also got the meritorious award, which is a sixth consecutive accreditation and that he was very proud of them. He stated that he was very proud to be the 13th chief in the 90th year of the Dover Police Department, and assured everyone that the Department will win our streets back and put a stop to shootings.

Chief Bernat stated that the community needs to stick together and cannot be afraid, and this is not snitching but helping to empower your community. He stated that everyone needs to let the police know what is going on so that they can put a stop to it and gain the community back. He encouraged everyone not to put up with bully-ism because the police will not put up with it. Chief Bernat stated that the police will find out who these shooters are and put them where they belong, stating that it cannot be done with the residents. He expressed his opinion that Dover is only as good as the people that live here and the Police Department is only as good as the people they serve.

PROCLAMATION - ARBOR DAY

The City Clerk read the following Proclamation into the record:

WHEREAS, *trees are of vital importance in beautifying our communities, regulating temperatures, producing life-giving oxygen, providing a habitat and food source for wildlife, reducing erosion, and serving as a source of building materials and countless wood products; and*

WHEREAS*, in 1872, J. Sterling Morton, a Nebraska pioneer, proposed that a special day be set aside for the planting of trees by individuals and civic organizations, resulting in the first celebration of Arbor Day on April 10, 1872, with an estimated one million trees being planted in Nebraska that day; and*

WHEREAS, *in 1885, Arbor Day was named a legal holiday and has since become a national event promoted by the National Arbor Day Foundation, whose mission is to inspire people to plant, nurture, and celebrate trees; and*

WHEREAS, *the City of Dover was named a Tree City USA in 2014 for the twenty-fifth consecutive year by the National Arbor Day Foundation in recognition of the City's outstanding urban forestry program; and*

WHEREAS, *the City of Dover Planning and Inspections Department's Tree Planting and Preservation Ordinance has caused the planting of thousands of trees in all subdivisions and commercial sites since 1992, and the City has continued to aggressively plant street trees between curbs and sidewalks in almost every available site in the City; and*

WHEREAS, *the Delaware State champion American Elm on The Green may be the only living witness to Delaware's ratification of the United States Constitution that took place at the Golden Fleece Tavern in 1787, underscoring that planting and caring for trees is a special gift that one generation passes down to the next.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim April 24th, 2015 as* ***ARBOR DAY*** *in the City of Dover, and urge all citizens to support efforts to care for trees along our streets, in our parks, and in our yards. As the City of Dover plants trees on public property, I urge all citizens to plant trees on their properties to enhance the environment and promote the well-being of present and future generations.*

PROCLAMATION - AUTISM AWARENESS MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, *autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response. According to Autism Delaware, in 1995 the prevalence of autism was 1 in every 2,500 births, today it is 1 in 68; and*

WHEREAS, *autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic*

background. Symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

***WHEREAS,** the effort to address autism continues; doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate education, intervention, and therapy that are vital to future growth and development ; and*

***WHEREAS,** ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of April 2015 as

Autism Awareness Month

in the City of Dover and encourage all citizens to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.

On behalf of the City of Dover, the Mayor, Council, and the citizens, Mayor Christiansen presented the proclamation to Mr. Alex Eldreth, Public Policy Director, Autism Delaware Proclamation and thanked him for allowing the citizens of Dover and of central Delaware to be aware of this situation and the great work being done by Autism Delaware.

Mr. Eldreth expressed thanks for the appreciation and for recognizing Autism Awareness Month which is very important for Autism Delaware and all Delawareans living with an autism spectrum disorder. He introduced Ms. Lisa Crouch and Mr. Joe Balinski, who work with Autism Delaware's Productive Opportunities for Work and Recreation (POW&R) program, which is a nationally recognized, community-based vocational program that assists adults with autism to find gainful employment, become productive members of society, and have fulfilling lives. They work very hard every day with each of those participants to make sure that they and their employers are happy. Mr. Eldreth informed members that the prevalence of autism has increased and that there are three (3) no's about autism: no known cause, there is no test to take to show it yet, and no cure. Although April is a very important month for Autism Delaware, Mr. Eldreth emphasized that there is a lot of work to do all year long. He thanked the Mayor and Council for the recognition and asked for support for autism and Autism Delaware.

National Service Recognition Day

The City Clerk read the following Proclamation into the record:

***WHEREAS,** the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and*

WHEREAS, *AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and*

WHEREAS, *national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills and leadership abilities for those who serve; and*

WHEREAS, *national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and*

WHEREAS*, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, *Mayor of the City of Dover, Delaware, do hereby proclaim April 7, 2015, as*

National Service Recognition Day

in the City of Dover, Delaware, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve, and to find ways to give back to their communities.

On behalf of the Mayor, Council, and citizens of Dover, Mayor Christiansen presented the Certificate to: The Delaware Economic Development Office Volunteers: Sally Wojcieszyn, Norma Johnston, Leon Buie, Anna Priscilla Estrada, Matthew Scott, Leilani Decena-Shephard, Diane Szego, Eric Crowell, and Tori Parker; Senior Companion Program Volunteers - Senior Companions: Faye White, Mike Adams, Linda Adams, Celestine Holly, Barbara Schumacher and staff members Chantelle Holly, Volunteer Coordinator, and Valerie Wright, the Senior Companion Program Manager; and Delaware Foster Grandparent Program - Senior Companion Program Volunteers: Mildred Johnson, Linda Lewis, Ann Russell, Cheryl Martin, Joanne DuPhilly, Sandra Bowden-Avant, Gail Tolbert, Jane Schneider, Audrey Joseph, Maxine Reed, Nancy Meldy and staff members Daniel Young and Robin Fischer-Cornish. Mayor Christiansen expressed deep and sincere appreciation to all of those serving and encouraged those at home to step forward and volunteer.

Mr. Bonar thanked those serving for their efforts in the community.

Ms. Robin Fisher-Cornish, Program Manager of the Foster Grandparent Program, recognized Ms. Ann Russell, a volunteer who has served with the Foster Grandparent Program for over 30 years and is 90 years old. She serves 25 hours per week for 12 months and also has another job. She stated that they were honored to have someone that age who is so dedicated to giving back to the community and expressed appreciation for Ms. Russell.

PRESENTATION - 2014 ANNUAL REPORT - DOWNTOWN DOVER PARTNERSHIP

Mr. Gregory Moore, President, Downtown Dover Partnership (DDP) reviewed highlights of the 2014 DDP Annual Report. He advised members that 18 new businesses opened downtown last year, the largest of which was EZ Pass. He stated that EZ Pass brought approximately 85 new employees downtown and there are approximately 1,000 walk-in visitors using the EZ Pass program each month. Those people are coming downtown, using downtown businesses, seeing downtown Dover, and making a difference in the downtown. Over $1M was spent renovating the EZ Pass building, which had been basically unused, was leaking, and 20,000 square feet of space. It was brought back to life and now has people in it, and the DDP is very proud of that. He stated that this is the kind of success story that is desired downtown.

Mr. Moore advised members that new merchant interest is another big highlight of last year. The DDP has a new Merchant Committee that is active and working hard. Their first big event was the OktDoverfest, which was a very big success. They plan to build upon that next year and do a great job again. Another large festival, Heritage, History and Hops, event is scheduled for May 2, 2015. He stated that the Merchant Committee is doing a great job and has a lot of energy.

In regard to business, Mr. Moore stated that the DDP has been effective in trying to get grants for downtown. With the City Manager's help, they had been granted transportation enhancement funds up to $1M for the continuation of improvements on North Street and this project was now under design through the Delaware Department of Transportation (DelDOT) and DelDOT is paying for the design. The DDP and the City of Dover are working together to make sure that money comes to the downtown.

Mr. Moore stated that the DDP received a $75,000 grant from Wells Fargo which was used to organize a plan, known as the Restoring Central Dover Initiative, for making improvements to the downtown area. He indicated that there is also an implementation grant of under $1M that is available to downtown Dover, and stated that the DDP was very hopeful about receiving this as well. Mr. Moore advised members that the biggest grant of this year is the Downtown Development District Award that the State of Delaware awarded to the City of Dover. The DDP, along with the City of Dover, was instrumental in pushing for that through the State and that money is now available to downtown businesses. Mr. Moore indicated that there is new interest and action downtown and there would be some nice projects coming from that. He stated that the DDP was working closely with the City Manager and City Planner and was very proud of this effort. He stated that Mrs. Ann Marie Townshend, Director of Planning and Community Development, did a outstanding job with the application and Dover was awarded the grant, and that money would help the downtown look a lot better.

Mr. Anderson congratulated the DDP and the City, particularly the business community. He stated that quite a few businesses had opened and not many were closing; therefore, businesses are gaining. He stated that this was a magnificent improvement and commended all the inclusive efforts put forth to make this a better city.

Mr. Hutchison expressed thanks for the leadership and focus for downtown. He stated that it had been a long time coming, and the results are now starting to pay off. With the commitment from the

Governor's Office, Kent County Levy Court, the City of Dover, and the DDP to continue to work and focus on downtown, he felt that the City was provided a wonderful opportunity.

Mr. Bonar echoed the comments of Mr. Anderson and Mr. Hutchison, stating that this team had worked very well together for the last five (5) or six (6) years and what the DDP and Economic Developent Office had done in five (5) years is remarkable. He stated his opinion that the EZ-Pass project, new Dover Public Library, the new apartment complex at the corner of Governors Avenue and Loockerman Street were chores, but they got done. New businesses are opening every day, thanks to the business community and the economic development drivers of this community. Mr. Bonar stated that cooperation from Wesley College, Bayhealth, the State legislature, and Kent County Levy Court made all this possible. He stated that he was tired of seeing funds going to riverfront development corporations and the City of Wilmington and that Dover was finally getting a share in this, and it was all because of these efforts.

Mr. Moore thanked Council for supporting these efforts over the years.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2015-01 WITH PLANNING COMMISSION AMENDMENT #1 (PC#1) - AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY REPLACING TABLE 12-1: LAND DEVELOPMENT PLAN, AND AMENDING CHAPTER 13: GROWTH AND ANNEXATION PLAN

A public hearing was duly advertised for this time and place to consider Proposed Ordinance #2015-01, which would amend the 2008 Comprehensive Plan, as amended, by replacing Table 12-1: Land Development Plan, and amending Chapter 13: Growth and Annexation Plan.

Mr. Slavin moved that the Final Reading of Proposed Ordinance #2015-01 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council meeting of February 9, 2015 and the Public Hearing was rescheduled during the Council meeting of February 23, 2015.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that two (2) amendments to the Comprehensive Plan are addressed by this ordinance; however, in the Planning Commission recommendation, one (1) of the proposed amendments was struck. She stated that because this is an amendment to the Comprehensive Plan, it is subject to public hearing. Mrs. Townshend explained that if the Council action does not support the Planning Commission action, members would need to state their reasons for the record, since the Planning Commission is on record as not being in favor of one (1) of the changes.

Mrs. Townshend indicated that the two (2) changes were listed in the report as Amendments A and B. She explained that Amendment A is an amendment to Map 12-1: Land Development Plan Map. It was applicant-initiated and is a request for a change in land use classification, from Residential Medium Density to Commercial for property located at 801 North State Street, which is located between Silver Lake and Lepore Road.

Mrs. Townshend explained that Amendment B is an amendment to Chapter 13: Growth and Annexation Plan. She stated that staff brought this forward because there is language in the Comprehensive Plan that requires that a cost-revenue analysis model be run for all Category 2 annexation requests; however, in the last several years, that model has become extremely out of date, staff was not seeing any annexation requests, and the model was not being regularly updated. Mrs. Townshend indicated that the amount of time and expense that goes into updating it does not support the result obtained. For example, when the Carey Farm on Route 8 was annexed, the model was run as 300 homes to be built; however, that property is now the Dover High School, which is tax exempt, and the utility usage is far different than what would have been anticipated. Mrs. Townshend stated that the draft amendment proposes to continue to analyze the cost and revenues, but not to use the complex model. Rather, staff would simply look at what would be expected in terms of revenue under various development scenarios and ultimately make a recommendation based on the best information available.

Mrs. Townshend advised members that the Planning Commission held a public hearing on the proposed Comprehensive Plan Amendments on March 16, 2015. Following the public hearing, there were two (2) motions: one (1) on Part A and one (1) on Part B. In regard to Part A, the motion was to deny the amendment to Map 12-1: Land Development Plan. The maker of the motion, Mr. Cregar, indicated that the motion was made for reasons that he stated earlier and there's no compelling reason to amend this residential zone to commercial at this time. Mrs. Townshend indicated that the reasons Mr. Cregar referred to were stated earlier in the minutes. The motion that he made carried six (2) to one (2), with two (2) members absent. In regard to Part B, Mrs. Townshend stated there was a motion to recommend approval of the amendment to Chapter 13 - Growth and Annexation Plan. The Planning Commission specifically asked that Planning Department staff add language to Chapter 13 to acknowledge that staff will still do a less complex cost and revenue analysis for annexation proposals, and Mrs. Townshend stated that the language had been added. This motion carried seven (7) to zero (0), with two (2) members of the Commission absent.

Mr. Perza questioned how this amendment would relate to the next item on the agenda, Proposed Ordinance #2015-02 - Rezoning Request for Property Located at 801 North State Street. Responding, Mrs. Townshend stated that the application was made for a rezoning and Comprehensive Plan amendment, and they are scheduled together; however, the zoning map cannot be amended unless the Comprehensive Plan is amended. She stated that if the Comprehensive Plan amendment were to fail, a public hearing could still be held for the rezoning as a matter of due process; however, this would be scheduled on a separate night because, at this point, Council does not have a recommendation from the Planning Commission. Following the hearing on March 16, 2015, when the Planning Commission recommended denial of the Comprehensive Plan amendment as it relates to that piece of land, the applicant requested that the rezoning application be deferred until Council has made a decision on the Plan amendment. Mrs. Townshend stated that if Council adopts Ordinance #2015-02 without the Planning Commission amendment she would recommend that a public hearing before the Planning Commission be set in May, and a final reading and public hearing before Council be set for June. Otherwise, the applicant would be given an opportunity to withdraw.

Mr. Hutchison asked if staff made a recommendation one (1) way or another before the Planning Commission. Responding, Mrs. Townshend stated that in this case, the staff recommendation was in favor of the proposed land use change. Referring to the map depicting the current and proposed designation for the property, she explained that the adjacent properties on State Street are all commercial and those to the north are zoned C-2A, which is the zoning classification that the applicant requested. Staff's recommendation was based on the State Street corridor. Mrs. Townshend noted that when the Planning Commission considered this request, along with testimony from one (1) of the residential neighbors, there was discussion related to the approach from Silver Lake where there is contiguous residential property on that side of State Street. They had a different perspective. She noted that, in addition, a statement was made that there is already a lot of underutilized or vacant commercial property in the City. She advised members that specific reference was made to the efforts to revitalize the downtown, and the comment was made that this property is 1.3 miles from the center of the City's Downtown Development District. Based on that, the Planning Commission stated that there was no compelling reason to change this to a commercial property when centrally there is enough inventory, and this would create competition with an area that the City is trying to revitalize.

Mr. Hutchison questioned if the Planning Commission's justification was that they did not think it was conducive to the neighborhood. Responding, Mrs. Townshend stated that the Planning Commission thought that because it is adjacent to residential it should be looked at to be developed as residential, and that adding more commercial land would just further compete with other commercial properties, in particular, the downtown area that the City is trying to revitalize. She stated that the Planning Commission minutes were included in the information that had been provided to members.

Public Hearing

Council President Bonar declared the public hearing open.

Mr. John Paradee, attorney with the law firm of Baird Mandalas Brockstedt, 6 S. State Street, Dover, Delaware, stated that his firm represents the applicant for Part A of the ordinance, known as 801 Gold Coast, LLC. The principal of that company is Mr. L.D. Shank. Mr. Paradee indicated that his comments would be addressed solely to Part A of the ordinance, although he was not opposed to Part B. He thought that the question raised by Mr. Hutchinson was critical, noting that the City's professional planning staff looked at this situation and recommended approval, stating that the application is consistent with the development of the area, and the goals of the Comprehensive Plan. Mr. Paradee advised members that staff cited findings in Chapter 12 of the City's Comprehensive Plan, noting that:

1. Dover will continue to be the dominant commercial center within the central Delmarva region.
2. Ease of access to commercial establishments is highly desirable within urban environments.
3. Jobs and commerce in the retail, wholesale, and service sectors are an important part of Dover's economic vitality.
4. Well designed, aesthetically pleasing commercial centers and corridors contribute to the City's overall image and the positive feeling of its residents.

Mr. Paradee stated that this information was taken directly from the staff report; therefore, staff reviewed all of the uses existing in the neighborhood and concluded that most of the surrounding properties are principally commercial and the application is in fact consistent with the character of the area. He reminded members, as was mentioned previously, that the Planning Commission denied Part A of the ordinance, on the theory that the application would create another commercial pocket just 1.3 miles north of the Downtown Development District, which would compete with the Downtown Development District. Mr. Paradee respectfully submitted that the Planning Commission got it wrong, both factually and legally. He stated that factually, approval of Part A of this ordinance would not create a commercial pocket in this area since commercial uses already exist, in fact, they dominate the area. Referring to the map depicting the current and proposed designation for the property, as well as Map 12-1: Land Development Plan, Mr. Paradee explained that this entire area is red (Commercial), except for adjacent residential development. He noted that, as the Chairman of the Planning Commission commented, this residential neighborhood is surrounded by commercial zoned properties. Mr. Paradee felt that if there was a pocket in this area, it is a pocket of residential in an area of commercial rather than a pocket of commercial in a residential area. He advised members that on the backside of the residential sub-division in question, is commercial property and Route 13, a commercial corridor, and on the west side is North State Street, which is also loaded with commercial property. He felt that it was wrong to suggest that approval of this application would result in a new pocket of commercial property.

Mr. Paradee stated, respectfully, that the Planning Commission got it wrong, as a matter of law. He cited the case of *Mobile Oil Corporation versus the Board of Adjustment of the Town of Newport, Delaware*, 283 A.2d, 837, explaining that it had been recognized as the standard on this question in the State of Delaware since 1971. He stated that this case stands for the proposition that the prospect of competition between an existing use in one (1) part of a municipality with a potential use in another part of a municipality has never been recognized as a valid basis for any land use decision. Mr. Paradee stated that decisions are not made based on how it is going to affect competition among private property owners, and you cannot pick and choose who wins and who loses. He indicated that this makes common sense, that the zoning laws have to be applied formally, and you have to give everyone an equal opportunity to make the highest and best use of their property. He reiterated that the Planning Commission simply got it wrong, on the law and on the facts, and that this application is consistent with the existing commercial character of the area, noting that staff got that right, and their recommendation is correct on the facts and on the law.

Mr. Paradee stated that at the Planning Commission hearing, testimony was presented by one (1) neighbor who appeared and expressed concern about the view from the residential area. He thought her chief concern was about foot or vehicle traffic, trespassing from this property into the residential area, if the property were approved and developed for commercial use. Mr. Paradee submitted that this issue could easily be addressed at the site plan stage by providing for adequate landscape buffering, or a fence, as is typically required between adjoining residential and commercial uses. In sum, he stated that the planning staff got it right, as they almost always do. Mr. Paradee expressed his opinion that the Planning Commission does not make mistakes very often and he respects what they do; however, he felt that in this case they were just wrong on the facts and the law and the application is consistent with the character of the area and the goals of the Comprehensive Plan. He asked that Council follow staff's recommendation and approve the application.

There being no one else present wishing to speak, Council President Bonar declared the public hearing closed. He advised members that if they voted against the Planning Commission recommendation, they needed to provide a reason.

Mr. Perza moved for approval of Planning Commission Amendment #1 (PC#1) to Proposed Ordinance #2015-01, amending the 2008 Comprehensive Plan, as amended, by replacing Table 12-1: Land Development Plan, and amending Chapter 13: Growth and Annexation Plan, seconded by Mr. Slavin.

Mr. Slavin questioned whether giving acceptance of the recommendation of the Planning Department staff as a reason would be sufficient to meet the intent of the law. Responding, Mr. Rodriguez stated this would be correct for Amendment B.

Mr. Anderson advised members that he would be voting against the Planning Commission amendment and encouraged everyone else to do so as well. He stated that members all drive by the area and know it is really a commercial area, and should be a commercial area. He felt that this was consistent with the character of North State Street and that the Planning Commission had made a mistake. Mr. Anderson did not see that there is any commercial competition. He felt that Mr. Paradee was right and the Planning Commission was wrong.

Responding to Mr. Perza, Mrs. Townshend confirmed that adoption of Ordinance #2015-01 would approve Amendments A and B to the 2008 Comprehensive Plan and would reverse the Planning Commission's recommendation. She stated that the motion on the floor was to affirm the amendment offered by the Planning Commission, and this should be voted on before voting on the ordinance.

As a point of information, Mr. Anderson stated that voting "no" on the amendment would allow members to vote "yes" on the underlying motion, noting that members had to dispense with the amendment first.

In response to Mr. Perza, Mrs. Townshend stated that if Council wanted to adopt the ordinance as originally proposed, they would first have to defeat the amendment.

Mr. Slavin noted that Council would then have to make a motion to adopt the recommendation of the Planning Department staff. Mrs. Townshend stated, alternatively, Council could move to adopt the ordinance as initially proposed.

The motion to approve Planning Commission Amendment #1 (PC#1) to Proposed Ordinance #2015-01 failed by a unanimous roll call vote (Williams and Hare absent).

The reasons given for voting against the Planning Commission's recommendation were as follows:

> Mr. Anderson stated that he thought that staff's recommendation was correct and that the Planning Commission's recommendation was incorrect, as noted in the testimony provided during the public hearing.

Mr. Dixon stated that he thought the amendment was incorrect.

Mr. Perza stated that he thought that the neighborhood, as described in the application, was consistent with commercial use in the area, and the eventual adoption of the ordinance would allow the applicant to use the property in a manner that is consistent and complimentary to the surrounding neighborhoods. Additionally, he noted that there was no substantial basis on the record for any objections made by the community to reject it. Mr. Perza stated that the preference would be that the basis for denial simply on promoting one (1) area of the City over another is not the best public policy. Provided the applicant satisfies the elements needed to gain the approval of the application that they've submitted, and if the Planning Commission is satisfied that the application has been submitted, Mr. Perza felt that the applicant has the right to proceed and Council should reject the Planning Commission recommendation on those grounds.

Mr. Slavin stated that he believed that the amendment was flawed.

Mr. Hutchison stated that he thought that the request was consistent with the neighborhood, as supported by staff, and it conforms to the Comprehensive Plan.

Mr. Bonar stated that he thought that staff's recommendation was correct, and it is in the best interests of the community to conform with the surrounding commercial establishments that are in the region. He did not believe that it would compete with downtown renewal.

Mr. Perza moved for adoption of Ordinance #2015-01, as originally submitted by the applicant and as recommended by the City Planning Department. The motion was seconded by Mr. Anderson and by a unanimous roll call vote (Williams and Hare absent), Council adopted Ordinance #2015-01, as follows:

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY INCLUDING TEXT AMENDMENT TO CHAPTER 13 GROWTH AND ANNEXATION PLAN, AND BY REPLACING MAP 12-1: LAND DEVELOPMENT PLAN.

WHEREAS, the City Council of the City of Dover, on February 9, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on April 24, 2009; and

WHEREAS, the 2008 Comprehensive Plan allows for an annual amendment process; and

WHEREAS, one property owner has requested an amendments to the Land Development Plan Map (Map 12-1) in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the City has reviewed the 2008 Comprehensive Plan as required in Title 22, Section 702 of Delaware Code and determined that following several on-going studies to be completed over the next year, a more thorough update of the 2008 Comprehensive Plan should be initiated; and

WHEREAS, the Planning Commission held a public hearing on February 17, 2014, after which the Commission made a recommendation in regards to the proposed amendment to Chapter 13 - Growth and Annexation and an amendment to the Land Development Plan related to the above request.

NOW, THEREFORE, BE IT ORDAINED THAT the Mayor and Council of the City of Dover hereby amend the 2008 Comprehensive Plan, as amended, by:

1. Replacing Map 12-1: Land Development Plan of the 2008 Comprehensive Plan, as amended on November 23, 2009; March 14, 2011; April 11, 2011; March 12, 2012; and March 10, 2014, with the referenced map presented to City Council on April 13, 2015.

2. Amending Chapter 13 - Growth and Annexation Plan to strike the text as indicated in the attachment.

ADOPTED: APRIL 13, 2015

PROPOSED ORDINANCE #2015-02 - REZONING REQUEST FOR PROPERTY LOCATED AT 801 NORTH STATE STREET, OWNED BY 801 GOLD COAST, LLC (LUTHER D. SHANK III)

A public hearing was duly advertised for this time and place to consider rezoning of property located at 801 North State Street, consisting of $1.943^{+/-}$ acres, owned by 801 Gold Coast, LLC (Luther D. Shank III). The property is currently zoned RG-3 (Group Housing Zone) and the proposed zoning is C-2A (Limited Central Commercial Zone). The First Reading of the Proposed Ordinance was accomplished during the Council meeting of February 9, 2015. On February 17, 2015 the Planning Commission deferred the public hearing and action on this item pending City Council's decision on Ordinance #2015-01.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that since they adopted Ordinance #2015-01, staff recommended that Council set a public hearing before the Planning Commission on May 18, 2015 and a public hearing/final reading before City Council on June 8, 2015.

In regard to this request as an investment, Mr. Anderson asked the City Manager when the budget would be brought forward. Responding, Mr. Koenig stated that budget mark-up meetings would be held toward the end of May and staff was currently trying to schedule these meetings subject to Council members' availability. Mr. Koenig stated that Council has two (2) Regular Council meetings scheduled for June 8, 2015 and June 22, 2015. He felt that two (2) meetings would be needed due to the Electric Fund budget and thought that this would be discussed during the meeting on June 8, 2015. He reminded members that first and second readings of the Budget Ordinance were required and that a special meeting may have to be scheduled.

Mr. Anderson moved for approval of staff's recommendation to set a public hearing before the Planning Commission on May 18, 2015 and a public hearing/final reading before City Council on June 8, 2015. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Williams and Hare absent).

DOVER HUMAN RELATIONS COMMISSION REPORT - FEBRUARY 10, 2015

The Dover Human Relations Commission met on February 10, 2015 with Vice-Chairman McGiffin presiding in the absence of Chairman Wilson.

Presentation - DHRC Diversity Definition, Role of the Commission, and Role of Individual Commissioners

Mr. McGiffin reminded members that during the DHRC meeting of October 28, 2014, Chairman Wilson requested that the Government Policy, Programs, and Practices Committee develop a definition of diversity and clarify the role of the Commission and individual commissioners.

Mr. McGiffin reviewed his memo to the DHRC, dated December 17, 2014, regarding the Definition of Diversity, expressing his hope that it would be helpful to all members of the Commission. He explained that there are a variety of definitions of diversity, noting that the definition adopted in the DHRC Strategic Plan was quite broad and provided flexibility.

In response to concerns previously expressed by Mr. Henderson, Mr. McGiffin stated that he developed a general statement regarding the role of the Commission utilizing language from the Commission's enabling legislation. He stated that the Commission should become as knowledgeable as possible about issues and potential issues in Dover and be prepared to act by advising Council, the Mayor, and the City Manager on solutions. Mr. McGiffin explained that "act" could mean a lot of different things, including conducting hearings, holding public meetings, etc.

Review of 2014 DHRC Annual Report to City Council

Members reviewed the 2014 DHRC Annual Report to City Council.

Responding to Mrs. Sadusky, Mr. McGiffin stated that the report had not yet been submitted to City Council and had only been submitted to members of the DHRC for their consideration.

In response to Mrs. Sadusky, Mr. McGiffin explained that the report was a basic explanation of the Commission and what had been accomplished. He did not believe that additional information would be required, particularly since all of the members were new.

The Commission recommended approval of the 2014 DHRC Annual Report.

By consent agenda, Mr. Slavin moved for approval of the Commission's recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

DHRC Committee Updates/Meeting Dates/Agenda for 2015

Government Policy, Programs, and Practices Committee

Mr. Ruane explained that, in order to meet the Committee's goal regarding the assessment of the current state and climate of diversity and inclusion within the City government, the Committee would be working with a team of senior leadership persons within City government. He stated that the Committee was now awaiting confirmation from Mr. Scott Koenig, City Manager, regarding the selection of the leadership group. Mr. Ruane stated that the review of City programs would be based on Chapter 12 of "Reinventing Diversity, Transforming Organizational Community to Strengthen People, Purpose, and Performance," by Howard J. Ross, which included a series of questions. Mr. Ruane encouraged members to obtain a copy of this book and to consider adding or reframing questions to make them more relevant to the City of Dover. He indicated that the City had stated that it is a "City that values diversity" and recommended that the DHRC try to help the City to come to an agreement as to what this means when considering the values of diversity. Mr. Ruane stated that he had recently read a *New York Times* article, written by a human resources manager, that indicated that diversity is more than a procedure relating to demographics and numbers but involves making sure that a diverse employee base is represented when making decisions within the organization. This dynamic process results in better policy, practices, and procedures and is a way of doing business that reflects an entity's culture, identity, and feeling about its organization. Mr. Ruane noted that this approach was reflected in some of the questions in Mr. Ross's book that he referenced previously.

Mr. Scott Koenig, City Manager, stated that six (6) employees had volunteered to serve on the Internal Diversity Committee, including himself; Ms. Margery Cyr, Library Director; Mr. Kirby Hudson, Assistant City Manager, Ms. Kay Sass, Public Affairs Coordinator; Mrs. Donna Mitchell, Controller/Treasurer; Lt. Jason Pires, Dover Police Department.

Mr. Ruane questioned if Human Resources staff should be included. Responding, Mr. Koenig explained that HR personnel were heavily involved in recruiting but could be added if this was desired. Mr. Ruane expressed the desire to schedule a meeting of the Internal Diversity Committee.

Community Engagement Committee

Mr. Roach stated that Ms. Hicks had asked him to send her regards and apologies for being unable to attend tonight's meeting. He advised members that he had been hearing from the community about a principal at Dover High School whose contract was not renewed. He also stated that he was approached by a gentleman at the Annual Rev. Dr. Martin Luther King, Jr. Prayer Breakfast held earlier in the year in regard to the new Delaware Office of Civil Rights and Public Trust. Mr. Roach

stated that he was confused since the function of this Office seemed similar to his understanding of what the DHRC does in regard to diversity. He expressed his wish to receive more information in regard to what the DHRC's involvement will be with this Office.

Ms. Denise Devine, Assistant City Clerk, stated that a presentation regarding the Office of Civil Rights and Public Trust, which falls under the Delaware Department of Justice, was scheduled for the DHRC meeting to be held on March 10, 2015.

Mr. McGiffin stated his belief that the DHRC will not have a lot of interaction with this Office. He explained that the Attorney General had suggested that he would devote professional resources to deal with issues related to civil rights that will impact various elements of State government involved in actions related to discrimination in housing, education, disability and access, etc. Mr. McGiffin advised members that other organizations chartered by the State and Federal governments are charged with hands-on responsibility for those things. He indicated that this should be part of the DHRC's knowledge base but would not have much of an effect on its charge, unless an issue arises that falls within the DHRC's jurisdiction.

Mr. McGiffin asked if the Community Engagement Committee had a particular agenda for matters they would be working on in the upcoming year. Responding, Mr. Roach stated that Mr. Henderson was very involved with the Interdenominational Ministerial Alliance (IMA), noting that many community issues go through churches. He stated the Committee's desire to build communication through community leaders and that the Committee wanted to reach out to develop a community database to establish ties to the community. He expressed the desire to "get our faces out there" and explain to the community the functions and processes of the DHRC.

Responding to Ms. Smith regarding the relationship of the controversy at Dover High School to the DHRC, Mr. Roach stated that many people spoke with him about this issue, stating that they felt it unjust that the principal's contract was terminated by the Capital School District Board since she had received gains every year. Since the principal was an employee of an organization within the City, Mr. Roach stated a desire to gain understanding and was unsure if the DHRC should become involved since it occurred within the City.

Responding, Mr. McGiffin stated that the DHRC has no direct jurisdiction over this matter. He felt that this was a matter for the Capital School District Board and the DHRC had nothing to do with the relationship between the Board and one (1) of its employees. He noted that the state and federal governments have jurisdiction over employment discrimination. Mr. McGiffin believed that members should be knowledgeable about the issue to be able to advise the City on how to respond if there were a reaction to the incident that affects people in the City beyond the incident itself, such as a demonstration. He noted this would include advising City law enforcement in the City should a demonstration take place within City

boundaries. Mr. McGiffin reiterated that the DHRC is not in a position to mediate or negotiate with respect to this employment situation.

Mr. Ruane stated that the DHRC Strategic Plan includes objectives that relate to community conflict. He questioned whether the City's required emergency plan includes policies with respect to responding to community conflict and if these types of policies are officially adopted by the Police Department. He stated that the DHRC, at some point, is supposed to become knowledgeable enough about community conflict to be able to advise the Police Department on best practices in this regard. Mr. Ruane reminded members that this is a responsibility of the DHRC as a whole and is included as a long-range, strategic objective for the Commission. He stated that a University of Delaware organization offers mediation training, and should the Education Committee think this was a priority, they could investigate the availability of that training so that if there were such a conflict, the DHRC would better prepared. Mr. Ruane felt that members needed training in techniques on how to listen to people who put members on the spot regarding mediation, conflict management, etc. He suggested that the Education Committee develop a prioritized list of the types of training needed by members.

Ms. Traci McDowell, City Clerk, stated that the City was currently in the process of budgeting for FY 16 and asked if members had an estimate of the amount to be requested for training.

The Commission requested a training budget of $5,000 for FY16 for the DHRC.

By consent agenda, Mr. Slavin moved for approval of the Commission's request, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

Mr. Ruane stated that the Government Policy, Programs, and Practices Committee needs a list of community organizations to be involved when a focus group is formed as part of the assessment and the community is asked how the City government is promoting diversity. Responding, Mr. McGiffin suggested that the IMA be included, as well as any organization that could help educate members on how people in the community view the City on these issues.

Mr. Ruane expressed his belief that Chairman Wilson was hoping that the Community Engagement Committee would identify groups that should be invited to the DHRC meeting scheduled for March 10, 2015 when Ms. Allison Reardon, Director of the Office of Civil Rights and Public Trust, would attend and answer questions. Mr. Ruane felt this was an opportunity to engage the Committee.

Mr. McGiffin requested members to provide suggestions to the Clerk's Office by February 17, 2015 regarding who should be invited to the March 10, 2015 DHRC meeting.

Education Committee

Mrs. Sadusky stated that the Education Committee had not talked since the last meeting. She offered to contact the University of Delaware to find out what types of mediation and conflict management training is available.

Ms. McDowell cautioned that training funds would not be available until after July 1, 2015.

Communications Committee

Ms. Smith stated that the Communications Committee had nothing to report.

Mr. Roach reiterated the request for members to assist the Community Engagement Committee in developing a list of invitees for the March 10, 2015 DHRC meeting.

Mr. Ruane advised members that a meeting was convened by the Psi Iota Chapter of the Omega Psi Phi Fraternity regarding the Dover police. He provided members with related newspaper articles from *The Wilmington News-Journal* dated February 6, 2015, entitled "Delaware Police Discuss Building Trust, Excessive Force," and the *Delaware State News*, dated February 9, 2015, entitled, "Police: 'We have to Trust the Public and They have to Trust Us'". Mr. Roach stated that Omega Psi Phi is a black fraternity in the City. Mr. Ruane suggested that the fraternity be invited to the March DHRC meeting. Responding, Mr. Roach stated that this group was on the list, along with Delta Sigma Theta, Phi Beta Sigma, and Alpha Phi Alpha fraternities.

In response to Mr. McGiffin, Mr. Roach indicated that Alpha Phi Alpha sponsors an annual Rev. Dr. Martin Luther King, Jr. Prayer Breakfast. He stated that the DHRC had discussed trying to reserve a table at this event to try to promote the DHRC and training that the DHRC hoped to have. He indicated that he and Mr. Wilson had attended the event earlier in the year and Mr. McGiffin stated that he had also attended.

Mr. Roach stated that Alpha Phi Alpha had also had a presentation at Delaware State University in recognition of Dr. King.

Scheduling of 2015 Meeting Dates

The Commission recommended scheduling the 2015 DHRC meetings for Tuesday, March 10, 2015; Wednesday, May 27, 2015; and Tuesday, August 25, 2015 and to defer consideration of the November 2015 date until the next meeting.

By consent agenda, Mr. Slavin moved for approval of the Commission's recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

Commission Members' Announcements

Mrs. Sadusky questioned Mr. Ruane regarding the specifics of his request pertaining to Chapter 12 of "Reinventing Diversity, Transforming Organizational Community to Strengthen People, Purpose, and Performance," by Howard J. Ross. Responding,

Mr. Ruane stated that members would be formulating questions based on Chapter 12. He noted that many questions were included, such as "Is diversity a stated value in your organization?" He asked that members provide additional questions or modifications to the suggested questions to make them relevant for the City, particularly with regard to inclusion. Mr. Ruane reminded members that the DHRC had established a goal to promote diversity and social inclusion and combat social exclusion. He stated the desire to find out to what extent the City was being responsive to issues that reflect that some people in the community may have been excluded from City services, such as housing, library, and recreation programs.

Responding to Ms. Smith, Mr. Ruane advised members that Chapter 12 of the book he had referenced was provided in the October 28, 2014 DHRC meeting packet as an attachment to a memorandum from the Government Policy, Programs, and Practices Committee dated October 16, 2014. He advised members that, when meeting with the Government Policy, Programs, and Practices Committee, Mayor Christiansen had explained the importance of understanding the history of the City when considering diversity. Mr. Ruane reminded members that the City had been sued by the National Association for the Advancement of Colored People (NAACP), which resulted in a change to the whole government structure.

Mr. Ruane noted that the filing deadline for City Council would be on February 13, 2015 at 4:30 p.m.

By consent agenda, Mr. Slavin moved for acceptance of the DHRC Report, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - MARCH 23, 2015

The Safety Advisory and Transportation Committee met on March 23, 2015 with Chairman Hutchison presiding.

Evaluation of Proposals - Ambulance Service Contract

Mr. Scott, Koenig, City Manager, advised members that he and Mrs. Kay Sass, Emergency Management Coordinator, prepared a Request for Proposals (RFP) for ambulance services and three (3) proposals were received, from Hart to Heart Transportation, LLC; Heartline Ambulance Service, LLC; and PrimeCare Medical Transport, LLC. He explained that, although Hart to Heart Transportation, LLC and Heartline Ambulance Service, LLC submitted lower cost proposals, neither company demonstrated the operating history requested in the RFP. Mr. Koenig explained that staff was looking for an operating history of five (5) years of basic life support (BLS) service. Staff believed it would be in the best interest of the City of Dover and its constituents to continue using the services offered by PrimeCare Medical Transport, LLC to support the needs of citizens. Mr. Koenig indicated that ambulance services are considered to be an important component of the City's life safety services, and using an established service provider that has considerable experience in dealing with 911 calls is preferred.

Mr. Koenig stated that PrimeCare submitted the highest cost proposal, at approximately $230,000 per year, which would basically be a continuation of the existing service. Heartline Ambulance Service, LLC offered a proposal of $150,000 a year, which would be an estimated savings of approximately $80,000. However, it was Mr. Koenig's understanding that Heartline would have to create a corporation, purchase equipment, hire staff, and then begin the service, and they had not done any type of billing service as a private company under the LLC that they had submitted. He advised members that Hart to Heart Transportation, LLC is an established ambulance service but does medical transports exclusively, which is very different from the BLS service requested. Hart to Heart also indicated that it would cost the City nothing to provide their service, which concerned Mr. Koenig.

Mr. Koenig stated that all billing for PrimeCare's service is done through the ambulance company, so the billing is basically a third-party transaction. He indicated that the City had received some complaints regarding PrimeCare over the years which had been investigated by Ms. Sass. When full reports of the complaints were reviewed, staff was satisfied that PrimeCare's responses had been reasonable.

Staff recommended authorizing the City Manager to enter into a contract with PrimeCare Medical Transport, LLC to provide ambulance services to the City of Dover for a three (3) year period with the negotiated ending date of June 30, 2018.

Referring to Page 5 - Vendor Responsibilities of the Response for Request for Proposals 15-0026CM submitted by Hart to Heart Transportation, Mr. Truax stated that Section 6.4 states a requirement to "staff the dedicated ambulance with two EMTBs [Emergency Medical Technicians - Basic] at all times." He noted that PrimeCare indicated that they would staff each dedicated ambulance with one (1) EMTB and a qualified driver and Hart to Heart's answer was the same as PrimeCare's, using different dialog, whereas Heartline stated that they would attempt to staff the ambulance with two (2) Emergency Medical Technicians (EMTs) and use the driver if need be. Mr. Truax asked why the City would accept anything less than the two (2) EMTBs that it asked for, noting that 911 providers typically have two (2) EMTBs.

Responding, Mr. Koenig indicated that he would have to submit this question to PrimeCare.

Mr. Truax noted that Heartline's proposal indicated that they were willing to provide a supervisor. Although he did not see that a supervisor was mentioned in the RFP, from an operational and public safety point of view, he felt it very important to have someone in the field for operations. Mr. Truax stated his understanding that Heartline would have two (2) units 24/7 with two (2) EMTs onboard each unit, as well as a supervisor in the vehicle who is also an EMT, which would be almost two and one-half units on the road, above what the City now had. Mr. Truax was unsure if PrimeCare was currently running two (2) EMTs or an EMT and driver, noting that

having an EMT and driver is within the regulations. He reiterated his feeling that the City would want what was asked for in the RFP.

Mr. Koenig stated that, to his knowledge, staff did not ask for a supervisory component and this should be considered as additional value if Heartline were selected.

In response to Mr. Hutchison regarding the past histories of the applicants, Mr. Koenig stated that PrimeCare was the only applicant that had a history operating as the entity that now exists.

Mr. Chris Clough, Employee Supervisor and EMS Administrator, Camden-Wyoming Fire Company, advised members that if the contract were awarded to Heartline Ambulance Service, LLC he would be running both divisions. He indicated that Heartline was formed by the Camden-Wyoming Fire Company for budgeting reasons and is owned and operated by the Fire Company, which has been providing EMS and fire service for well over 50 years. The employees who would be working for Heartline, including himself, had been working for the Fire Company for more than 16 years, so they would not be coming as "new players into this game" but as seasoned veterans. Mr. Clough stated his understanding of the requirement for bidders to have provided service for a period of five (5) years and that Heartline is a new business in one (1) sense but would be bringing decades, if not more, of EMS service to the citizens of Camden and Dover.

Mr. Clough informed members that the call volume in Dover requires multiple outside agencies to come into the City daily, noting that the Camden-Wyoming Fire Company had been in the City four (4) times during the current day and six (6) times during the previous two (2) nights after 11:00 p.m., when the City's service is reduced to one (1) unit. He indicated that their presence within the City could cut the response time to one (1) to ten minutes, depending on where they would be going, and this would be an added benefit that the City would receive for less than the amount that was currently being paid. Mr. Clough noted that Heartline's proposal came in at $150,000, and after 11:00 p.m. the ambulance would be kept on for the remaining eight (8) hours. They would be providing two (2) 24-hour trucks, which were not now required but would benefit the City.

Mr. Clough stated that Heartline would have the supervisor unit. Although it would not be up 24 hours per day, it would be up for all daytime responses and some nighttime responses. He advised members that if he were running this division, although he would sometimes be behind a desk, he would be on the unit more times than not.

Referring to the Committee Action Form dated March 18, 2015, Subject: Evaluation of Proposals - Ambulance Service Contract, Mr. Clough quoted staff's comment that "Staff believes it is in the best interest of the City of Dover and its constituents to continue using the services offered by PrimeCare Medical Transport, LLC to support

the needs of our citizens. Ambulance services are a significant component of life safety issues and using an established service provider that has considerable experience in dealing with 911 calls is preferred." Mr. Clough advised members that, "we provide that and then some." He reminded members that the City had received complaints in the past and stated that his company knew of some of these complaints as they deal with them every day. Mr. Clough agreed that Hart to Heart did not have the experience, stating that they had never held a 911 contract or done any 911 business in the state of Delaware and are strictly a non-emergency transport business.

Mr. Clough advised members that Heartline planned to come into the City with two (2) dedicated, 24-hour trucks, giving the citizens better service, especially at night when reduced response times occur due to bringing outside departments into the City's jurisdiction. He indicated that ambulances would be staffed by full-time National Registry of Emergency Medical Technicians (NREMTs) with two (2) EMTs per truck on a regular basis, which would provide continuity and pride for the department. He indicated that the City's current provider is using some full-time employees, but a lot of part-time employees and felt that the City is subject to their whims. He assured members that his company would use part-time employees only on a "need-to basis" for call-outs and vacations.

In addition, Mr. Clough stated that Heartline's units would be new, concurring with Mr. Koenig's comment that Heartline would have to buy equipment and hire staff. However, he noted that they already had individuals "on the hook" ready to come as soon as they are told the company is able. As far as units, he indicated that they could have new trucks in two (2) weeks since bid specifications were ready to go and they were ready to sign a contract and have them delivered. In regard to equipment, he stated that they had already met with a provider, Southeastern Emergency Equipment, and had given them a full list of what would be needed and could have it within two (2) weeks.

Mr. Clough informed members that the company's units would be housed indoors. They had been in contact with a couple of places within the City and were ready to move on these buildings, pending the City's approval. He explained that the units the City was currently using were sitting outside in the wintertime. Mr. Clough noted that these units were either running all night, which is why they are not dependable, or the contractor was having to take the equipment in so it does not freeze and partially restock the unit before every call, which delays transports.

In closing, Mr. Clough advised members that Heartline planned to offer the City of Dover a better service to the residents and visitors than it had ever had in the past. He stated that they would come in with a community-based attitude, not with their hands out for money from the citizens, but to give them a better community-based approach. Mr. Clough stated that Heartline would not be coming in like the City's current company and billing for patient refusals or public assists if an elderly resident falls down or needs help with a medical issue but does not need transport to the hospital.

He stated that his company does not bill for this but does it as a public service to the community and would continue to do so.

Mayor Christiansen inquired if Heartline would guarantee two (2) up units 24/7. Responding, Mr. Clough confirmed that this would be provided 365 days per year.

Mayor Christiansen inquired if the units would be manned by two (2) EMTBs and one (1) supervisor and questioned what kind of shifts would be run. Responding, Mr. Clough stated that the supervisor would not be there 24 hours per day as it would be a "daytime/sometimes nighttime position;" however, they planned to hire two (2) full-time EMTs. Mr. Clough explained that they might have to go back to part-time employees and that drivers would be a very last resort, noting that he personally did not like to hire drivers. He stated that the two (2) crews were tentatively scheduled to work 24 hours and have 72 hours off, which is common in this workforce throughout the state of Delaware.

In regard to mutual aid, Mayor Christiansen questioned if Heartline would assist other departments or would be strictly dedicated to the Dover fire district. Responding, Mr. Clough stated his belief that the City currently has a mutual aid agreement with other surrounding fire departments and that Heartline would go where needed if called. He stated that the City of Dover does not come out of the City very much and other departments do not have them on their "next due" list for the most part because Dover is so busy and must go through two (2) or three (3) other departments for this to happen. Mr. Clough indicated that he would not want to speak for Cheswold but believed that Cheswold operated the same way with regard to Dover. He indicated that a mutual aid agreement would have to be worked out with the City and Heartline if they were to provide the service.

In response to Mayor Christiansen, Mr. Clough stated that Heartline personnel would be attired in standard uniforms.

Mayor Christiansen stated that he had heard many concerns about smoking in regard to the current provider and asked if Heartline would be smoke free. In response, Mr. Clough stated that this was a possibility but was something they had not looked into.

Mayor Christiansen questioned whether Heartline would be quartering their ambulances in central locations for minimal response times. Responding, Mr. Clough stated that all locations being considered were within the downtown City limits, noting that they had been approached by the Dover Fire Department. Mr. Clough stated that probably the most serious option was the former Delaware Brick building on New Burton Road, but there were a couple of other possibilities.

Mr. Hutchison requested Mr. Koenig to summarize and recap his recommendation.

Mr. Koenig stated that, based on the review of proposals, staff recommended that PrimeCare Medical Transport, LLC be reissued the contract. He advised members that some of the statements that were made at the microphone were not conditions of the contract, noting that how things are staffed, i.e., by part-time or full-time employees, is really not the City's business. Mr. Koenig agreed that the Camden-Wyoming Fire Department had an established service and provides service inside the City limits, stating that the City has been reimbursing them on a per-run basis for the last two (2) years and will continue to do so in the future as long as that relationship is mutually agreeable. However, he reiterated that they had proposed to create a third-party entity for this service, which really is a new start-up; therefore, Mr. Koenig did not know if there could be guarantees regarding being smoke-free or how they would run their employees since this would be subject to the business operation of the entity that sets it up. The issue was that the City asked for five (5) years of operating experience and Heartline did not meet that condition. In regard to whether they could provide the service, Mr. Koenig stated his guess that they probably could; however, the question was which way the Committee preferred to move forward. Staff's recommendation was to continue the current contract.

Noting that there was no one present from PrimeCare, Mr. Truax reiterated his concern regarding Section 6.4 of the bid proposal which asked for two (2) EMTs on a dedicated unit and PrimeCare's response that they would provide one (1) with a driver. He stated that they may be saying, "We're always going to staff that; we'll never be below that," but questioned if they were going to meet the intent of their contract and if the City could accept this as is. Mr. Truax was unsure if this was an issue or not and did not think it a good idea to move forward by accepting this. He stated that there was a reason that the City asked for two (2) EMTs, which is what is basically found in the standard EMS 911 response. Mr. Truax noted that Hart to Heart answered that they were going to provide what State fire prevention regulations require, which is a driver and one (1) EMT and PrimeCare was saying they would never go below that, but were not actually saying that they would have two (2) EMTs.

Mr. Koenig stated that he would have to get clarification from Prime Care, and there was no change to that component of the language from the last RFP to this RFP; however, he could not answer the question tonight because the representative from PrimeCare was not present.

In response to Mr. Hutchison, Ms. Sass stated that PrimeCare had been providing this service for almost 11 years.

Responding to Mr. Hutchison regarding issues or concerns based on PrimeCare's performance, Mr. Koenig reiterated that there had been some complaints, noting the Mayor had brought up a complaint about smoking. Mr. Koenig stated that, to his knowledge, none of the complaints which had been investigated had resulted in any

kind of action against the provider or any apprehension from the City about continuing to do business with them. None had been substantial enough for the City to propose any penalty to the provider.

In response to Mr. Hutchison, Mr. Koenig confirmed that the City currently had a relationship with PrimeCare, with backup from Camden-Wyoming, Cheswold, and 911 Dispatch.

Responding to Mr. Perza regarding the expiration date of the current contract and the impact if the City were to take no action at this time, Mr. Koenig stated that the City's current agreement with PrimeCare would expire on April 1, 2015. Mr. Koenig stated that typically this type of contract would continue month to month if no action were taken but did not know for sure if this was the case. Ms. Sass indicated that this was not built into the contract, but she had talked to Prime Care and expressed to them that this matter would go to the Committee and then on to Council, so they were aware that the stipulation existed that there may be an overlap of time.

Responding to Mr. Perza as to whether the term of agreement was standard and had to be three (3) years, Mr. Koenig stated that RFP was issued for a three (3) year period. If the Committee wanted something less than this, the City would technically have to go to the provider and ask if they would shorten the term.

Mr. Perza reiterated that the City had a long-term relationship with the PrimeCare applicant. To the extent that the City was looking to possibly go a different direction, he questioned if it would make more sense to do a shorter term of less than three (3) years with a new provider that the City has no experience with in order to determine whether or not an alternative provider is capable of handling it. He asked if this would be practical in the industry.

Mr. Koenig stated that the testimony heard tonight reflected that the other provider would only create that company if they enter into this contract. He felt that the City could go with a shorter term, but would have to go back and ask all three (3) applicants for consideration of the shorter term.

Mr. Hutchison stated that, based on Mr. Koenig's testimony here today, the only ambulance service that meets the qualifications is Prime Care. He indicated that the Camden-Wyoming Fire Company has a good background but no experience. Mr. Koenig confirmed this, stating that if Camden-Wyoming were submitting as the Camden-Wyoming Fire Company, they would meet the five (5) year requirement; however, he did not think that the requirement was met by creating a new company.

Mr. Truax stated that he "kind of liked" Mr. Perza's idea. In regard to the ambulance contract, he stated his concern that there was nothing in the language about field supervision and he felt that this was necessary when overseeing emergency operations, such as fire and police. He stated that the City has supervision for the things that it does "on the street," including electric supervisors, Public Works

supervisors, and sergeants overseeing the Police Department and he did not know how PrimeCare supervises since no representative was present. Mr. Truax felt it necessary to have supervisors in the field because this is a task-oriented job that is heavily regulated by standing orders and protocols. He was unsure if the City would supervise, noting that the City might not want to do so from a cost point of view, or if it would be part of the contract, but he felt that supervision should be asked for and questioned if this would go into effect once PrimeCare "comes on board." Mr. Truax did not like the idea of a one (1) year agreement because he felt that there were some issues with the City's ambulance carrier and that this was an opportunity to look at them, whether the current provider was selected or another one.

Responding to Mr. Hutchison, Mr. Koenig stated that deferring this matter for 30 days would allow ample time to address this with PrimeCare. He indicated that he would let PrimeCare know and ask them to come to the next Committee meeting and to meet with him before then to try to address these questions.

The Committee recommended tabling the matter until the next meeting of the Safety Advisory and Transportation Committee.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

Bicycle and Pedestrian Subcommittee Report - Endorsement of Bicycle and Pedestrian Plans

Mrs. Ann Marie Townshend, Director of Planning and Community Development, introduced Mr. Rich Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO). Mrs. Townshend stated that Mr. Vetter had served as the lead on the City of Dover Pedestrian and Bicycle Plans and had been very helpful to the City on transportation issues.

Mr. Vetter explained that the City's current Bicycle and Pedestrian Transportation Plan was developed in 1997 and the Bicycle and Pedestrian Subcommittee was formed in April 2013. One (1) of the first tasks of the subcommittee was to submit a Bicycle-Friendly Community Application through the League of American Bicyclists, which occurred in the Fall of 2013. One (1) of the recommendations from the League of American Bicyclists was to redo the bike and pedestrian plan, which started about this time last year, and separate bike and pedestrian plans were developed.

Mr. Vetter reviewed a presentation entitled, "City of Dover Bicycle & Pedestrian Plan Updates." In regard to Pages 3 and 4 - Pedestrian Plan - Accomplishments, he noted improvements made by the City of Dover and the Delaware Department of Transportation (DelDOT) over the last 15 years, including the Capital City Trail, Wesley College Streetscape, the High-Intensity Activated Crosswalk (HAWK) signal by Dover High School, and upgrades of the trail system. He indicated that there had been a lot of progress; for example, in 1997 approximately one-third of South

Governors Avenue had sidewalks, and today approximately 100% has sidewalks. Route 13 had very minimal sidewalks 15 years ago and today about 75% has sidewalks.

In reference to Page 5 of the presentation, Pedestrian Plan - Existing Conditions, Mr. Vetter explained that there are approximately nine (9) miles of trails within the City, but 18+ miles of sidewalk gaps along State-maintained roads within the City. He advised members that there was good coverage of signalized intersections and 85% of the signals have crosswalks or pedestrian buttons. He stated that pedestrian crashes were reduced by 37% over the last three (3) years; however, there were 39 pedestrian crashes between 2011 and 2013, with one-half or two-thirds occurring in the downtown area or on Route 13.

In reference to Page 7 - Pedestrian Plan - Needs, Mr. Vetter advised members that, although there had been a lot of progress, there were remaining issues. He stated that Kenton Road, which is in the DelDOT design program, has a trail that leads into the bushes and goes nowhere. The North Street Trail is rough and has maintenance needs and sidewalk gaps. Areas on Hazlettville Road are not compliant with the American Disabilities Act (ADA).

Referring to Page 8 - Pedestrian Plan - Sidewalks, Mr. Vetter indicated that in developing a priority list for the Pedestrian Plan, factors such as proximity to schools, bus stops, parks, etc. were considered to determine the impact of sidewalks at various locations. He explained that a list of priority areas was then developed.

In reference to Page 9 - Pedestrian Plan - Trails, Mr. Vetter explained that a trail was being considered to possibly connect Mallard Pond, Heatherfield, and Fox Hall West to Route 8. Referring to Page 10 - Pedestrian Plan - Maintenance, he stated that enhancements were needed to North Street, including paving and signage, and there were also maintenance issues on North State Street.

Mr. Vetter reviewed Page 11 - Pedestrian Plan - Safety & Mobility, noting that improvements were needed, such as providing access between Luther Village and the Target store, crosswalks and pedestrian signals at Webbs Lane and Route 13, and curb ramps in various locations.

In reference to Page 13 - Bicycle Plan - Accomplishments, Mr. Vetter reviewed improvements the City had made since 1997, including the Capital City Trail, the Amish Country Bike Tour, and bike lanes installed on Governors Avenue. In regard to Page 14 - Bicycle Plan - Existing Conditions, he estimated that the City had more than nine (9) miles of bike lanes and over 600 bike rack spaces, and advised members that "share the road" arrows had been installed recently to try to promote visibility for cyclists.

Referring to Page 16 - Bicycle Plan - Needs, Mr. Vetter advised members that although a lot had been accomplished, much still needed to occur. He indicated that Route 8 and Saulsbury Road both presented challenges due to high speed, high volume, no shoulders, and no bike lanes. Division Street in downtown Dover has parking issues, which makes it a challenge for bicyclists. He noted that some of the major roads in the City, such as North Street, Kenton Road, College Road, Walker Road, and Division Street were identified as part of the plan.

Referring to Page 18 - Bicycle Plan - Low Stress Routes, Mr. Vetter stated that studies conducted in Portland, Oregon indicated that only 6% - 7% of residents were interested in high-speed bike routes, 60% would be interested in possibly cycling to the store but are concerned about their safety, and 33% have no interest at all. He indicated that if cycling were made less stressful, this would potentially encourage cycling.

Mr. Vetter stated that the Subcommittee felt that the number one priority for the City of Dover would be to establish a bike boulevard, to be known as the Senator Bikeway, from Dover High School to Route 13, as detailed on Pages 20-22 of the presentation. This would capture the low stress rider by utilizing existing streets, such as Route 8, Division Street, Fulton Street, and Delaware Avenue near Wesley College. The bikeway would connect five (5) schools so that the Route 8 roadway would not have to be used by cyclists. Mr. Vetter indicated that a three (3) to four (4) mile segment of the existing route has no shoulder or bike lanes.

Mr. Vetter stated that the Subcommittee had discussed improvements to additional routes, including North State Street near McGlynn's Restaurant, the portion of College Road between McKee and Kenton Road that does not have shoulders, College Road, Walker Road, a vital connection at West Street that runs to the Transit Center, and Saulsbury Road south of Route 8, as well as enhancements to the existing trail at North Street.

In reference to Page 25 - Other Recommendations, Mr. Vetter stated that the Subcommittee's recommendations could be summarized by the "five (5) E's" as follows:

1) Engineering - as included in a majority of the presentation.
2) Education - Mr. Vetter noted that DelDOT has a robust program for education through the schools, etc.
3) Enforcement - Mr. Vetter explained that this applies to the "three (3) foot law" which states that vehicles must be three (3) feet from a bicyclist.
4) Evaluation and Planning - Mr. Vetter advised members, for example, that a counter on the Capital City Trail and DelDOT counts when walkers pass by. This information is used to determine if upgrades will eventually be needed.

5) Encouragement - Mr. Vetter explained that this applies to fostering the community aspect of the plan, for example, trying to continue the Amish Country Bike Tour and enhance it for economic development and tourism purposes.

Mr. Keller inquired if there had been any loss of enthusiasm for pedestrian or cycling uses with the price of gas decreasing. Responding, Mr. Chris Asay, member of the Subcommittee, stated that this had not been the case.

In response to Mr. Keller regarding available financing for bicycle/pedestrian projects recommended in the plan, Mr. Anthony Aglio, Bicycle Coordinator, DelDOT, stated that DelDOT was funding a lot of trail projects on a regional level, like the Capital City Trail. DelDOT was also putting a trail on the West Dover Connector which will run south towards Camden, connect Schutte Park with Brecknock Park, and be part of a larger regional trail loop. Mr. Aglio stated that DelDOT was looking forward to conducting a feasibility study on the cost and engineering of the Senator Bikeway to make sure that there are no "fatal flaws" with that project. He stated that DelDOT had some carry-forward funds, but they wished there were more funds available as there were many important projects. Mr. Aglio explained that studies had shown that as the network develops and there are more low stress trails, pathways and connections, ridership increases drastically as people become more willing to go to places that they want to be, such as parks, schools, and other recreational facilities, and job location centers. He stated that Mr. Vetter had done a wonderful job with the City of Dover Bicycle and Pedestrian Plans.

In response to Mr. Hutchison regarding whether efforts were being made to reach out to school systems to get students involved in cycling again, Mr. Aglio stated that DelDOT has a Safe Routes to School Program, has been to several schools within the Dover community, and does bicycle rodeos, etc. Mr. Aglio thought this needed to continue and explained that a group was also trying to work with the State legislature to make bicycle and pedestrian safety education part of the curriculum.

Mr. Dixon questioned how much bicycling occurs on Loockerman Street, noting that his trip from Bedford Drive down Loockerman Street on Ride to Work Day was "a terror." Responding, Mr. Aglio stated that he was unsure as he did not have this information with him. He noted that the counter on the Capital City Trail indicated that many students walking to school cross Loockerman Street, and many people walk to Loockerman Street from the Legislative Hall area during lunchtime. He stated that as the bikeway gets more publicity, more bicycles will be present.

Mr. Dixon stated that he rides his bike on Loockerman Street but there are parked cars and doors that fly open. Mr. Aglio stated that shared use arrow and bike lane markings were being used to try to get bicycles away from the door zone and suggested riding more to the center of the street and at the speed of traffic.

Responding to Mr. Keller, Mr. Aglio explained that the substance used for these street marking was heat-applied thermoplastic, and deterioration had been noticeable because there were issues with the first application. He expressed his belief that a lot of the markings had been replaced.

The Committee recommended endorsement of the Bicycle and Pedestrian Plans as submitted.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

Mr. Hutchison thanked members of the Subcommittee, stating that a lot of work had gone into this plan, which was an example of the good things that happen as a result of working together as a partnership.

Skateboarding Safety Issues

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that Mr. Hutchison had mentioned putting this item on the agenda after a skateboarder was killed on Kenton Road. She stated that staff was working on a Recreation Needs Assessment and part of this effort would be to determine proper locations within the City's parks for a skate pad or skate structure and then pursue grant funds. Mrs. Townshend stated that there was an additional question of how to deal with skateboards outside of the park setting and advised members that she had asked the Police Department to be present this evening because they enforce the laws related to vehicles operating on the public streets and what can be done on sidewalks and roadways.

Cpl. Jennifer Lynch, Dover Police Department stated that the current City of Dover skateboarding ordinances address skateboard ramps in regard to their construction, location, and hours of use. She indicated that Chapter 106 - Traffic and Vehicles, Article II - Bicycles, Sec. 106-54 - Bicycles and skateboards on sidewalks, prohibits skateboards on sidewalks in the downtown shopping area where signage is up. Other references in the Dover Code state that skateboards will be governed by Chapter 106 and the motor vehicle laws of the State. Cpl. Lynch stated that she was unable to find State Code that defines skateboards; therefore, although the City ordinance refers to the State Code as being part of what governs skateboard use in Dover, State Code does not really cover that.

Based on those comments, Mr. Hutchison suggested that Cpl. Lynch reach out to the cities of Wilmington and Newark to see what they are doing to address this issue, noting that Newark may have dealt with this issue as a university city. He requested that she provide this information to Mrs. Townshend.

By consent agenda, Mr. Slavin moved for approval of the Safety Advisory and Transportation Committee Report, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

UTILITY COMMITTEE REPORT - MARCH 23, 2015

The Utility Committee met on March 23, 2015 with Chairwoman Williams presiding.

Power Supply Update - Discussion Only

Mr. Scott Koenig, City Manager, advised members that the City's electric utility is probably one (1) of the most complex organizational issues that is discussed, with a lot of moving parts and money that is spent running the utility. He stated that the utility has been very good to the City over many years and has helped fund the General Fund and other activities. Mr. Koenig stated that the City is under constraints in the PJM with rising prices, complexity, and regulation, as well as the retirement of generation and the building of new generation. At the staffing level, the City has had difficulty filling some positions, is trying to reevaluate staffing needs, and will probably be doing some nationwide recruiting to fill a couple of key positions in the utility.

Mr. Koenig stated that, going back to last year's budget, the transfer from the Electric Fund was increased from $8M to $10M. That extra $2M was transferred from the Rate Stabilization Fund, and the concern is that the rates are under a lot of pressure. During the Utility Committee meeting held on March 9, 2015, members considered a proposal to perform a review and update of the electric system financial model, complete cost of service analysis, and develop proposed rate adjustments. The Committee recommended acceptance of the Burns & McDonnell Group proposal, as recommended by staff. Mr. Koenig expressed his hope that Council would adopt this recommendation during their meeting scheduled for later in the evening so that it would be possible to see where the City stands with respect to rates and revenues going forward. From Mr. Koenig's standpoint, the expectation is that those things are going to go up as the City moves into the future.

Mr. Koenig stated that the City has been very competitive with electric rates for residential users, and the most recent figures indicated that the City was as economical as the second lowest in the State of Delaware. He expressed his belief that in the winter the City runs around the fifth lowest; however, the City is not as competitive as it may want to be in the electric rates related to businesses and is probably in the top third in a number of business classifications. From a business standpoint, the City is expensive in the electric industry.

Mr. Koenig stated that Mr. Harry Maloney, Electric Director, would address a number of the issues that the City would be wrestling with over the next 12 months, and in some cases three (3) to five (5) years and perhaps beyond.

Mr. Maloney stated that he would be discussing: 1) where the City stands with Calpine; 2) what is happening with rates and where the City should be going with rates; 3) the budget, including some budget ideas to be presented that members had never seen before; and 4) an update on Playtex's new load and how staff plans to service it.

In regard to Calpine, Mr. Maloney stated that he and Mr. Kirk Betts, the City's utility attorney, were in discussion with Calpine about buying capacity, probably starting in 2018. There was no need for capacity starting in June of 2017 because that market had already cleared PJM at a known price of about $120 per megawatt-day. Mr. Maloney indicated that the City was short 34 MW at a cost of about $1.5M. He stated that in the budget that will be presented, the cost goes up in 2018 because the City will have to replace retired capacity.

In response to Mrs. Williams, Mr. Maloney confirmed that Unit 1 and Unit 2 will be retired in 2017 and, because these units would not be operational, there would be a need to increase capacity and pay someone else to cover the load. The market for June 1, 2017 cleared at $120 per megawatt-day. He explained that the market clears three (3) years in advance and expressed his belief that in mid-to-late May 2015 the price for June 2018 would be known. Mr. Maloney reiterated that the City already has the load covered for the first year of retirement at a decent price of $120, but the City was paying very little to keep Units 1 and 2 around since overhauls, etc., were cancelled and the price was just some labor, operations, and maintenance, which was very light.

Mr. Maloney stated that the City was now dealing with Calpine on a future deal for three (3) to eight (8) years. He advised members that the City had also been engaged in open discussions with Calpine on a dispatchable energy deal, where the City could phone Calpine and request energy for the next week, with the gas price based on Calpine's local unit. Mr. Maloney indicated that this would be a very simple deal and would be combined with the City's capacity to purchase to get the best dollar for the energy. It would be based upon a gas rate at the New York Mercantile Exchange (NYMEX) and the heat rate of the unit, and a little would be added for the transmission of gas, etc. He felt that this would result in a decent price that the City would try to fit into the purchases it had been doing. Just as the City now starts its own units up and down, purchases could be made during hot weeks and would not be needed during cool weeks.

Mrs. Williams questioned if energy would be similarly priced at $120 per load. Responding, Mr. Maloney indicated that this was the fixed charge and the energy price would be a lot less. He stated that, based on the heat rate and a gas price of $2 to $3, it would be a good rate.

Mrs. Williams asked if Mr. Maloney was looking for flexibility for the daily demand if needed. Mr. Maloney stated that he was, adding that this was called a "call option" in today's marketplace. He noted that it may be just on paper, or they may actually turn the unit off and on; however, he felt that they would want to run this combined cycle unit and would not want to keep shutting it up and down since this would tear the unit apart. Mr. Maloney stated that the desire would be to keep it hot and keep it on.

Mrs. Williams asked if Calpine would stay up if something happened on the grid and if this would be a redundant supply for the City. Responding, Mr. Maloney explained that stability analysis modeling, costing millions of dollars, is run to see what is stable. He stated that no one knows what would happen with the grid, and it was unknown what the circumstances would be. Mr. Maloney explained that it would take 10% of power, or approximately 30 MW, for Calpine to do a cold startup and then they would have to energize. He felt that there were plans to get Calpine back online since they are located on the peninsula where there is less generation, noting that Indian River is being phased out over time. He stated that there were small, 300 MW, generators in the area if a problem did occur; however, there were a lot of variables, such as whether there was enough load connected and if the decision would be made to put it on. He reiterated that PJM does a lot of planning for this.

Mrs. Williams asked if something did happen and Dover had to depend on itself, how many customers could be served. Responding, Mr. Maloney stated that on a typical day, Dover would be fine. However, on extremely hot days, the City was probably at 100% of its 149 MW generating capacity. He indicated that the City could cover almost 90% of its load on a hot peak day and at least a 10% reserve was needed for flexibility. Mr. Maloney advised members that this would include residential and business customers.

Mr. Maloney advised members that the City's contract with North American Energy Services (NAES) would automatically renew on July 1, 2015 and that he and Mr. Betts were trying to complete the new contract for signature and approval before that time. Mr. Maloney indicated that new language would be included in the contract because Units 1 and 2 would be retiring.

Mr. Maloney advised members that another factor with capacity was the changing PJM rules. He noted that in January 2014, there was a big cold snap and a lot of generation was not available, so PJM developed new rules and a new policy called, "Capacity Performance" (CP). The new rules state that you must have firm fuel supply, and if you have a duel fuel unit like the City's, you must either have three (3) days of fuel on your property or fixed gas contracts with a fixed absolute supply. Mr. Maloney explained that the City is on an interruptible rate and has spot gas, not firm gas, but does have oil capacity. He stated that PJM will still have the old capacity for the next three (3) or four (4) years; however, that will eventually be phased out and then new requirements must be met. Units that do not meet the requirements cannot be bid into the capacity model. Mr. Maloney stated that the City was following the rules and that this matter was now being considered at the federal level, having been filed through the Federal Energy Regulatory Commission (FERC), and he anticipated that there would be protests but ultimately it would lead to higher costs. A firm gas contract would be required or oil could be used; however, oil

would have to sit in reserve and there would be a cost for this. In addition, he noted that if the oil were kept and the City was asked to run on a hot or cold day and failed to run, the penalties would go up. The City would have to give back the money that would have been received for that day and there would be an additional penalty; therefore, the City would lose this money plus pay a penalty of 100%. Mr. Maloney explained that there are caps and, if the City were out for six (6) months, there would be a significant financial penalty if the City does not have the unit available when called upon. Mr. Maloney advised members that these rules affect Calpine and those rules are coming into effect when the City needs to buy more capacity.

Mrs. Williams questioned what the consequence would be if there were a delay and more penalties, and asked if the City could charge Calpine for water, since they have to use water to make steam. In response, Mr. Maloney recommended a firm, set deal with Calpine on paper. If they run or fail to run, the City would still get its deal for 30 or 40 MW and Calpine would pay the PJM price because they have to replace energy and the City would be insulated from this. He said that Capacity Performance would raise the price to buy more capacity and raise the City's internal price to maintain oil on the property and make sure that its two (2) units will run.

Mrs. Williams asked if the City could obtain funds through the water rates if more money were needed. Responding, Mr. Maloney stated that the City sets its own rates in its service area; however, he indicated that water and sewer were outside his area of responsibility.

Mrs. Williams noted that water was needed by Calpine to make steam. In response, Mr. Maloney stated that the City received notice that Calpine would be filling its cooling tower shortly and that drawing water may cause brown water complaints.

Mrs. Williams indicated that she would like to see the good relationship that Dover has had with the American power market remain, even if the City has to switch utilities a bit to readjust and ensure that the City still gets sizable revenues for utilities. She said that revenues may be from water in the next millennium and might have been from electricity in the last, noting that it did not matter to her as long as the City gets the right price.

Mr. Maloney stated that Mr. Betts was reminding Calpine on a daily basis that the City did a lot of infrastructure improvements to help them get here. Mrs. Williams stated that these improvements amounted to $16M. Responding, Mr. Maloney advised members that the trouble was that the individual with whom the City was now negotiating was not the person that was physically here when the process began.

Mr. Maloney informed members that President Obama was trying to push through a clean power act. Although it was uncertain how far that would go with the change in the Senate and Congress, many were saying that the government wanted to shut down coal plants; therefore, there was less coal generation and everyone now wants gas.

With respect to rates, Mr. Maloney stated that Mrs. Donna Mitchell, Controller/Treasurer, planned to work with Burns & McDonnell regarding rates, noting that the City would be looking at a four (4) or five (5) year deal. He reiterated that in FY18 the City would have a spike in costs as a result of having to buy capacity in the approximate range of $1.5M, which would be a cost increase that the City was not incurring before. Mr. Maloney said that as staff does the rates, they are looking at the structure. He stated that as efficiency improves, for example, as you get better light bulbs, consumption goes down. Mr. Maloney noted that there is still a basic cost of service, but a lot of the City's basic cost of service is in the kWh rate. As the City sells less kWh, it would not be recovering basic costs. Mr. Maloney stated that the move now is to lower the kWh and raise the basic customer service charge. Even though the customer uses less energy, the customer service charge would climb and the City would still recover the basic costs of service as efficiency improves. He noted that everybody wants efficiency; however, there is still a basic service and cost for the wires, transformers, etc. Mr. Maloney felt that the City probably would not build more substations but would still have a flat load going out. If the City lowers the kWh and raises the customer charge, the average customer would not see a net effect, and the City would still have a guarantee of revenue to cover costs.

In response to Mrs. Williams, Mr. Maloney explained that he was referring to kWh consumption, noting that a lot of the basic cost of services are in the kWh of consumption billing. Some of it is in demand, but all of the residential is in the consumption. He indicated that there is more solar penetration, which is being ramped up in the State, and revenue would be lost through solar. Mr. Maloney stated that as the State ramps up the requirements there will be more and more solar energy applications, noting that he had a couple on his desk. He stated that there were some limits; however, this would "creep up" and cause lost revenue because the City still has to supply all of the wires, etc. for solar customers to utilize on cloudy days. The customer may net out close to zero (0) for a year, but the City may only get $5 for the basic charge, which would not cover the wire or basic generation charges. Mr. Maloney indicated that rate changes would be phased in over time and the City would look to see what that impact is going forward. If this is not done, there would not be enough revenue and those who cannot afford solar or more efficient units would "pay through the nose" for electricity. He explained that this is a nationwide movement happening today, not just a City of Dover issue. Mr. Maloney stated that although everybody thinks the rates are just going up, the City tries to make them revenue neutral so the average consumer does not get hurt by it.

In regard to Playtex, Mr. Maloney stated that Playtex advised the City last year that they plan to double their load and may increase the load to a little more than double. He explained that the existing circuits that feed Playtex cannot handle it. Based upon the existing infrastructure of two (2) substations with spare breakers and the retired 22,000 volt line that runs along the railroad tracks and approximately $300,000 worth of improvements and some other wire, the City is going to build two (2) new circuits that can feed Playtex. Mr. Maloney advised members that the existing circuits have only a 400-amp rating and the new ones need a 600 amp rating. He said that staff

was working with Playtex and hoped to have the work done by summer. It was hoped that over the next two (2) years there would be load growth there. Mr. Maloney indicated that the only positive load growth that the City has is with Playtex and the City would provide them two (2) good redundant supplies. He explained that Playtex cannot sustain long outages, which hurt production greatly, noting that Playtex had always had double feeds, so this would be continued at a larger size.

In reference to the budget, Mr. Maloney indicated that the "New Developments" line item in the budget would be raised significantly to more than $2M from approximately $600,000. He indicated that Mrs. Mitchell had said that the budget could not be raised by that much; however, he explained that whenever a new development is done, such as a new underground development or a new service to commercial, 100% of the cost will be billed. When that revenue comes in, it will offset the costs going out. If a developer hands him a $100,000 check, Mr. Maloney would pull $100,000 of new materials, and the City would be even without affecting the rate payer. Mr. Maloney stated that he wanted to have sufficient funds in case developers tell them in May that they want to build 100 homes starting in the fall. He indicated that his recommended approach would provide flexibility to enable the City to proceed with providing material and installing the necessary services. Mr. Maloney cautioned that this money could not be spent on anything else since it would be earmarked for new developments that pay cash for the City's charges. He stated that this would not affect rates but would be revenue neutral because he would have to have the check in hand before going to the warehouse to pull the equipment.

In relation to personnel, Mr. Maloney stated that, when being interviewed for his job, he asked who the City's representative at the power plant was. Although there is a contractor there, normally a company has a person watching a plant all day long, noting that the City has $200M worth of assets there that should be observed. He advised members that Mrs. Mitchell and Mr. Koenig had worked with him and planned to budget for an Assistant Superintendent of Generation or Assistant Generation Manager, to have a representative on the property. In addition, this individual would be a project manager as the City plans its generation. Mr. Maloney stated that when the City starts new generation, this individual would be the seed. The City would begin to build, get consultants and layout, and everything would come through this employee, including the financials, project management, etc. The employee would also serve as a backup for Mr. Maloney and would be present when Mr. Maloney is not. Mr. Maloney stated that it would take a team to build the City's own generation since the City would be looking at a $60M - $80M expenditure, depending on its size, and someone would be needed to work on starting the process. He stated the intention to present this in the budget discussions.

Mrs. Williams asked if $4M - $6M was needed for the things Mr. Maloney had mentioned, including the revolving account for the new developments. Responding,

Mr. Maloney stated his belief that it would be a little over $2M; however, rates revenue would not be needed for this. He reminded members that if a check were not received from a developer the money would not be spent.

Mrs. Williams stated that she understood this; however, it would be necessary to buy the materials before the check would be received. Mr. Maloney explained that the inventory account is outside the budget. He stated that staff normally stocks enough to get going and the rest of the material can be here in eight (8) to 12 weeks. The funds needed for all the things he had talked about would mainly go toward salaries and would amount to a few hundred thousand dollars.

Mr. Koenig advised members that the information presented provided an update on the challenges that the City faced. He stated that the baseline cost would go up by an additional $1.5M to pay for capacity. The City would have to raise these funds, and that cost has to be added into the rates and the future projections. Mr. Koenig indicated that Mr. Maloney was recommending the potential hiring of an Assistant Generation Manager, which is an expensive position and could cost $100,000 plus per year in the operating budget. Mr. Koenig indicated that this person would be the main focus of oversight of the City's existing generation, help manage the contract with NAES, and would potentially serve a dual role if the City decides to build a new piece of generation instead of buying 34 additional MW in power supply. If a new plant were built, this person would be the focal point for identifying the best technology and location, and taking it through construction and startup.

In regard to the budget increase for new developments, Mr. Koenig stated that staff had experienced difficulty in getting all of the dollars to line up in the correct line item in the budget, especially when the budget is an estimate of annual spending and about two-thirds of the service territory is outside the City limits. He advised members that the City has a pretty good handle on where development projects are within the City; however, the County operates differently. Mr. Koenig explained that developers come in and out, and projects sometimes move slower or faster than anticipated. He stated that the $2.5M for new developments is essentially an earmark in the budget. It is not part of the rate calculation because the City would not spend that $2.5M unless $2.5M had been received from developers in revenue for those new features, whether they are transformers, lines, or something else. Mr. Koenig indicated that $2.5M may be spent in some years, while only $1.5M may be spent in other years; it would be completely driven by the number of new connections or transformers going into the system for new service.

Mr. Koenig stated that the big challenge for the City is the expected flat loads, other than Playtex and potentially some additional loads coming online at Garrison Oak Technical Park in the future. He informed members that the national trend for load seems to be downward as people replace equipment with more efficient equipment. Mr. Koenig stated that if the City does nothing, people continue to install more efficient equipment, and no new customers are added, the City's load will go down over time, noting that base costs are going up. He explained that personnel and

benefit costs, as well as the cost of replacement parts, etc., are increasing; therefore, many things are putting pressure on the need to make good business decisions for the utility going into the future.

In response to Mrs. Williams regarding the total costs, Mr. Koenig stated that he would be remiss in saying that costs would be going up 5% or 8%. He stated that this would not be known until the rate study comes back in four (4) to six (6) weeks with more information about the rate design. He stated his hope that the increase would be more manageable than double digits and may be something that could be phased in. Mr. Koenig indicated that the rate would be in the best interest of the utility as well as the customers.

In response to Mr. Hutchison regarding what was in place to protect the City's customer base, both within and outside the City, and to make sure the City keeps those customers, Mr. Maloney stated that this is called a key account person or program and the City had none. Mr. Koenig explained that the State has issued an electric franchise and the City's franchise territory is pretty much fixed at the State level; therefore, Delmarva Power cannot just come in and take customers, or take a portion of them. He stated that, currently, true electric choice is not available; therefore, the City does not have to worry about Delmarva taking its customers. Mr. Koenig advised members that the State can consider this in the future, but there would be big ramifications. He indicated that there are some protections, explaining that even if Delmarva took a customer, they would have to cross City lines to get to that customer, and the City would be entitled to some rate of exchange. He stated that because the City is a municipal provider, it has been granted a certificate, and although the City is not completely a monopoly, it operates like a monopoly. Mr. Koenig informed members that one (1) of the biggest issues which was raised by the Governor several years ago, is that if the State decides they are not happy with the municipal electric utilities, transfers, and rates, they can send the municipal electric utility to the Public Service Commission (PSC) to be regulated as a public utility, like Delmarva Power. Mr. Koenig explained that you can spend a lot of money with attorneys and accountants to present your rate case at the PSC, go through all of the hoops and discussions, and come out with an approved specific rate of return. If the City were to do that, the result could potentially be higher than its current rate because of the guaranteed rate of return. He reiterated that the City has some protections because the City was granted a certificate.

Mr. Hutchison stated that the Governor's office, as well as membership of the General Assembly, had brought this issue up and he expressed the need to make sure the City of Dover is staying ahead of that curve and making sure to protect what we have.

Mr. Koenig reminded members that the City offers an entire bundle of services that intertwine at times. He stated that the City is not like the Delaware Electric Co-Op that only runs an electric utility, or like Delmarva Power that is interstate and has a number of different interests related to electric power.

Mr. Hutchison stated that in the last meeting with the Governor and the local leadership in the General Assembly, Senator Colin Bonini brought up an issue regarding rates and asked if Mr. Koenig and the Mayor responded to this. In response, Mr. Koenig indicated that he had only heard about this secondhand. He explained that he had talked to Senator Bonini a number of times over the years about this issue and had a somewhat different philosophical view than Senator Bonini. Mr. Koenig stated that, in regard to rates, the City's Achilles heel is some of the commercial electric rates. When looking at the rate design, he felt it would be necessary to decide whether the City favors business development over low residential electric rates, noting that Senator Bonini's issue is related to the commercial rates rather than residential rates.

Mr. Koenig stated that Calpine started a notice of flow earlier in the day, so the City is beginning to receive sanitary flow from the Calpine project to the new infrastructure in the Garrison Oak Technical Park. He advised members that there would be an adjustment period for the water system. Calpine had put the City on notice that they are beginning to test out the systems and the new energy center. Mr. Koenig stated that they would be filling up the large holding tank on the site with approximately one-half million gallons over the next couple of days. Within a few weeks, they were going to start ramping up the system check at Calpine and were expected to begin some type of production operation with the next month or so. Water quality complaints were expected as the system adjusts and staff would be putting out Facebook posts, public notices, etc.

Responding to Mrs. Williams, Mr. Koenig stated that the system would not run dry; however, when flushing the water system, brown water can be stirred up and the hydrants would be open, pulling brown water out. As Calpine comes up, the flow in the system will change because of a different demand point at Calpine. Where there may have been very low flow in the mains in White Oak/Towne Point, the pressure in houses would not be affected; however, the velocity outside in the mains would be affected. Mr. Koenig stated that the flow may have been running north-south, but with the Calpine project it may reverse and run south-north, which creates scouring in the pipe. Until the system adjusts to that flow reversal, there will potentially be plumes of brown water, water quality complaints, and perhaps laundry complaints, and staff is gearing up for this. He informed members that during the month of April staff would also be flushing the water system and they are trying to time it so as the water system is being flushed, the system adjusts and there would be a reduced amount of complaints. Staff will be remediating these things as they are happening as much as possible.

By consent agenda, Mr. Slavin moved for acceptance of the Utility Committee Report, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams and Hare absent).

MONTHLY REPORTS - FEBRUARY 2015

By motion of Mr. Slavin, seconded by Mr. Dixon, the following monthly reports were accepted by consent agenda:

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hutchison announced that the League of Women Voters of Kent County would be hosting a Candidates' Night on Wednesday, April 15, 2015 at the Modern Maturity Center, 1121 Forest Avenue, from 7:30 p.m. to 9:30 p.m., noting that this would be a great opportunity to learn about the candidates in the City of Dover, April 21st election, which was only 8 days away.

Mr. Anderson urged his fellow citizens to vote, noting that when you go to a third-world country that just recently gets to vote, you see people standing in line, literally getting shot at or explosions around, yet sometimes we forget to vote. He stated that the City of Dover Municipal Election would be held on Tuesday, April 21, 2015, between the hours of 7:00 a.m. and 8:00 p.m. The polling place for all voting districts is the Elk's Lodge #1903, 200 Saulsbury Road, Dover, Delaware 19904. For information about the candidates, absentee-voting and the election, please visit www.cityofdover.com and click on the Election 2015 button.

Mr. Bonar echoed the announcements made by Mr. Hutchison and Mr. Anderson and expressed his deep appreciation for those in attendance who had taken an interest in the City Council meeting. He stated that all City residents who are registered to vote have the right to vote in the City election and should exercise that right. Mr. Bonar indicated that people believe in public service for a variety of reasons; however, he did not think that any current members of Council did it for personal gain. He stated that members do what they think is right for the City and try to do the best that they can–sometimes they do a good job, sometimes they do a bad job, and that is why we have elections.

Mr. Bonar reminded members that Calpine was continuing to make significant progress with respect to the various startup activities that are associated with the construction of the Garrison Energy Center on White Oak Road. He stated that they notified him earlier in the day that they are planning to tentatively initiate the preliminary gas turbine combustion process in about a week to 10 days, and they will be starting the process of producing steam about a week after that. There will be a lot of equipment testing and startup activities that will continue for the next couple of months, so that the facility will be ready to generate reliable, efficient, and environmentally responsible power by its due date this summer. Mr. Bonar stated that this is now on the cusp of being a true revenue producer for the City of Dover. He expressed happiness that the City's Economic Development Office and other City staff were able to get this taken care. He stated that the Garrison Energy Center and the Uzin Utz facility, which will open this summer at the Garrison Oak Technical Park, are going to be revenue drivers for the City for years to come, and he was confident that there would be a lot more

coming down the pike. Mr. Bonar announced that, as a result of the increase in water usage in that section of the City, those who have City of Dover water service will see temporary brown water issues again. He stated that it will flush itself out, over a prolonged period of time, and urged everyone to be patient. Mr. Bonar noted that anyone with issues regarding damage to property as a result of the brown water could contact the City Manager.

Mr. Anderson moved for adjournment, seconded by Mr. Perza and unanimously carried.

Meeting adjourned at 8:52 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of April 13, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2015\04-13-2015 - 05-26-2015 Correction to Title for Proclamation - Arbor Day - .wpd