LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

AUGUST 11, 2014 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Proposed Financial Reforms - Compensation Policies**

2. **Automatic Escalator for Building-Related Permit Fees** ***(Request of Councilman Anderson)***

3. **Proposed Ordinances**
   - **A. #2014-19 Amending Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I - In General, Section 98-5 - Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way and Appendix F - Fees and Fines** *(Sponsors: Bonar, Hare, Lynn, Koenig, and Townshend)(Staff recommends adoption of the ordinance)*
   - **B. #2014-20 Amending Appendix B - Zoning, Article 10, Section 2 - Site Plan Development Approval** *(Sponsors: Hutchison and Townshend)(Staff recommends adoption of the ordinance)*

4. **Updates**
   - **A. Economic Development**
   - **B. Certified Local Government Application**

5. **Adjournment by 7:00 p.m.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Memorandum

Office of the City Manager
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To: **Legislative, Finance & Administration Committee**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **August 5, 2014**

Subject: **Proposed Compensation Policies**

Please accept this memorandum as the City Manager's response to the below referenced proposals:

6. Council will not authorize pay raises, bonuses, or other forms of compensation in consecutive fiscal years for any City employee, including Council appointees. A two-thirds vote of Council is required to authorize an exception to this policy.

7. Council will not authorize more than 1% compensation increases (which shall include the total of salary, bonus, and other forms of compensation) for any one fiscal year. A two-thirds vote of Council is required to authorize an exception to this policy.

8. Council will not authorize any compensation package with a bargaining unit which results in a total compensation increase of more than 2.5% in any three-year period. A two-thirds vote of Council is required to authorize an exception to this policy.

I am very concerned about the potential impact of formal policies of the nature as described above. We have been operating in a very contentious union environment since I became City Manager in 2011. I realize the economic conditions facing the city and our citizens are not ideal by any means; however, all of our financial issues are well within the manageable scale. From a recruiting and retention perspective, the proposed compensation constraints, especially by individual employee, will likely hinder our recruiting and retention efforts. There are existing wage compression issues that could be further expounded by implementing the above policies as written. The Consumer Price Index (CPI) has ranged from 1.1% - 2.6% per year from February 2008 – February 2014. The proposed compensation increases seem unrealistic, especially in a union-dominated environment.

While the implementation of such policies is within the Council's legal authority, I believe it may not promote good public policy. From a negotiator's perspective, as well as management's perspective, the above policies represent initiatives that will ultimately handcuff our ability to be creative at the bargaining table and would, therefore, not be helpful to the negotiating process. The ability to consider all possible solutions to any given issue at the table is critical to success. While I agree these policies represent a strict adherence to fiscally conservative positions, they will likely increase our costs associated with the negotiation process as the unions

will be agitated by the restrictions from the start. In addition, any policy that is limited strictly to bargaining units has the potential to create legal issues for the City. The National Labor Relations Act (NRLA) protects employees' rights to organize and bargain without employer interference. Since 8. is specific to labor unions—and not applicable to all City employees, the unions could argue that the City is interfering with their protected rights under the NLRA. That is, a generally applicable employee policy may be legally sustainable, but one that relates specifically to union employees could be viewed as interfering with protected bargaining rights.

If Council wants to gravitate towards a flat compensation environment, this move should be expressed as a goal rather than a specific policy.

SDK/sdk

Discussion Draft

Proposed Financial Reforms

Councilman Tim Slavin, At-Large

For Discussion at June 11, 2014 Budget Hearing

Public Safety Fund

1. A Public Safety Fund will be created. It will be comprised of all costs associated with Police, Fire, and Ambulance services.

2. Revenue to the Public Safety Fund shall include all monies included in the revenue categories of Fines and Police Revenue, Police Extra Duty, Civil Traffic Penalties, Property Tax, and grants related to these functions.

3. Expenses against the Public Safety Fund shall include all monies included in the expense categories of Life Safety, Police, Police Extra Duty, and Fire.

4. The entire amount of funds received from the revenue category of Property Tax will be dedicated to the Public Safety Fund.

5. It is stated policy of City Council that the City shall have a goal of covering 100% of the costs for the Public Safety Fund with the revenue categories of Fines and Police Revenue, Police Extra Duty, Civil Traffic Penalties, Property Tax, and grants by FY 25.

Compensation Policies

6. Council will not authorize pay raises, bonuses, or other forms of compensation in consecutive fiscal years for any City employee, including Council appointees. A two-thirds vote of Council is required to authorize an exception to this policy.

7. Council will not authorize more than 1% compensation increases (which shall include the total of salary, bonus, and other forms of compensation) for any one fiscal year. A two-thirds vote of Council is required to authorize an exception to this policy.

8. Council will not authorize any compensation package with a bargaining unit which results in a total compensation increase of more than 2.5% in any three-year period. A two-thirds vote of Council is required to authorize an exception to this policy.

Property Tax Governance

9. Council shall not raise the property tax rate more than 9.5% without first holding a referendum on the proposed tax increase. This provision shall not apply in those years when a revenue-neutral adjustment to the tax rate is required because of property revaluation.

10. Council shall not raise the property tax rate more than 9.5% without two separate votes of a two-thirds majority vote of Council, with the requirement that a municipal election occur between the first and second vote. This provision shall not apply in those years when a revenue-neutral adjustment to the tax rate is required because of property revaluation.

Restrictions on uses of Appropriations

11. Funds appropriated for personnel expenses shall be restricted to use as personnel expenses.

12. Funds appropriated as capital expenses shall be restricted to use as capital expenses.

13. Funds appropriated as operating expenses shall be restricted to use as operating expenses.

14. All requests for additional personnel shall be accompanied with a five-year estimate on the costs of such position, including salaries and other employment costs (OECs).

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: August 5, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: Revision to Chapter 98 – Streets, Sidewalks, Storm Sewers and Other Public Places, Article I – In General, Section 98-5 – Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way
REFERENCE: Municipal Separate Storm Sewer Syste (MS4) permit
RELATED PROJECT: N/A
APPROVALS:
EXHIBITS: Proposed Ordinance #2014-19
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Schedule for First Reading on August 25, 2014 and final reading September 8, 2014.
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council for action in accordance with the time frame above.

BACKGROUND AND ANALYSIS

The proposed ordinance would prohibit the blowing, sweeping or otherwise discharging grass clippings to streets, sidewalks, storm drains, and water courses. In a recent Notice of Violation from DNREC regarding the City's Municipal Separate Storm Sewer System (MS4), we were cited for grass clippings discharged to the street in the area surrounding the Wesley College fields. There is currently no code prohibiting such discharges. Grass clippings blown or swept into the street wash into storm drains and ultimately into water bodies such as Silver Lake and the St. Jones River, hampering water quality because of the added nutrients. In addition, matted grass clippings blown onto streets diminish neighborhood appearance. The proposed ordinance would assist the City in compliance with MS4 requirements and provide an additional tool in the improvement of our neighborhoods.

CITY OF DOVER PROPOSED ORDINANCE #2014-19

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

That Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I - In General, Section 98-5 - Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way be amended by inserting the bold, blue text, as follows:

Sec. 98-5. Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way.

(a) It shall be unlawful for the owner or occupant of any premises abutting upon a sidewalk to permit or allow snow or ice to remain thereon for longer than 12 hours of daylight after it has ceased snowing, or to permit debris or other materials to accumulate at any time so that pedestrians may conveniently and safely pass.

(b) It is the responsibility of the owner or occupant of any premises abutting upon a sidewalk to keep the landscaped area between the sidewalk and the curbline, or where no sidewalk exists between the property line and curbline or paved street, maintained in accordance with the standards set forth in chapter 114, article II, pertaining to weeds.

(c) It shall be unlawful to sweep, blow, or otherwise discharge grass clippings into any street, sidewalk, storm drain, or water course.

(d) Violations; penalties

Any person(s) violating any provision of this section shall be fined as provided for in Appendix F—Fees and Fines.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, be amended by inserting the following:

Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I - In General		
Sec. 98-5	Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way	Not in excess of $100.00, nor less than $5.00 for each violation

ADOPTED: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-19 Amending Chapter 98 - Streets, Sidewalks, Storm Sewers.wpd

SYNOPSIS

The amendment would make it unlawful to sweep, blow, or otherwise discharge grass clippings into any street, sidewalk, storm drain, or water course.

(SPONSORS: HARE, KOENIG, AND TOWNSHEND)

Actions History

08/11/2014 - Scheduled for Introduction - Legislative, Finance, and Administration Committee

Draft

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: August 5, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: Revision to Appendix B – Zoning, Article 10, Section 2 - Site Plan Development Approval
REFERENCE: N/A
RELATED PROJECT: Ordinance #2014-08
APPROVALS:
EXHIBITS: Proposed Ordinance #2014-20
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Schedule for First Reading on August 25, 2014, Public Hearing before the Planning Commission on September 15, 2014 and Public Hearing and Final Reading before City Council on October 13, 2014.
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council for action in accordance with the time frame above.

BACKGROUND AND ANALYSIS

On July 14, 2014, City Council adopted Ordinance #2014-08, which rewrote the commercial and office zones within the *Zoning Ordinance* and streamlined processes for zoning administration. One change that helped to streamline processes allows for an existing building expanding by up to 15% to be reviewed administratively. In drafting the language, staff did not develop similar language for expansion of impervious cover, although that was the intent. The proposed amendment would correct this omission and alow for up to 15% expansion of impervious cover on a site to be reviewed administratively.

CITY OF DOVER PROPOSED ORDINANCE #2014-20

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

That Appendix B - Zoning, Article 10 - Planning Commission, Section 2 - Site Development Plan Approval of the Dover Code be amended by deleting the text indicated in red, strikeout and inserting the bold, blue text, as follows:

Section 2. - Site development plan approval.

2.1 *Required.* Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 Planning commission site plan review. Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

(a) *New structures*. Site plans for new structures of 5,000 square feet or greater in floor area; or

(b) *Additions to existing structures*. Site plans for additions to existing structures that (1) constitute 15 percent or more of the existing floor area, and (2) new floor area is greater than 5,000 square feet; or

(c) **Additions of** *Impervious surface* ~~**additions**~~. Site plans **that propose new or additional impervious surfaces that (1) constitute 15% or more of the existing impervious surface area and (2) are equal to or greater than 5,000 square feet of impervious surface** ~~**with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions**~~; or

(d) *Adjacent to residential*. Nonresidential site plans with site disturbance greater than 2,500 square feet and adjacent to residential uses or residential zones.

2.12 *Site development master plan.* Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 *Zoning review.* For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change of use for which no building addition or increase in impervious **surface** ~~**cover**~~ is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 *Administrative site plan.* All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

ADOPTED: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-20 Amending Appendix B - Zoning, Article 10 - Planning Commission, Section 2 - Site Development Plan Approval.wpd

SYNOPSIS

The proposed ordinance would clarify that site plans that include an increase in impervious cover of 15% and more than 5,000 square feet require Planning Commission review. Under the current language, any site plan proposes and increase of impervious cover of 5,000 square feet or greater is subject to Planning Commission review.

(SPONSORS: HUTCHISON AND TOWNSHEND)

Actions History

08/11/2014 - Scheduled for Introduction at Parks, Recreation, and Community Enhancement Committee

Draft