ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 12, 2014 at 7:30 p.m. with Mayor Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare moved for approval of the Consent Agenda, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF APRIL 28, 2014

The Minutes of the Regular Council Meeting of April 28, 2014 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Bonar.

PROCLAMATION - COMMUNITY ACTION MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law and, currently, there are approximately one thousand such agencies serving the underprivileged in the United States; and

WHEREAS, First State Community Action Agency has been committed to working with individuals and communities to overcome the challenges of unemployment, homelessness, substandard living conditions, and hunger in Delaware since 1965; and

WHEREAS, First State Community Action Agency has made an essential contribution to individuals and families in Delaware by providing innovative and cost-effective programs that enable them to improve their lives and living conditions; and

WHEREAS, Delaware and the entire country must continue to promote economic security and ensure that all citizens are able to live with dignity by providing support and opportunities for those in need of assistance.

NOW, THEREFORE, I, DAVID L. BONAR, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 2014 as **COMMUNITY ACTION MONTH** in the City of Dover in recognition of the hard work and dedication of First State Community Action Agency.

Mayor Bonar presented the Proclamation to Ms. Bernice Edwards, Executive Director of First State Community Action Agency, and relayed appreciation for the work provided for the betterment of the community.

Ms. Edwards thanked the Mayor and Council for recognizing the First State Community Action Agency and for their continued support.

PROCLAMATION - PUBLIC WORKS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, public works services are an integral part of our community and citizens' everyday lives, and the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as facilities management, fleet maintenance, grounds and parks maintenance, solid waste collection and recycling, street and stormwater management, water production, and water and wastewater operations and maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services and the quality and effectiveness of these facilities and services, as well as their engineering, construction, and inspection, are vitally dependent upon the efforts and efficiency of the qualified and dedicated personnel of the Department of Public Works; and

WHEREAS, The American Public Works Association 2014 National Public Works Week theme "Building for Today, Planning for Tomorrow" represents the classic idea of stewardship embodied by the profession of public works and the professionals that practice it. Focusing on the communities; "building" points out the day to day aspect of public works that is quality of life, while "planning" references the sustainable practices that ensure the quality of life for future generations.

NOW, THEREFORE, I, DAVID L. BONAR, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 18th - 24th, 2014 as Public Works Week in the City of Dover and urge all citizens and organizations to learn more about the details involved in providing public services and to recognize the contributions that our dedicated public works employees make every day to our health, safety, comfort, and quality of life.

Mayor Bonar presented the Proclamation to Mrs. Sharon Duca, Public Works Director, and relayed appreciation for the departments' efforts to assure continued service to the residents of Dover.

Ms. Duca thanked the Mayor and Council for taking the time to recognize the Department of Public Works, as many communities are doing across the country for National Public Works Week. She stated that it is an honor for her to work with so many dedicated and qualified individuals who tirelessly aim to provide key services related to the City's public health and safety.

Mrs. Duca stated that the Department of Public Works consists of 87 staff members who provide sanitation services for approximately 11,000 accounts; maintenance of over 140 miles of streets and storm drains; maintenance of 215 acres of public grounds, design of 47 flowerbeds, and maintenance of thousands of street trees; operation and maintenance of 22 well sites, including a large water plant and 15 micro plants; production of an average 1.5B gallons of potable water per year; maintenance

of over 190 miles of water main; maintenance of over 180 miles of sanitary sewer main and operation and maintenance of 40 wastewater pumping stations; operation and maintenance of 18 principal facilities; maintenance of a fleet of 188; administration of a nearly $10M operating budget; and the engineering and inspection of an annual $4M capital plan. Mrs. Duca thanked the men and women of the Department of Public Works for their efforts and dedication.

REPEALING, RESCINDING, OR AMENDING RESOLUTION NO. 2014-07 APPOINTING THE VICE-MAYOR AS MAYOR UNTIL THE MAYOR'S POSITION IS FILLED AND RATIFYING ACTION ALREADY TAKEN

Mr. Anderson stated that he believed that Council acted in haste when they adopted Resolution No. 2014-07 on April 28, 2014 because the term for the Council President expires during this meeting. In order to have a full choice for the election of the Council President, he suggested repealing the Resolution.

Mr. Anderson moved that Resolution No. 2014-07 be repealed, notwithstanding, all actions that were taken under that Resolution be ratified. The motion was seconded by Mrs. Williams.

Responding to Mr. Lynn, Mr. Bonar stated that he signed proclamations, tributes, financial documents, and the closing documents for the Uzin Utz property, as presented by staff members. He also attended DEMA meetings to determine funding for emergency management resources and various civic functions.

Mr. Lynn asked if a list of actions had been generated for circulation to Council since they were being asked to ratify them. Mr. Bonar stated that he did not recall having been asked to submit a list.

Mr. Lynn stated that he took exception to this (action) for a number of reasons and cautioned members that, pursuant to Section 13 of the City of Dover Charter (*Vacancies; forfeiture of office; filling of vacancies, (b) Forfeiture of office*), a council member shall forfeit that office if the council member: (2) violates any express prohibition of this charter. He stated that the Charter mandates specifically in Section 15 that (The council president and vice-mayor shall retain his/her right to vote as councilman at all times although he/she may be acting as the mayor,) "unless the mayors absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties," (which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as councilman until further action is taken by council.) Mr. Lynn stated that this was a statutory construction matter. Council passed the Resolution making the Vice-Mayor the Mayor because of the indefinite or extended absence of Mayor Carey and the Charter tells them that the only two (2) circumstances within which they may rescind that action are: the Mayor's position is either filled or the Mayor returns to his/her duties. Mr. Lynn noted that neither of those conditions had been met and this action would be in direct contravention of the City Charter. He suggested that this action is expressly prohibited by Robert's Rules of Evidence, which views rescissions of motions or resolutions as an abhorrence. For example, if they vote to paint the barn red and the barn is then painted red, and the next meeting they vote to rescind the action, it cannot be undone. Mr. Lynn stated that they could not undo making the Vice-Mayor the Mayor.

Responding to Mr. Hare, City Solicitor Nicholas H. Rodriguez stated that he and Councilman Lynn had gone back and forth all week and he disagrees with Mr. Lynn's interpretation of the Charter. He noted that a written opinion had been provided to the City Clerk (*as on file in the Office of the City Clerk*), which states that, because the Mayoral election has been set for June 17, 2014 and the newly elected mayor will be sworn into office on June 25, 2014, the absence of the mayor is no longer indefinite and the rescinding action would be permitted. Mr. Rodriguez also noted that the motion to rescind conforms with Robert's Rules of Order (11th Edition), Section 35, which states that you cannot rescind a motion that has caused an action that is impossible to undo, which does not apply in this situation.

A call for the question by Mrs. Williams was carried by a roll call vote of five (5) yes (Dixon, Perza, Williams, Hare, and Hutchison) and three (3) no (Anderson, Lynn, and Slavin).

The motion to repeal Resolution No. 2014-07 failed by a roll call vote of four (4) yes (Anderson, Williams, Hare, and Hutchison) and four (4) no (Dixon, Lynn, Perza, and Slavin).

ELECTION OF COUNCIL PRESIDENT/VICE-MAYOR

Mr. Perza moved that nominations be made from the floor, rather than by ballot. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Perza moved to nominate David L. Bonar to serve as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Hutchison.

Mr. Lynn reminded members that only a sitting member of Council could be nominated for Council President and, since Mr. Bonar had been appointed as the Mayor with adoption of Resolution No. 2014-07, he was not eligible for nomination.

Mr. Lynn moved to nominate Timothy A. Slavin to serve as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Slavin.

Mrs. Williams moved to nominate William F. Hare to serve as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Anderson.

Mr. Hutchison moved to close nominations for Council President/Vice-Mayor, seconded by Mr. Lynn and unanimously carried.

At the request of Mr. Hare, paper election ballots were provided to each member of Council. Mayor Bonar requested that members cast their votes for Council President/Vice-Mayor and place their ballots in the envelope to be submitted to the City Solicitor for the tallying of results. He reminded members that the nominees were Mr. Slavin and Mr. Hare.

Mr. Anderson moved to take a three (3) minute recess, seconded by Mr. Hare and carried by unanimous consent.

Meeting recessed at 7:59 p.m. and reconvened at 8:03 p.m.

Mayor Bonar announced that one (1) ballot had been left unmarked. Mr. Anderson recalled that the Charter provides the right to abstain.

City Solicitor Rodriguez announced that Mr. Hare received four (4) votes and Mr. Slavin received two (2) votes for Council President/Vice-Mayor.

Mayor Bonar announced that he would resign as Mayor, effective immediately, thereby becoming eligible for the Council President/Vice-Mayor election.

Mr. Perza moved to nominate David L. Bonar as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Hutchison.

Mr. Anderson moved to nominate Timothy A. Slavin as Council President/Vice-Mayor for 2014/2015, seconded by Mr. Lynn.

Responding to Mr. Lynn, City Solicitor Rodriguez stated that the resignation of Mr. Bonar as Mayor returns him to his seat on Council and resolves the issue of his eligibility for nomination as Council President/Vice-Mayor.

Mrs. Williams moved to close nominations for Council President/Vice-Mayor, seconded by Mr. Perza and unanimously carried.

Mr. Slavin withdrew his name from nomination.

Mr. Lynn stated that, because Mr. Bonar had resigned as Mayor and the Mayor presides at the Annual Meeting, Mr. Bonar should no longer preside over the meeting. Mr. Slavin noted that the Charter was designed to govern them in all circumstances and the farther they drift away from it, the more trouble they will get themselves into.

Mr. Bonar relinquished the Chair to Mrs. Williams to conduct the election for Council President/Vice-Mayor.

Mr. Slavin moved for a roll call, seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Anderson, Perza, Bonar, Hare, Hutchison and Williams), two (2) no (Lynn and Slavin), and one (1) abstention (Dixon).

By a roll call vote of eight (8) yes (Anderson, Dixon, Perza, Slavin, Bonar, Hare, Hutchison, and Williams) and one (1) abstention (Lynn), David L. Bonar was elected to serve as Council President/Vice-Mayor for 2014/2015.

PROPOSED RESOLUTION NO. 2014-10 APPOINTING THE VICE-MAYOR AS MAYOR UNTIL THE MAYOR'S POSITION IS FILLED

Mr. Slavin suggested that, since the period of time for the Mayor's absence is no longer indefinite and the Council President/Vice-Mayor acts as Mayor during the vacancy, the adoption of the Resolution was not necessary. City Solicitor Rodriguez concurred and no action was taken.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCES AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS

A public hearing was duly advertised for this time and place to consider proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses, and Section 17 - Shopping Center Development (Permitted Uses) of the Dover Code.

Mr. Hare moved that the Final Reading of the proposed ordinances be acknowledged by title only, seconded by Mr. Dixon and unanimously carried. *(The First Reading of the ordinances was accomplished during the Council Meeting of March 24, 2014.)*

Proposed Ordinance #2014-05 With Planning Commission Amendment #1 (PC#1) Amending Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments would allow for professional offices as a conditional use within the General Residence Zones, with very strict criteria, on State Street and Governors Avenue between Mary and Water Streets and on the entirety of Route 8. She noted that the Planning Commission unanimously recommended adoption of the ordinance with two (2) amendments: 1. Reduce the maximum number of employees from six to four; and 2. Limit the applicability of the proposed ordinance to Route 8 only.

Council President Bonar declared the hearing open.

Mr. Joseph D'Urso, 305 North State Street, requested clarification of the area affected by the ordinance amendment. Responding, Mrs. Townshend stated that, if the Planning Commission's proposed amendments are adopted, it would only be applicable to Route 8.

Mrs. Yvonne Hall, 228 North State Street, stated that she did not believe four (4) parking spaces would be enough for a business. She felt that the people parking on the streets would suffer because of the maximum proposed parking. Mrs. Townshend responded that this would be a very small operation with no more than four (4) employees.

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

Mr. Hutchison moved for adoption of Planning Commission Amendment #1 (PC#1) to Proposed Ordinance #2014-05, seconded by Mrs. Williams.

Mr. Anderson stated that he was opposed to PC#1 because it was limited to Route 8. He felt that the City should encourage the micro-businesses that will not be disruptive.

The motion for adoption of Planning Commission Amendment #1 to Proposed Ordinance #2014-05 failed by a roll call vote of five (5) no (Anderson, Dixon, Lynn, Perza, and Hare) and four (4) yes (Slavin, Williams, Hutchison, and Bonar).

Mr. Slavin moved to table action on Proposed Ordinance #2014-05, seconded by Mr. Lynn.

Mr. Slavin noted that he has heard from numerous constituents who did not want this extended to the residential area of North State Street. He noted that he worked very hard to ensure that they attended the Planning Commission to have their concerns heard. Mr. Slavin suggested that they deliberate with those residents before proceeding.

The motion to table action on Proposed Ordinance #2014-05 was carried by a roll call vote of eight (8) yes (Dixon, Lynn, Perza, Slavin, Williams, Hare, Hutchison, and Bonar) and one (1) no (Anderson).

Proposed Ordinance #2014-06 With Planning Commission Amendment #1 (PC#1) Amending Section 17 - Shopping Center Development (Permitted Uses)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments originally proposed would have added new uses to the Shopping Center Development (SC-1, SC-2, and S-C3) zones and the Community Shopping Center (SC-2) zone. She noted that, during the Planning Commission meeting, the applicant requesting to allow apartments as part of a mixed use development withdrew the request. As a result, the Planning Commission proposed amendments to remove the language related to that request from the ordinance amendment.

Council President Bonar declared the hearing open and, with no one present wishing to speak, the public hearing was closed.

Mr. Hare moved for adoption of Planning Commission Amendment #1 (PC#1) to Proposed Ordinance #2014-06. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.

Mr. Slavin moved for adoption of the ordinance, as amended. The motion was seconded by Mr. Dixon and, by a unanimous roll call vote, Council adopted Ordinance #2014-06, as follows:

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.32 be amended by adding a new paragraph 6 to read as follows:

6. Light motor vehicle service accessory to a permitted use, provided that all work is completed inside a building and that no automobiles are stored outside.

ADOPTED: MAY 12, 2014

AUTHORIZATION TO EXECUTE SETTLEMENT AGREEMENTS RELATED TO EMPLOYEE GRIEVANCES

Council President Bonar read the following statement into the record:

"During the first week of March, James Hosfelt, who was serving as the City's Chief of Police, announced his retirement. Under the City's Charter, the Mayor is responsible for selecting a new Chief of Police when the position becomes vacant. In light of Chief Hosfelt's retirement, and the Charter provision addressing the selection of the Chief of Police, former Mayor Carlton Carey began to consider candidates to serve as the City's next Chief of Police.

On March 25, former Mayor Carey announced that he had selected then-Deputy Chief Paul Bernat to serve as the next Chief of Police, and he further announced that the appointment would become effective on April 4.

The newly appointed Chief of Police Bernat, who has the authority under Department
policy to select the Deputy Chief of Police, announced that Lieutenant Marvin Mailey would serve as the new Deputy Chief of Police.

During the period of time between April 4, when Chief Bernat's selection became effective, and April 8, five employee grievances were filed by high-ranking officers in the Police Department. The officers who filed the grievances included two captains (Captain Robert Scott and Captain Tim Stump), and three lieutenants (Lieutenant Dan McKeown, Lieutenant Jason Pires, and Lieutenant J. Eric Richardson).

In his grievance, Captain Scott alleged that:

> *The way in which the selection of the Deputy Chief occurred was in contravention of the customs, policies, and practices of the City of Dover and the City of Dover Police Department. This selection also was in direct violation of the City of Dover's Equal Employment Opportunity and Affirmative Action policy as well as the federal and Delaware State laws prohibiting race discrimination in employment decisions, including promotions.*

Captain Scott further alleged that although he expressed an interest in being promoted, he "was not selected due to [his] race, Caucasian" and that "the candidate selected for Deputy Chief was chosen because of his race, African-American."

In each of their individual grievances, Captain Stump, and Lieutenants McKeown, Pires, and Richardson alleged:

I feel that Mayor Carey being involved and/or insisting that Marvin Mailey be promoted to Major is unprecedented and completely contrary to the past promotional patterns established by the Dover Police Department.

In his individual grievance, Captain Stump stated that he is "a white male" and alleged that "based upon [his] race and color, [his] opportunity to be promoted to the ranks of Deputy Chief and/or Chief of Police was adversely affected."

In his individual grievance, Lieutenant McKeown alleged that he "was unfairly prevented from advancing to the rank of Captain/Major due solely to [his] race which is Caucasian."

In his individual grievance, Lieutenant Pires alleged that he "believe[s] that due to [his] ethnicity and that [sic] fact that [he is] bi-racial [he] was discriminated against and the opportunity to be promoted was not afforded to [him] for those reasons."

In his individual grievance, Lieutenant Richardson alleged that "due to [his] race and
color of [his] skin [he] was discriminated against and the opportunity to be promoted was not available to [him] for those reasons."

When the grievances were advanced to Police Chief Bernat, he conferred with City Council to determine if the grievances could be resolved. City Council reviewed the grievances and the facts and circumstances leading up to the selection of the new Chief of Police and the new Deputy Chief of Police. That review raised serious questions about whether the former Mayor—in contravention of the Police Department's promotion policy—exceeded his authority and orchestrated a series of events to ensure then-Lieutenant Marvin Mailey would be elevated to the position of Deputy Chief of Police. Mayor Carey denied these allegations.

In view of the allegations made in the grievances, the potential exposure to the City if the allegations were proven to be true, and City Council's concern over actions alleged to have been taken by then-Mayor Carey, City Council requested that the Mayor resign from his public office.

Without conceding the veracity of the allegations that had been made against him, less than two days after being asked, former Mayor Carey submitted a letter of resignation to City Council.

With the five grievances still pending, the City's attorneys and management team entered into settlement negotiations with the officers and their Fraternal Order of Police affiliated representative. With the authorization of City Council by its May 12 formal vote, the five grievances have been resolved through an agreement to make monetary payments from the City to each of the officers in amounts totaling three hundred thousand dollars ($300,000).

If true, the alleged actions taken by former Mayor Carey demonstrate employment practices rejected by the City of Dover and its management. While the City embraces diversification, and equal opportunity in the workplace, discriminatory acts—even if the result is well intentioned—are unacceptable.

Having received and accepted the resignation of former Mayor Carey and having resolved the police officer grievances, City Council looks forward to brighter moments for our City. Chief of Police Paul Bernat and Deputy Chief of Police Marvin Mailey have the full support and confidence of City Council as they move the Police Department past these unfortunate and difficult events, and lead the Police Department in a way that maintains its distinction as one of the top police departments in the entire Country."

Mr. Slavin noted that this was an unsettling issue for all involved; however, in the best interest of the City, and based upon the advice they received, this is the most economical resolution.

Mr. Anderson stated that, based on the advice of counsel, the cost to defend this number of suits separately would exceed the amount of the settlement and this is probably the least worst option available to them.

Mrs. Williams moved for approval of the settlement agreement (*as on file in the Office of the City Clerk*)**, seconded by Mr. Dixon and carried by a roll call vote of eight (8) yes (Anderson, Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar) and one (1) no (Perza).**

Mrs. Williams moved to authorize Council President/Vice-Mayor Acting Bonar to execute the settlement agreement. The motion was seconded by Mr. Hutchison and carried by a roll call vote of eight (8) yes (Anderson, Dixon, Perza, Slavin, Williams, Hare, Hutchison, and Bonar) and one (1) no (Lynn).

STATE OF THE CITY MESSAGE

Mayor David L. Bonar presented the State of the City Message ***(Exhibit #1)***.

MONTHLY REPORTS - MARCH 2014

By motion of Mr. Hare, seconded by Mr. Hutchison, 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 *(February and March)*

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (JANUARY, FEBRUARY, AND MARCH)

Members were provided a Project Tracking Report, as of March 31, 2014, for the Capital Investment Plan (CIP).

By consent agenda, Mr. Hare moved for acceptance of the Quarterly CIP Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

2014/15 STAFF APPOINTMENTS - CITY COUNCIL

Mr. Hutchison moved for approval of the Staff Appointments for 2014/2015, seconded by Mr. Hare and, by a unanimous roll call vote, the following appointments were made:

City Assessor	-	Cheryl A. Russell
Building Inspector	-	Ann Marie Townshend
City Clerk	-	Traci A. McDowell
Assistant City Clerk	-	Denise L. Devine
Controller/Treasurer	-	Donna S. Mitchell
Assistant Finance Director	-	Vacant
Assistant Treasurers	-	Traci A. McDowell
	-	Denise L. Devine
Interim Fire Marshal	-	Timothy P. Mullaney, Jr.
City Planner	-	Ann Marie Townshend
City Solicitor	-	Nicholas H. Rodriguez
Deputy City Solicitor	-	William W. Pepper, Sr.

2014/15 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT

Council President Bonar requested that the 2014/2015 Council President Committee Appointments be deferred.

Mr. Anderson moved to defer the Council President Committee Appointments for 2014/2015 until the next Regular Council Meeting, seconded by Mr. Hare and carried by a unanimous roll call vote.

MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT

Council President Bonar requested that the 2014/2015 Council President Miscellaneous Appointments be deferred.

Mr. Perza moved to defer the Council President Miscellaneous Appointments for 2014/2015 until the next Regular Council Meeting, seconded by Mr. Anderson and carried by a unanimous roll call vote.

COMMITTEE APPOINTMENTS - MAYOR

Mr. Slavin moved to defer the Mayor's Committee Appointments for 2014/2015 until the newly elected Mayor is sworn in. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

PROPOSED RESOLUTION NO. 2014-08 APPROVING THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

By consent agenda, Mr. Hare moved for adoption of Resolution No. 2014-08 Approving the 2014 Community Development Block Grant (CDBG) Action Plan, seconded by Mr. Hutchison, and by a unanimous roll call vote, Council adopted Resolution No. 2014-08, as follows:

A RESOLUTION PROPOSING APPROVAL OF THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

WHEREAS, the City of Dover is entitled to $226,472 through the United States Department of Housing and Urban Development Community Development Block Grant program; and

WHEREAS, the City of Dover has prepared the 2014 Action Plan, in accordance with the United States Department of Housing and Urban Development guidelines, that serve as the primary planning document for identifying and meeting the housing and community development needs for the low and moderate-income residents of Dover; and

WHEREAS, the City of Dover is in favor of utilizing the Community Development Block Grant funds for the community development purposes in accordance with the National Community Development objectives of benefitting low and moderate income families, eliminating slums and blight, and meeting other community development objectives; and

WHEREAS, the United States Department of Housing and Urban Development requires the City of Dover to submit a Consolidated Plan and an Action Plan for Application for Federal Assistance including the proposed use of funds and including certain certifications and policies to obtain its $226,472 entitlement; and use of $8,554 in program income for eligible activities; and

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Council of the City of Dover approve the 2014 Community Development Block Grant Action Plan and application for Federal Assistance included in the Action Plan, along with certifications and policies attached and authorize its forwarding to the United States Department of Housing and Urban Development for consideration.

ADOPTED: May 12, 2014

PROPOSED RESOLUTION NO. 2014-09 AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE - CONTROLLER/TREASURER AND ASSISTANT TREASURERS

By consent agenda, Mr. Hare moved for adoption of the Proposed Resolution, seconded by Mr. Hutchison, and by a unanimous roll call vote, Council adopted Resolution No. 2014-09, as follows:

A RESOLUTION AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE

WHEREAS, the City of Dover's investment policy includes the investment of funds up to $100,000 per banking institution, investments in the State of Delaware Investment Pool, and the purchase and sale of U.S. Treasury and agency securities; and

WHEREAS, the banking institutions, brokerage firms, trust companies, and other various financial institutions require an Authorizing Resolution for the opening of accounts, and for purchasing, selling, transferring, assigning, and handling securities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dover, that the Controller/Treasurer and Assistant Treasurers are hereby authorized to open accounts with banking institutions and purchase, sell, transfer, assign, and handle securities and that they are authorized to sign all related forms;

BE IT FURTHER RESOLVED that the transactions in these accounts be carried out with any one signature; and

That the following are the office holders authorized for these purposes, until further notice:

Donna S. Mitchell	-	Controller/Treasurer
Traci A. McDowell	-	Assistant Treasurer
Denise L. Devine	-	Assistant Treasurer

ADOPTED: MAY 12, 2014

EVALUATION OF BIDS - VANSANT CAPACITY IMPROVEMENT EQUIPMENT SUPPLY PROCUREMENT

Mr. Vincent Scire, PE l Plant Manager with NAES Corporation, advised members that the major part of the VanSant Capacity Increase CIP scope of work is the procurement of an engineered wet compression system and the startup commissioning of that equipment. This proposed contract addresses the engineering design, equipment supply, and installation support activities associated with the wet compression system. He noted that this system installation will increase the capacity of the VanSant combustion turbine generator by 6 megawatts from its current rated capacity of 39 megawatts. This contract work represents a significant portion of the work to be performed on this project. The remaining major portion of the scope to include the installation of the system and testing will be managed by NAES using a combination of support personnel and contractors. At this time staff is confident this project will be under budget.

A Request for Proposal package was advertised according to the City purchasing policy and NAES purchasing policy. A mandatory Pre-bid meeting was also advertised and three (3) potential respondents attended this meeting; two (2) bids were received; one (1) declined to bid. The proposals were evaluated using cost, experience, completeness of bid, and guaranteed capacity increase and emissions limits. Of the two bids received, one Bidder (Wood Group) did not provide guarantee of

emissions and their bid was deemed to be non- conforming. Only one bidder, Mee Industries, Inc. met criteria for capacity increase and provided an emissions guarantee. That bidder also provided the lowest evaluated bid.

Based upon the evaluation prepared by consultant McHale Performance, the City Manager and Controller recommended awarding the contract to Mee Industries, Inc. for $294,435.00 for Option 2. NAES will perform the remaining work at a cost of $113,306 bringing the total cost of this portion of the project in at $407,741.

Mrs. Williams moved for approval of Staff's recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote.

EVALUATION OF PROPOSALS - WELLHEAD REDEVELOPMENT PROGRAM CONTRACT

Mr. Scott Koenig, City Manager, reminded members that this item was deferred by City Council on April 28, 2014 to allow him an opportunity to discuss the 10% per year escalator with the low bidder, A.C. Schultes of Delaware, Inc. He advised members that they have agreed to reduce the annual escalator to 3.5%.

The Department of Public Works maintains multiyear contracts with potential contractors to ensure that the bidding rules are adhered to for any contractors that might be hired to perform work for the Department. These contracts are priced as a "time, equipment, and material" contract and may exceed $25,000 annually. This contract will provide for the rehabilitation and repair of twenty (20) production wells in an effort to maintain operations and/or increase the yield of each well as it relates to the permitted allocation. The recommended contractor will perform flow testing of each well and provide a report detailing testing results as well as recommendations. Upon reviewing information provided by the contractor, the City of Dover will plan for and/or schedule further repairs as needed based upon the prices provided.

A Request for Proposal (RFP) was advertised according to the City purchasing policy by the City's Purchasing Agent under RFP #14-0034PW. One (1) contractor submitted a qualified proposal. The proposals were evaluated using the following criteria: demonstrated experience with similar projects including a history of achieving highest and best results among its peers; cost; previous projects in the City of Dover; and availability to perform duties. Staff reviewed the proposal from A.C. Schultes and concluded that the pricing was fair and the proposal was complete. Originally, A.C. Schultes of Delaware, Inc included a 10% annual escalator, after further discussion they have agreed to reduce the annual escalator to 3.5%.

A.C. Schultes of Delaware, Inc. submitted all of the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement that were all found to be adequate. In conclusion, staff recommends awarding a three (3) year agreement, with the City option of two (2), one (1) year extensions, for the Wellhead Redevelopment Multiyear Contract to A.C. Schultes of Delaware, Inc.

Staff recommended awarding a three (3) year agreement, with the City option of two (2), one (1) year extensions, for the Wellhead Redevelopment Multiyear Contract to A.C. Schultes of Delaware, Inc. as per the pricing included in the bid submittal.

Mrs. Williams moved for approval of staff's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote.

Responding to Mr. Slavin, Mr. Koenig stated that only one (1) bid was originally received; therefore, it was not necessary to rebid in order to negotiate the adjustment to the escalator.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hutchison announced that Master Corporal Keith Hester is being recognized as an outstanding resource officer for the Capital School District.

Council President Bonar stated that he would not be seeking re-election to City Council, nor any other political office, once his term expires. He noted that it has been a very trying couple of weeks, being especially hard on the Police Department. Mr. Bonar noted that Carleton Carey served the public for more than 50 years and he deserves our respect as the former Mayor and a member of the community.

By unanimous consent, the Meeting Adjourned at 9:08 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Annual Meeting of May 12, 2014, are hereby approved.

DAVID L. BONAR
COUNCIL PRESIDENT/
VICE-MAYOR ACTING

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Exhibit
Exhibit #1 - State of the City Message

Madam President, my colleagues on Council, Mr. Koenig, employees of the City of Dover, members of our community and the media, I would like to take a moment to reflect on where we were this past year and the vision I hope most of us share as we move forward through the rest of 2014 and into 2015.

It is my pleasure to speak to you all serving as the mayor of the great city of Dover. We have seen some changes recently, however before I continue I also owe a debt of gratitude to my wife for being understanding and supportive as I have accepted a few more responsibilities in the recent weeks, and for Council President Beverly Williams for also stepping in to serve as Council President.

I want to recognize our city employees who put forth a valiant effort daily to try to keep costs down to a minimum for all of our constituents. We have seen a slight increase over the past couple of years for example to cover the costs of trash and recycling pickups, due to increased landfill expenses. We have economized our operations through identifications of efficiencies and stream lining processes. We are “going green” for our customers, requesting them to sign up for e-billing for their utilities and taxes. A customer can now receive an email notification, and have the option to view and pay their bill directly online. We

have changed it so our customers using a credit/debit or e-check are not paying a fee, making it affordable and easy for everyone to access.

We are also fortunate that we continue to see growth in our community as many places are not as prosperous. We have the new Dover High School being finished and opening this fall, we have the growth at the Garrison Oak Technical Park with Calpine and most recently with Uzin Utz; U-Floor Systems that will be breaking ground this month. Philipp Utz, President of Uzin Utz Manufacturing North America Inc. has stated on more than one occasion that his company (and I quote) "could have built their manufacturing plant anywhere on the east coast, but chose Dover because of the hard work and commitment of city staff to make it happen and the business friendly environment created by the partnership between the City of Dover, State of Delaware and Kent County." This is the type of partner building that makes for a successful Economic Development Office and for successful growth in our community. Last March, the DDP hired a full time Executive Director, which allowed the Economic Development Manager to focus on city wide initiatives. This proved very timely as we attracted two manufacturing facilities; we also sent out to bid and awarded the infrastructure improvements. The city has been able to work with Kent County in developing a future food innovation district in Dover, although still in the planning stages, it has

great potential for future job growth. Our primary focus will remain to attract new businesses while aiding existing businesses in being successful.

The Planning and Inspections Department has continued to respond to the challenges of the economic recession, while also responding to the signs of strong economic growth. In 2013, Grottos, Dick's Sporting Goods, Royal Farms, Redners, and Green Turtle all opened after either new construction or extensive renovation in the City. Additionally, the planning and construction of the new Dover High School has been a continuing priority. The City has provided leadership to ensure that sidewalks and a safe crossing of Route 8 are in place when the school opens in August. The cooperation and leadership of DelDOT has also been instrumental in keeping this project on track. Code Enforcement staff has continued to stay busy with vacant and dangerous buildings, as well as daily property maintenance enforcement. The City demolished 13 dangerous buildings in 2013. Another six were demolished by property owners and five were repaired by property owners due to the City's enforcement. At the end of 2013, the city has 303 registered vacant buildings.

The Parks & Recreation Department has worked to expand programming and provide flexibility to meet the varying needs of our customer base. The addition

of early morning fitness classes, the implementation of a flexible fitness pass program, and the expansion of our summer day camp offerings have all helped to meet the diversity of City residents and residents of the surrounding area. In a cost saving measure, our news print program has been replaced with school flyers, Facebook and e-mail blasts. In the next year, we hope to expand our social media presence. We will also be rolling out our on-line registration in the next couple of months and look forward to the feedback from the recreation needs assessment to continue to improve our offerings.

The Dover Public Library is approaching its second anniversary of life in the new building. Our mission states: *Delaware libraries are leaders in connecting and inspiring a lifetime of discovery. The mission of the Dover Public Library is to connect people to a variety of resources and services that inform, educate and entertain.* We are a quality of life entity and we believe that cultural and educational enrichment and information is the key to a successful and balanced life for our citizens.

With our creative and committed staff and in our new facility, we are working towards fulfilling that mission. The community is responding; and it is a very busy

place. Statewide we continue to have the highest computer usage (in-house and wireless); and we rank within the top five of busiest circulation libraries.

Our staff understands and is committed to the philosophy that we serve all people. And our services must be diverse enough to meet a variety of needs and interests. Daily we scan the horizon for developing library services and technology that enhances our work and the peoples' access to information.

We have endured many changes including some outside of our control with the rigid temperatures and substantial amounts of precipitation this past winter, it proved to me that all the work our electric department has put in to improving our system reliability has really paid off as there were very few issues in continuous supply of electric to our community. Our Public Works Department Crews worked many overnight hours trying to keep the roads clear, and maintain services to our constituents. As the Public Works Department moves towards accreditation ensuring we continue to meet and exceed the national standards and practices, they continue to look for efficiencies in their operations while providing outstanding service throughout the community. Department of Public Works is committed to protecting the health, safety, and welfare of the public. Our staff is equally committed to improving our operations, maintenance,

rehabilitation, and replacement of our city public infrastructure. As the stewards of the cities physical infrastructure the department is committed to putting forth the effort to provide a sustainable environment and infrastructure for generations to come.

For the 6th year in a row, our Electric Department earned the RP3 Platinum Designation which is earned by the American Public Power Association. The RP3 program recognizes utilities that demonstrate high proficiency in reliability, safety, work force development and system improvement. The new LED street lighting was installed in the Woodcrest Subdivision and on Rt. 13 to promote the "Going Green" campaign, while the infrastructure was completed for the new Dover high School and the Calpine Project. The construction rebuild has started at the Horsepond Substation increasing the Southeast Dover area electric reliability and the 69 line will begin in FY 15 to increase the protection of lines that will aid in decreasing the size of an area affected should an issue occur in the system. I am proud of the work accomplished by our Departments and look forward to the improvements coming.

Still, we continue to move forward trying to keep everything as budget friendly for our community while providing the level of service all of you appreciate and expect.

This year through our Assessor's office we had 382 senior citizens and 39 disabled citizens benefit from our Property Reduction Program. There was a .36% increase in value from last year due to building permit activity, annexations and new construction. The taxable valuation for FY 2014 was $3,164,734,200 (this amount does not reflect the reduction in value for those who benefitted from the Property Reduction Program.) Our current tax rate is .3378 cents per $100 and our values are based on the last reassessment conducted in 2010. Staff continues to actively review property data to ensure accuracy for the next citywide reassessment.

Dover Police Department said a fond farewell to Chief James Hosfelt and we welcomed Captain Paul Bernat as our new Chief. In 2013, the Dover Police Department handled 380 less complaints than 2012 and Group A and Violent Crimes were down for the 3rd straight year. The Dover Police Department cleared 68.2% of robberies and 58.1% of burglaries which greatly exceeds the national averages for these types of crimes. The Drugs, Vice and Organized Crime Section

(D.V.O.C.) accounted for 1,663 proactive arrests involving drugs, prostitution and counterfeit merchandise. As a result of these arrests, the D.V.O.C. were able to seize 42,987 grams of marijuana, 1,095 grams of cocaine, 308 grams of heroin, 1,398 prescription pills and $128,307.00 in currency. Along with illegal drugs and money, the D.V.O.C. also seized and removed from our streets, 77 handguns, 21 rifles, 8 shotguns and over 10,000 rounds of ammunition. The number of traffic arrests increased by 13% as compared to the 2012. Traffic crashes increased slightly by 3%. The use of social media has proven to be a valuable tool for Dover PD. It has aided in the arrest and conviction of several criminals, and the feedback received from the community is outstanding.

While striving to maintain quality services, city departments have come up with many innovative ways to find efficiencies, assisting in workloads of other departments and maintain a positive helpful attitude as they take great pride in serving all of you.

My hope is that we continue to move forward in a positive direction, that we embrace the changes, accept the challenges and work together as a team. One saying I use often in conversation and is included at the end of each email is "Don't tell me the reasons it won't work, tell me the one reason it will." That is

what this city council and the employees have embraced. They accepted the challenge to find solutions, to streamline processes to reduce expenses where they can. Now it comes to the point where working with the City Manager, and the Finance Director conversations will continue as we look at any additional areas where we can reduce in order to save without cutting the services that we all appreciate, expect and rely upon.

My hope continues that each person who resides in the City of Dover feels they have a voice, feels they have support and a clear understanding of what we do and why, and that we all continue to work together on solving the problems and issues that arise, building unity and forming a strong front.

So I will leave you once again with my final thought…Don't tell me the reasons it won't work, tell me the one reason it will.

Thank you and good night.