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

MAY 12, 2014 - 5:00 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. **Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2014/2015**
   (Staff recommends approval of the proposed budget and assessment (tax) rates for Fiscal Year 2014/2015, as presented)

2. **Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor**

3. **Proposed Planning and Inspections Fee Increases**
   (Staff recommends approval of the proposed fee increases, to become effective July 1, 2014)

4. **Authorization for New Position - Assistant City Manager**
   (Staff recommends authorizing the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office)

5. **2015 Property Revaluation and Reassessment**
   (Staff recommends approval to proceed with the 2015 Property Reassessment)

6. **FY14 Edward Byrne Justice Assistance Grant Program - Police Vehicle Computer and Video Technology Upgrades** *(Staff recommends approval of the grant project, as requested)*

7. **Proposed Revenue Policy - Police Extra Duty/Voluntary Overtime** *(Staff recommends adoption of the policy)*

8. **Proposed Ordinances** *(Staff recommends adoption of the proposed ordinances)*
   A. **#2014-09 Amending Chapter 50 - Floods** *(Sponsors: Perza and Townshend)*
   B. **#2014-10 - FY 2014 Budget Amendment** *(Sponsors: Hutchison and Mitchell)*
   C. **#2014-14 Amending Appendix D - Downtown Dover Business Improvement District (DDBID), Article III - Establishment of DDBID, Section 3 - Geographic Boundaries, and Section 5 - Management Company** *(Sponsors: Lynn and Townshend)*

9. **Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties**

10. **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.

CITY OF DOVER
LEGISLATIVE FINANCE AND ADMINISTRATION COMMITTEE
May 12, 2014

BUSINESS IMPROVEMENT DISTRICT -
ASSESSMENT (TAX) RATES FOR FISCAL YEAR 2014-2015

Submitted by: Cheryl Russell

INTRODUCTION

The Business Improvement District (BID) Ordinance adopted by City Council requires that Council must adopt a BID budget and assessment every year. This report presents the proposed budget and assessment for fiscal year 2014-15.

ORDINANCE REQUIREMENT AND BUDGET

(A) Appendix D, Article III, Section 9(f) requires that a budget be submitted to City Council for consideration and approval.

For your consideration, we have attached the FY 2014-2015 budget showing BID tax revenue and the expenses charged against this revenue (Attachment A).

(B) For your consideration, we have also provided the tax calculation worksheet with recommended rates (Attachment B).

REQUEST FOR ACTION

We request Council to approve the following budget for fiscal year 2014-15 Attachment A, and Assessment (Tax) Rate for 2014-15 - Attachment B.

ATTACHMENT A

BUSINESS IMPROVEMENT DISTRICT

CASH RECEIPTS BUDGET FOR 2014-15

BID TAX REVENUE AND EXPENSES CHARGED AGAINST THIS REVENUE ADMINISTERED THROUGH CITY OF DOVER

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

1. The amount hereinafter named aggregating Fifty thousand dollars, (50,000) or so much thereof as may be necessary is hereby appropriated from current revenues and other funds for economic development purposes for the fiscal year beginning July 1, 2014, and ending June 30, 2015:

REVENUE	PROPOSED
Tax Revenue	$50,000
EXPENSES	
Personnel & Administration Expenses	$50,000

ATTACHMENT B

CITY OF DOVER
LEGISLATIVE FINANCE AND ADMINISTRATION COMMITTEE
May 12, 2014
BUSINESS IMPROVEMENT DISTRICT -
ASSESSMENT (TAX) RATES FOR FISCAL YEAR 2014-2015

BUSINESS IMPROVEMENT DISTRICT

TAX CALCULATION WORKSHEET

JULY 1, 2014 TO JUNE 30, 2015

	ZONE 1	ZONE 2	ZONE 3	TOTAL
Aggregate Assessments	$38,558,700	$58,694,000	$32,830,900	$130,083,600
Assessment Tax Rate per $100	0.0634	0.0349	0.0156	---
Revenue Raised	$24,400	$20,500	$5,100	$50,000
% Revenue Raised	49%	41%	10%	100%
Number of Parcels	113	105	42	260
Average Assessment	$216	$195	$121	$533

NOTE: These figures were estimated per the 2010 reassessed values. The revenue percentages by Zone are per the City of Dover Code Appendix D-Article III, Section 9(e).

HISTORY OF THE OFFICE OF MAYOR

PART-TIME VERSUS FULL-TIME

MAY 2014

QUARTERLY OPEN TOWN MEETING

The Quarterly Open Town Meeting was held on February 6, 1989 at 7:30 p.m., with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Lynn, Christiansen, Levitt, Weyandt and VanSant.

John Kernan

Mr. John Kernan informed members of Council that many citizens are not comfortable in discussing their problems with the City because they feel that Council will not listen and many are unaware of how to contact their Council representative. He suggested that members of Council let their constituents know how to contact them.

Mr. Kernan stated concerns with the City of Dover having its Planner, Ed Cregar, serving on the Kent County Planning Commission and the County having Mr. John McKenna serving on the City of Dover Planning Commission. He felt that such a situation could result in a conflict of interest for the Commission members. Relating to the rapid growth of the City of Dover, Mr. Kernan suggested that the City give consideration to utilizing a full-time Mayor, feeling that the Mayor should have more power than what appears to be a ceremonial position.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on May 22, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Daisey, Legates, Lynn, Christiansen, Levitt, Salters, VanSant and Weyandt. Mr. Hall was absent.

Council staff members present were Chief Hutchison, Mr. Lucas, Mr. Bartolotta, Mr. Cregar, Ms. Bittner and Mr. Rodriguez.

The invocation was given by Pastor Dorina Miles of the First Pilgrim Baptist Church, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mayor Richter requested the addition of an executive session to discuss personnel and legal matters. By motion of Mr. Christiansen, seconded by Mr. Lynn, Council unanimous adopted the agenda as amended.

ADOPTION OF MINUTES - ANNUAL COUNCIL MEETING OF MAY 8, 1989

The Minutes of the Annual Council Meeting of May 8, 1989 were unanimously approved by motion of Mr. Weyandt, seconded by Mrs. Legates and bore the written approval of Mayor Richter.

REMARKS BY MAYOR JOHN E. RICHTER

In reflecting over the past year and looking forward to meeting the challenges facing the City of Dover in the next year, Mayor John E. Richter offered the following remarks:

The City of Dover is in very good health but the City must plan properly to ensure control and orderly

growth. Specific attention was called to the revitalization of downtown Dover and the need for planning and zoning controls for expected growth stemming from the proposed Route #13 By-Pass. Mayor Richter suggested similar ring road for the west side of the City that would allow for a total ring around Dover. Naturally, the City's infrastructure must be expanded to coincide with expected growth and the City must continue looking at utilities; i.e. water, sewer, streets, sidewalks, electric.

The Administrative Committee recently submitted a proposal calling for a full time Mayor for Dover, which is very similar to the proposal of the Charter Review Committee in 1986. Mayor Richter urged members of Council to take action on the recommendations so that the matter can be settled before the mayoral election in 1990.

Law enforcement in the combat of crime is essential in maintaining a safe and healthy environment for our citizens. Although law enforcement is a vital part of the City, Mayor Richter reminded the citizens that they must want alternatives for themselves before crime can be eradicated. Expansion of recreational programs may help in the fight against drug and alcohol abuse and Mayor Richter suggested promotion and advertisement of recreational programs and closer coordination with our local YMCA, schools, and county and state programs. Mayor Richter alluded to plans to enhance the St. Jones River and plans to construct a recreational park west of Dover.

There is a continued need for affordable housing in our community. Referring to the proposed moderate income housing project known as "Walker Woods", Mayor Richter voiced his support for such projects. Although neighbors of the project have legitimate concerns, Mayor Richter felt that the need for housing is imperative and he urged the entire community to look closer at the needs of others.

In concluding his comments, Mayor Richter explained that the City Clerk will be introducing the use of "Consent Agenda" which will expedite the approval of non-controversial issues and he requested that all proposals be formalized for Council review so that there is a full understanding of subjects prior to action by Council.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 10, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Christiansen, Levitt, Salters, VanSant and Weyandt. Mr. Lynn was absent.

Council staff members present were Chief Hutchison, Mr. Lucas, Mr. Bartolotta, Mr. Cregar, Mrs. Boaman and Mr. Rodriguez.

ADMINISTRATIVE COMMITTEE - FULL-TIME MAYOR

Mr. Christiansen referred to a recent report from the Administrative Committee on the administrative structure on the City of Dover government as well as a report from a former Charter Review Committee and made the following motion:

In conjunction with a recent Administrative study on City government structure, I move to develop criteria for an ordinance for the position of a full time Mayor. Inclusive in this ordinance would be organization, duties 'and responsibilities, and compensation. The motion was seconded by Mr. Weyandt and carried by a unanimous roll call vote (Mr. Lynn absent).

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on October 17, 1989 at 7:30 p.m. with Mayor Richter presiding. The meeting was held specifically for the purpose of holding a public hearing on a proposed Charter revision to provide for a full-time Mayor. Member- of Council present were Mr. Hall, Mr. Daisey, Mrs. Legates, Mr. Lynn, Mr. Christiansen, Mr. Levitt, Mr. Salter--, Mr. VanSant and Mr. Weyandt.

Mayor Richter summarized the proposal, stating that the City Solicitor has prepared draft legislation that would provide for a full-time Mayor for the City of Dover. If approved by Council, the legislation would be submitted to the General Assembly for their approval in January. The filing deadline for the office of Mayor is January 31, 1990. Mayor Richter explained that public input is invited and that additional public hearing- will be held if necessary. He stated that the concept of this proposal has been considered by two former Charter Review Committees which will be addressed during this meeting. With the recent resignation of the City Manager, it was felt that if a change is to be made it should be done prior to employment of a new Manager. Basically, the proposal makes the following changes:

Mayor shall become a full-time employee and shall be the executive and chief official of the City.

Mayor shall appoint the City Manager with Council confirmation; Mayor may terminate City Manager appointment .

The o-alary of the Mayor will be set by Council.

City Clerk will report to Council.

Finance Director/Comptroller will report to Mayor and Council. Chief of Police will continue to report to the Mayor.

City Manager will report to Mayor.

All other department heads will report to City Manager, including Inspector/Planner and Assessor who formerly reported to Mayor and Council.

Mayor Richter opened the meeting for public input.

JAMES JACKSON

Mr. James **Jackson,** member of the 1986 Charter Review Committee, reviewed the proposals of their report. This Committee reviewed in detail the four basic forms of government in an attempt to recommend the most desirable form for the City of Dover, and made the followin6- recommendations:

Ill. Following the evolution and development of the system of government in our country, we should continue, in the municipal government of Dover, to maintain the separate duties and functions of the executive branch (Mayor and administrative offices) and the legislative branch comprising the City Council. The-e branches with their duties and responsibilities are well spelled out in the present City Charter.

2. Dover has functioned well under its present Charter with some changes- and amendments a- needed. We recommend that the present Charter be retained and that certain corrections be made as this report will suggest.

3. At present, the City Manager, the City Clerk, the City Treasurer, the City Assessor, the City Building inspector and the Fire Marshal are reporting to the City Council. To be compatible with the best form of government, as we perceive it, these administrative offices, with the exception of the City Assessor, should report directly to the Mayor rather than to the City Council. Thu-, executive branch responsibilities would be coming to the attention of the Mayor who is the chief executive. In turn, the Mayor would be in a position to communicate directly to the Council regarding any of these important administrative functions.

4. To maintain a uniformity in that branch of government, we recommend further that the City Manager, the City Clerk, the City Solicitor, the Chief of Police, the Fire Marshal, the Building Inspector and the City Treasurer should be appointed by the Mayor of Dover, reporting directly to the Mayor, but approved and confirmed by the City Council.

5. The above recommendations not withstanding, the Dover City Charter Review Committee is not yet ready to recommend a pure strong Mayor form of government. Thus, for a period of at least five year from the present we recommend a continuance of our present Charter requirement for a City Manager to administer the day-to-day affair. of the City. But we stress again that current Council appointments should, in the future, be the Mayor's choice with approval and confirmation of the Council.

6. Presently, there is no method to break a tie vote. Should we continue to have an even number of Council persons, it is recommended that the Mayor be empowered to break a tie vote. Most feel that a tie vote should never be construed as a no vote. However, Mr. James B. Jackson dissents from the majority, noting that this matter would be appropriately re-solved through the selection of an uneven number of Council persons. Empowering the Mayor to break a tie vote, Mr. Jackson stresses, places the Mayor in a legislative posture; the legislative function is the exclusive province of the Council.

Thou.-h we perhaps depart from our specific charge, we feel compelled to indicate that the City committee structure is not a Charter covenant. This structure should be discarded in favor of a Committee of the Whole approach that would relieve the City Council members from attending numerous meetings and allow the Mayor to be knowledgeable of referral items discussed by staff and Council prior to the regular meetings of the City Council. The present committee structure fragments important staff presentations to individual committees and Council members feel obligated to attend all meeting rather than wait for the formal presentation of the committee deliberations at a regular Council meeting."

Many questions were posed to Mr. Jackson by members of Council in an attempt to further explain the position taken by the Charter Review Committee. (An official recording is on file in the Office of the City Clerk.) Clarifying the term "strong mayor", Mr. Jackson stated that at the time his committee reviewed the Charter structure, they did not specifically review the concept of a full-time, paid Mayor.

JOHN JARDINE

Mr. John Jarcline, Chairman of the 1989 Administrative Review Committee, summarized the report of his committee, stating that they were charged with reviewing the administrative structure of the City of Dover. The basic recommendation- of this committee were:

"BASIC RECOMMENDATIONS

RECOMMENDATION T: The day-to-day operation and management of the city should be in the liatids of a full-time professional manager. That professional manager should report to one elected official who is responsive to the entire city populations (i.e. , elected at large).

The key consideration in this recommendation is that there should be one clear simple chain of command so that all the resource- of the city (whether brain power, man power, equipment, or finances) can be managed most efficiently and cost effectively for the overall long-term benefit of the city population.

RECOMMENDATION II: City Council should establish specific objectives for administration of the city and identify the measurement- to be used in judging the effectiveness of operations. Using measurements determined by Council, the City Manager should evaluate each department at least annually and formally report the results of the evaluation to Council through the Mayor. Similarly, the Mayor should evaluate the City Manager at least annually and formally report the results of that evaluation to Council.

ALTERNATIVES FOR IMPLEMENTATION OF RECOMMENDATION I

ALTERNATIVE 1: City Council functions in a legislative and oversight manner with no direct responsibility for day-to-day management. The department beads- of the city, with the exception of the Police Chief, report to a hired professional City Manager who reports to the Mayor. The Police Chief also reports directly to the Mayor. The City Manager and Police Chief are both hired and fired by the Mayor, with the advice and agreement of Council required.

ALTERNATIVE II: City Council functions in both a legislative and managerial/administrative role. The department head- of the city, with the exception of the Police Chief, report to a hired professional City Manager who reports to the President of City Council. The Police chief also reports directly to the Council President. The City Manager and the Police Chief are both hired and fired by the Council President, with the advice and agreement of the full Council and the Mayor required.

ALTERNATIVE Ill: As a slight variation on either Alternative I or 11, auditing, inspection, and assessment functions can report either through the City Manager or directly to the chief elected official. If these functions report through the City Manager, clearly identified and legally sanctioned "dotted lines" should exist that hold both the City Manager and these department heads responsible for performance."

Mr. Jardine stated that the proposed organizational structure fits fairly well into the Scheme proposed by his committee. The proposal call- for the City Clerk to report to Council and the Treasurer/Comptroller to report to the Mayor and Council. Although his committee did not make this recommendation, he stated that he agreed with the recommendation for the City Clerk. He questioned the need to have the Treasurer/Comptroller report to the Mayor and Council but did not strongly disagree with the proposal.

His committee did not directly review a proposal for - full-time, paid Mayor; however, they did recommend that most department heads report to someone that is elected City-wide. Responding to question-, Mr. Jardine reminded those present that the Council President will not necessary be someone that is elected City-wide. Members of Council must determine if this job would require a full-time position. Mr. Jardine suggested that Council determine exactly what the job responsibilities of the Mayor will be and then judge

if it warrants a full-time position.

CRAWFORD CARROLL

Former Mayor Crawford Carroll addressed the issue of a full-time Mayor, stating that having served the City of Dover for over 20 years, he fully supports the concept of a full-time Mayor. He alluded to the growth of our City, stating that the Mayor's responsibilities have all grown and that it is impossible to perform this function on a part-time basis. As an official that is elected City-wide by the voters of this City, Mayor Carroll stated his opinion that the Mayor should perform his duties, not hire an administrator to carry out those responsibilities.

Referring to the current structure of the Police Chief working under the jurisdiction of the Mayor, Mayor Carroll suggested that members of Council look to this as an example of how the proposed structure would work. The Police Department is professionally operated under the direction of a professional Police Chief that reports to the Mayor. Never in the history of the City of Dover, has a Police Chief been appointed that is incapable of carrying out his responsibilities. A professional City Manager **could** be appointed in this same manner. If this change takes place, Mayor Carroll Suggested that the term "City Manager" be changed to "City Administrator".

Mayor Carroll alluded to problems that occur with an individual having- ten bosses, stating that under the current structure, the Mayor has absolutely no jurisdiction over Council employee- since he cannot vote to hire ' /fire these individual-. Alluding to the need to have the Treasurer from under the City Manager's jurisdiction, he stated that the person collecting the money should never be the same person responsible for the accountability of the money.

The true Setup should be that the Council sets the legislative structure by passing rules, regulations and legislation that is necessary to run the City properly. it should be up to the Mayor to ensure that department- are carrying out the guidelines set by Council. Mayor Carroll noted that Mr. Lynn has expressed concern of a possible conflict of interest with current members of Council voting for a full-time Mayor in the event they may wi-h to run for the office. He disagreed, stating- that the selection of the next Mayor will be made by the voters, not by the current Mayor or Council members. Mayor Carroll ended his remarks by asking that members of Council be a legislative body and give the Mayor the authority to carry out the wishes of Council.

WILLIAM HART

Mr. William Hart, a former elected official from another locality, informed those present that he has encountered former Mayor Carroll all over the country while attending different national conferences. Mayor Carroll devoted his life to promoting the City of Dover which is something that very few people are willing or able to do. Mr. Hart asked Council to imagine a child with a part-time mother, a State with a part-time Governor, a country with a part-time President, or schools with a part-time principal. Mr. Hart stated that the City of Dover needs a leader on a full-time basis. The Council/Manager form of government is normally recommended for town- with populations of less than 10,000. When a problem in the City occurs, someone must be able to accept responsibility and offer explanation to the people.

Mr. Hart stated his feeling that department head- should report to the Mayor, and should always have direct access to the Mayor. This is the system utilized throughout our federal government system and it works well. Regarding the question, "what will a full-time Mayor do", Mr. Hart stated that Mayors do everything, often having to give up their personal time in addition to their professional time in order to get the job done.

In conclusion, Mr. Hart stated that the shortcoming-s with the present system, as outlined by former Mayor

Carroll, should be seriously considered by members of Council.

CHARLES WELLER
Mr. Charlie Weller, President of the Crossgates ' 'Mayfair ' 'Sherwood ' /Wedgewood Civic Association, requested that the City attempt to get out more information to the public on this subject. After -surveying several residents in his area, he found that many people had very little information on the proposal for a full-time Mayor. He stated that he learned a great deal from attending the public hearing and urged other citizens to participate.

RUTH TEE
Ms. Ruth Tee expressed her opposition to the proposal for a full-time Mayor, feeling that it would become a political boondoga-le. She stated that an elected official does not necessarily have the required skill to professionally run a City. Ms. Tee suggested that local radio stations stage debates on the issue of a full-time Mayor so that more people can become involved.

ROBERT BERGLUND
Mr. Bob Berglund -stated that he agrees with the general principals of accountability, responsibility and authority. However, he supports the principle of a full-time Mayor, feeling that the electorate of the City of Dover is wise enough to elect a competent Mayor. He has enough faith in the people of Dover to believe that the proposed plan would work well.

DR. HOWARD ROWE
Dr. Howard Rowe addressed the issue of a proposed full-time Mayor position. Althoug1h he has never held a public office, he has a great deal of experience in civics and democracy, gained from hi- teaching career. Dr. Rowe felt that the real issue before Council is the question of separation of legislative and executive responsibilities. In making this decision, Council must determine if they wish to be policy makers- or administrators of policy. The current Council seems to make many administrative decisions which should be handled by the executive branch. An alternative to the proposed plan was offered by Dr. Rowe. He suggested that all department heads report to the Mayor, subject to the confirmation of Council. This is the method utilized by the state and federal governments. Dr. Rowe felt that the Mayor should only attend Council meetings when invited by Council or when required. He also felt that staff members should not be present at Council meetings. Dr. Rowe objected to the Finance Director/Comptroller reporting to Mayor and Council, reminding Council that it is difficult for one person to serve two masters.

He urged members of Council to take their time to fully review the proposal and not to heed to a January deadline, stating.- that the legislation could become effective at some future date. In reviewing the proposed legislation, Dr. Rowe listed several grammatical. error-- and proposed language modifications. The suggestions were so noted by the City Clerk and will be referred to the City Solicitor for further review.

BEN BOWINGS
Mr. Ben Bowings was unable to attend the public hearing, but Mr. VanSant requested that correspondence from Mr. Bowins be made a part of the record (attached).

Mayor Richter concluded the meeting by thanking the participants for their input and assured everyone that review of this matter will continue.

Meeting Adjourned at 9:35 P.M.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 23, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Christiansen, Levitt, Salters, VanSant and Weyandt. Councilman Lynn was absent.

Council staff members present were Chief Hutchison, Mr. **TUC@S'** Mr. Swain, Mr. Cegar, Mrs. Boaman and Mr. Rodriguez.

Discussion on Concept of Full-Time Mayor

At the direction **of"** Council., the City Solicitor submitted draft legislation that would be necessary to change the City Charter and Code to implement the concept ***of*** a full-time Mayor in conjunction with a new organizational chart. The committee discussed the proposed legislation in detail with m--ny members of Council feeling that public meetings should be Scheduled to afford an opportunity for input from the citizens of Dover.

1"le committee recommended that the proposed legislation be presented too Council for consideration.

Mr. Weyandt noted that one public hearing has been scheduled for the proposal for a full-time Mayor.

Mr. Hall moved that the matter be tabled for further discussion at a later date, seconded by Mr. VanSant and unanimously carried.

Mr. Christiansen moved for acceptance of the Legislative and Finance Committee Report, Seconded by Mr. Salters and unanimously carried.

QUARTERLY OPEN TOWN MEETING

The Quarterly Open Town Meeting was held on November 6, 1989 at 7:30 p.m. with Mayor Richter presiding. Members of Council present were Mr. Hall, Mr. Daisey, Mrs. Legates, Mr. Lynn, Mr. Christiansen, Mr. Levitt, Mr. Salters, Mr. VanSant and Mr. Weyandt.

Members of staff present were Mr. Cregar, Ms. Swain, Mr. Lucas, Chief Hutchison and Mrs. Boaman.

ANNOUNCEMENTS

Mayor Richter reminded those present that the purpose of the Quarterly Open Town Meetings is to allow citizens an opportunity to express their opinions or to relate their problems to Council.

OR

Roy Bogus

Mr. Roy Bogus, President of the Towne Point Civic Association, stated that during a recent civic association meeting, a consensus of the members depicted that they are not in favor of a full time Mayor for the City of Dover. If, however, this was approved, the Association felt that the current Mayor and/or current Council members, should not be permitted to run for the paid office for at least two years and that a full-time, professional City Manager should be utilized. The association favors the proposal for a civic

center.

E.qbert Tudor
Former Councilman Bob Tudor, expressed his opposition to the proposal for a full-time, paid Mayor. Mr. Tudor tated that the City of Dover has never had an unsatisfactory Mayor. Money is not what entices-public officials; it is love for the City of Dover. Mr. Tudor feared that utilization of a paid Mayor would lead the City into partisan politics. He also expressed concern with the costs involved to the taxpayer for a full-time, paid Mayor.

Mr. Ben Bowings expressed his agreement with the statements made by Mr. Tudor. Although he was unable to attend the public hearing on the proposal for a full-time Mayor, Mr. Bowings reminded Council that he has sent letters in opposition to the proposal.

Questioned by Mr. Weyandt and Mr. Christiansen, Mayor Richter suggested that members- of Council save their comments for a regular Council meeting so that the time afforded for town meetings can be utilized by the citizens. Mr. Christiansen felt that a special meeting should be scheduled so that members of Council may interact with the citizens on this subject without taking time away from the citizens at the Town Meeting.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on December 18, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Lynn, Christiansen, Levitt, Salters, VanSant and Weyandt.

Council staff members present were Chief Hutchison, Mr. Lucas, Ms. Swain, Mr. Cregar, Mrs. Boaman and Mr. Rodriguez.

PROPOSAL FULL-TIME MAYOR

Mayor Richter stated that proposed legislation for a full-time Mayor has been pending for some time. Draft legislation has been prepared and distributed by the Solicitor.

It was noted that a letter was received from the Greater Dover Committee, stating the following:

> "The Greater Dover committee feels that the size of the City of Dover now requires that there be a separation of the executive and legislative branches of its government. Therefore, the Greater Dover Committee recommends that the day-to-day operation and management of the city should be in the hands of a professional city manager who reports to a mayor who is elected at-large by the citizens of Dover. City Council should function in a legislative and oversight manner with no direct responsibility for day-to-day operations."

Mr. Christiansen moved to postpone consideration of a full-time Mayor at this time and that we consider the duties and responsibilities and the need for such a position sometime prior to the election of 1992. The motion failed for lack of a second.

Mr. VanSant moved that the Charter changes, as written by the Solicitor. be approved with the

exception of Section 10 and that portion therein that deals with the appeal process of the City Manager in the event of dismissal by the Mayor, and that this portion provide for the City Manager, upon dismissal, to have an appeal to Council with the override of the dismissal requiring a two-thirds vote of those persons elected to Council. The motion also stipulated that the effective date of the Charter changes be May 1992. which would eliminate any possible conflict of interest by any current member of Council or the Mayor. The motion was seconded by Mr. Christiansen.

Mr. Levitt objected to a motion that commits a future Council to a decision of this body. He felt that the recent Charter changes involving district voting and a Council President should be given some time for full development prior to making additional changes.

Mr. Hall and Mr. Salters also objected to making a change two years in advance. Mr. VanSant reiterated that a future Council can certainly make their own changes to the Charter regardless of what this current Council may do. He urged members of Council to vote yes or no on this issue so that we can move in some direction.

Mr. Weyandt stated his opinion that members of Council have skirted a decision

on this issue for too long and urged a final resolution. He stated that the public deserves someone, on a full time basis, that the citizens can count upon.

On a call for the question by Mr. Levitt, Mr. Hall and Mr. Salters, the motion

failed by a roll call vote of six (6) no, three (3) yes (Mr. Christiansen, Mr. VanSant and Mr. Weyandt).

Mr. VanSant moved for approval of the recommended change to the Charter, with the exception of the provisions of Section 10 (relating to the appeal process of the City Manager) and a change that the City Manager be entitled to an appeal process to Council with the override requiring a two-thirds vote of those elected to Council, to be effective May 1990. The motion was seconded by Mr. Christiansen. The motion failed by a roll call vote of six (6) no, three (3) yes (Mr. Christiansen, Mr. VanSant and Mr. Weyandt).

REGULAR COUNCIL MEETING OF 2/13/1995

Legislative and Finance Committee Report of January 25, 1995:

Proposal for Full-Time Mayor

Members considered a letter from Mayor James L. Hutchison proposing that the office of Mayor be a full-time position. The proposal does not include any changes in the City's organizational structure. It was his feeling that the Mayor has ample responsibility under the current structure, however, there is insufficient time to achieve all that needs to be done. The proposal would change the Mayor's status from part-time to full-time with a four year term, to require a minimum of 40 flex hours per week. The position would be salaried, with an expense account and the use of a vehicle. The Mayor must be available to the public when needed, including evening, weekends, early mornings and holidays, which is why flexible hours are necessary. He explained that it is difficult to maintain a full-time job in addition to contributing the necessary time that the Mayor's position demands.

Mayor Hutchison stated that the Mayor should continue to work with City Council, the City Manager, the Dover Police Department and the citizens of Dover. He stated that it is imperative that the Mayor have a good working relationship with the many organizations associated with the City. In order to ensure good working relationships, the Mayor should work closely with the Federal, State and County elected officials and large businesses to discuss with their CEO, matters of concern such as employment and City utilities and services. The Mayor should also meet with small businesses as much as possible to ensure that their interests and concerns are being met or considered. Mayor Hutchison indicated that the City has established many commissions, committees and boards over the years and felt that the Mayor should meet with them at least annually to discuss their role and their goals and objectives. He also noted that there are many organizations associated with the City such as the Chamber of Commerce, Delaware Economic Development Council, Kent County Tourism, League of Local Governments, Neighborhood Civic Associations, and many others that the Mayor should remain very active in. Mayor Hutchison requested that members consider the proposal and that the citizens be permitted an opportunity for involvement as they are the ones that would truly benefit.

It was noted for the record that two letters (as on file in the Office of the City Clerk) were received in support of the concept of a full-time Mayor: 1) Mr. Richard Ornauer of 17 Mifflin Road; and 2) previous Mayor John E. Richter of 733 Oak Drive.

Mrs. Malone relayed concern with the possibility of bringing partisan politics to City government if the Mayor was to become a full-time, paid position. She also felt that the proposal would discriminate against individuals that have a full-time position, with benefits, that have an interest in serving as Mayor but could not afford to give up their employment status.

Mr. Tudor felt that members should not consider this matter at this time and suggested that the question be put on a ballot for the citizens to vote.

Mr. Javan Davis of 635 Nimitz Road, Ms. Mary Skelton from Kent County Tourism, Mr. Edward Minus of 37 McKee Road, Dr. Reed Stewart of 34 North State Street, Mr. Woody Miller, Ms. Juanita Wieczoreck, Coordinator for Dover Metropolitan Planning Organization (MPO),
Mr. Gerald Street of 201 William Street and Mr. Richard Ornauer of 17 Mifflin Road all spoke before the committee in favor of the proposal for a full-time Mayor.

QUARTERLY OPEN TOWN MEETING

The Quarterly Open Town Meeting was held on February 6, 1995 at 7:00 p.m. with Mayor Hutchison presiding. Members of Council present were Mr. Lambert, Mr. Tudor, Mr. Leary, Mr. Pitts, Mrs. Malone, Mr. Weyandt, Mr. Hare and Council President Christiansen. Councilman Salters was absent. Council staff present were Mr. DePrima, Mr. O'Connor, Mr. Lucas and Mrs. Boaman.

Full-Time Mayor Proposal

David Anderson, representing United We Stand (P.O. Box 1784, Dover, DE) addressed the issue of a full-time Mayor. This subject has come up several times over the years and to date, the matter has reached no resolution. It is the recommendation of United We Stand that City Council place this issue on their municipal ballot as a non-binding referendum. It is felt that this would provide an opportunity to hear the views of the citizens on this issue. United We Stand is currently circulating petitions on their proposal which will be submitted to City Council at a later date.

Not being aware of what the people want at this time, Mr. Weyandt suggested that the question be placed on the ballot during the municipal election in April. Mr. Schaefer relayed concern with placing the proposal on a ballot for the public. He felt that the public's opinion can be sought and achieved by holding public hearings.

Mr. Lambert advised members that he has observed some confusion among the public that the proposal for a full-time Mayor includes a change in the City's structure. He assured everyone that the proposal does not include any change in the City's structure and that it would simply allow the Mayor to perform his duties on a full-time basis.

The committee recommended that public hearings be scheduled, as soon as possible, to be highly advertised in an attempt to solicit comments regarding the proposal for a full-time Mayor.

Mr. Tudor reiterated his opinion that this matter should be placed on the ballot in order to garner the wishes of the citizens. During the public hearings, Mr. Tudor suggested that specific questions be addressed to avoid a lot of wasted time and confusion. Many members of Council discussed the question of whether the matter should be placed on the ballot. It was generally agreed that the public hearings be held and then the need for further action will be considered.

Council President Christiansen suggested that public hearings be scheduled for February 22 and 28, 1995 between the hours of 7:00 p.m. and 9:00 p.m.; that sign-up sheets be made available in the City Clerk's Office for those wishing to speak during the public hearings; that the sign-up sheet be placed at the entrance of the Council Chambers prior to the meeting to allow additional time for speakers to sign-up; that speakers be allotted up to three minutes each; and that written comment be accepted for up to seven days after the hearings. (It was noted that the committee meetings of February 28, 1995 will be cancelled.)

Mr. Leary moved for approval of the committee's recommendation and that the public hearings be set for February 22 and 28, 1995 as suggested by the Council President. The motion was seconded by Mr. Hare and unanimously carried.

REGULAR COUNCIL MEETING OF 3-27-1995

Legislative and Finance Committee Report of March 27, 1995:

Proposal for Full-Time Mayor

Mr. Salters explained that during a committee meeting held prior to this Council Meeting, the Committee of the Whole addressed the proposal for a full-time Mayor.

The Committee addressed the following question: "Do you want to pursue the concept of a full-time Mayor?" A vote was taken and a majority of those present voted negatively. It was, therefore, the recommendation of the committee that City Council not pursue the concept of a full-time Mayor.

Mr. Salters moved for approval of the committee's recommendation that City Council not further pursue the concept of a full-time Mayor. The motion was seconded by Mr. Lambert.

Mr. Leary objected to the motion, stating his opinion that it is ill-timed and that Council should have gone through the normal deliberative process to address a specific proposal. Although he generally agreed with Mr. Leary, Mr. Hare felt that even though a specific proposal was not reviewed, all members of Council should know if they support the concept of a full-time Mayor. If there is no support for the concept, he felt that much time would be wasted on drawing up a specific proposal only to have it defeated in the end.

Council President Christiansen also voiced concern with not allowing the Legislative and Finance Committee the opportunity to review a specific proposal on the issue.

On a call for the question on the motion by Mr. Salters, the motion that City Council not pursue the concept of a full-time Mayor was approved by a roll call vote of six (6) yes, three (3) no (Mr. Leary, Mr. Hare and Mr. Christiansen).

LEG. & FIN. COMM. - 1-27-1997

Remuneration - Mayor and Council

Mr. Salters reminded members of the Committee that during their meeting of January 14, 1997, the committee recommended that the Legislative and Finance Committee prepare a compensation package for the position of Mayor and that a recommendation be brought before Council within thirty (30) days.

The committee also recommended that the City Code be amended to provide that Council members receive an annual salary of $3,600, to be paid monthly, effective May 11, 1998, and that an automatic increase of $50 per month be added to the Council salary every 10 years, commencing May 2008.

It was noted by Mr. Salters that in order to facilitate the above, an amendment to Chapter 12 of the City Charter would be necessary, which requires approval by the Delaware General Assembly. The recommendations of the Committee will be referred to City Council for action during the Council Meeting of February 10, 1997.

City Charter

Referring to the request to the General Assembly to amend Chapter 12 of the City Charter, Mr. Salters moved to recommend approval of the following:

> "Section 12. COMPENSATION AND EXPENSES - MAYOR AND COUNCIL AND OTHER ELECTED OR APPOINTED OFFICIALS.
>
> The Council shall determine the annual salary of the Mayor and Council and other elected or appointed officials by ordinance. Members of the Council, the Mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by City ordinance or policy.

The motion was seconded by Mr. Schaefer and unanimously carried (**Attachment #1)**.

Referring to the proposed language for Chapter 12 of the City Charter, Mr. Hare asked if Council could legally change the annual salary of the Mayor during the course of the term of office. Mr. Fenimore stated that it was his understanding that the language would permit such a change in the event City Council felt it necessary. He requested that the City Solicitor submit a legal opinion on this question prior to an official vote by City Council.

Mayor

Referring to Sec. 2-70, paragraph (1) of the City Code, Mr. Schaefer moved to recommend deletion of the paragraph and insertion in its place, the following (which will set the annual salary level for the Mayor at $45,000):

(1) The mayor shall receive an annual salary of $45,000, effective May 11, 1998. In addition, the mayor shall receive an expense allotment of up to five thousand dollars ($5,000.00), to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by Council approval.

The motion was seconded by Mr. Salters.

Prior to action by the committee on Section 2-70, paragraph (1), Mr. Fenimore and Mr. Leary suggested that the question of benefits be addressed.

Council President Christiansen suggested that prior to setting an annual salary for the Mayor, that the committee address exactly what will be expected of the Mayor. Although some have voiced objections to a job description for the Mayor, Council President Christiansen stated his opinion that this issue needs to be addressed.

Mr. Leary stated his opinion that the Mayor should be permitted to opt into the City's health care program. He explained that if an individual should choose to take a leave of absence from his/her job in order to become the Mayor, they should not be deprived of the right to a health care program.

There was a considerable amount of discussion on employee benefits that should be offered to a paid Mayor. It was generally agreed that a paid Mayor should be eligible to receive all benefits customary to City employees (i.e., health insurance, life & disability insurance, vision care, blood bank, etc.) with the exception of pension and sick and vacation leave.

Mr. Leary moved to amend the motion, seconded by Mr. Salters, that the following sentence be added to the proposal for paragraph (1) of Section 2-70:

> That the Mayor be entitled to all benefits customary to a City employee with the exception of pension and sick and vacation leave.

The motion, as amended, was unanimously carried.

See summary of proposed changes to Section 2-70, paragraph (1) - **(Attachment 2)**

City Council

Referring to Section 2-70, paragraph (2), Mr. Leary noted that the proposal for City Council remuneration does not address a salary for the Council President. He stated that traditionally the Council President receives a different salary than that of other members of Council and he suggested that the Council President receive an annual salary of $4,200 ($350 per month).

Mr. Lambert referred to language in the proposed ordinance that sets an automatic $50 increase in the salary every 10 years. He stated his opinion that the amount should not be predetermined by City Council and that it should be addressed in the future on an as needed basis.

Mr. Schaefer moved to recommend deletion of the sentence *"An automatic increase of $50 per month shall be added to the Council salary every 10 years, commencing in May 2008"* and to recommend that the sentence, *" The Council President shall receive an annual salary of $4,200, to be paid monthly, effective May 11, 1998" be added to Section 2-70 of the City Code, paragraph (2).* The motion was seconded by Mr. Leary and unanimously carried. See summary of proposed changes to Section 2-70, paragraph (2) - **(Attachment 3).**

After reviewing all proposed changes outlined during the course of the meeting, Mr. Leary moved to recommend approval of the proposed changes to Section 2-70 of the City Code (**Attachment #4)**, seconded by Mr. Schaefer and unanimously carried.

REGULAR COUNCIL MEETING - 2-24-1997

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of February 10, 1997.

Mr. Leary moved that the final reading of the proposed ordinances be acknowledged by title only, seconded by Mr. Lambert and unanimously carried.

Noting that there are two parts to the amendment to Section 2-70, Mr. Fenimore moved that each paragraph be considered separately, seconded by Mr. Lambert and unanimously carried.

Section 2-70, Paragraph (1) - Mayor

Mr. Hare moved for adoption of the following ordinance, seconded by Mrs. Malone.

Mr. Truitt stated that Section 14 of the City Charter defines the duties of the Mayor. It alludes to powers and duties inferred and imposed by Charter and ordinance. The citizens and business people are asking what the Mayor will be doing in addition to his present duties to warrant $45,000 per year. He stated that there is no question in his mind that the Mayor will earn every cent of the salary, but stated that Council should define the duties more specifically, without tying his hands. He suggested such duties as being available to the public, in his office, at least two or more hours per day, five days per week, and available by telephone when he has to be out of the office during regular daytime working hours, exceptions not withstanding. Mr. Truitt stated that he agrees with the concept and is comfortable with the salary, but he is not comfortable with passing the ordinance without the duties of the Mayor expressed. Mr. Truitt suggested that the Legislative and Finance Committee meet, with all members of Council present, to brainstorm the duties issue before the ordinance is passed.

Mr. Truitt moved that the ordinance be tabled until the above proposal is accomplished and that an amended proposal, including enhanced duties and responsibilities, be returned for consideration and approval at the next meeting. The motion was seconded by Mr. Pitts and failed by a vote of three (3) yes (Mr. Truitt, Mr. Pitts and Mr. Fenimore), and six (6) no (Mr. Lambert, Mr. Leary, Mrs. Malone, Mr. Salters, Mr. Hare and Mr. Christiansen).

Mr. Lambert stated that when this issue came up in the past, it was a different proposal in that it always included a proposal to assign the Mayor more responsibilities, such as having the City Manager report to the Mayor. He has always opposed such a proposal and continues that opposition. It is his fear that by assigning specific duties and responsibilities to the Mayor, it could possibly upset the delicate balance of power that we have in Dover. He stated that he will agree to some very general guidelines but he opposes any proposal to spell out in too much detail the duties and responsibilities of the Mayor. He reminded Council that the Governor of the State of Delaware has no job description and as a member of City Council, he has no job description. When a candidate runs for the position of Mayor, he or she run on a platform. In that platform, he tells the people what he plans to do and he is elected or not elected based on that platform. He reiterated that he will not support any proposal to strengthen the power of the Mayor, because he fears it will have a negative effect on our very successful City Manager form of government.

In response to suggestions that have been made, Mr. Salters suggested that a meeting of City Council (as a Committee of the Whole) and all other interested parties, be scheduled for March 18, 1997 at 7:00 p.m. to review any possible changes that may be deemed necessary relative to the duties and responsibilities of the Mayor.

In clarifying his position, Mr. Truitt stated that he agrees completely with Mr. Lambert and completely supports the City Manager form of government. His previous motion was not meant to suggest that he favored a strong Mayor form of government but that, while the City maintains the current structure, that we also define the duties, in general terms, of the Mayor.

Mr. Fenimore expressed appreciation to the Legislative and Finance Committee for their work on this subject and to its Chairman for attempting to address the concerns of defining the duties of the Mayor by suggesting that a meeting be held to address this issue. Mr. Fenimore expressed his hope that former Mayors and Council members will participate in this meeting. However, he stated that a meeting to discuss possible duties and responsibilities of the Mayor should be held prior to approval of the compensation ordinance.

Mr. Hare reminded all members of Council that during the discussion stages of this topic by the Legislative and Finance Committee, the Chairman requested input and written suggestions from all members of Council for consideration by the committee members. Not one member of Council submitted any suggestions or proposals for the committee's review. Mr. Hare felt it unfair to the committee members that other members of Council criticize the committee's proposal during the final stages of action.

Mr. Pitts agreed that the Chairman of the Legislative and Finance Committee requested his suggestions during review of this issue. However, he offered no suggestions to the committee because he made it clear from the beginning that he did not support the proposal for a full-time Mayor.

On a call for the question on the motion by Mr. Salters, the motion to approve the following ordinance was approved by a roll call vote six (6) yes, three (3) no (Mr. Pitts, Mr. Truitt and Mr. Fenimore):

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

That the Dover Code be amended by deleting Sec. 2-70, paragraph (1) in its entirety and inserting in lieu thereof the following:

Sec. 2-70. Compensation and Expenses - Mayor, Council, Employees and Other Elected or Appointed Officials.

In accordance with Section 12 of the Charter, authorizing Council to establish compensation and expenses for the Mayor and Council members, city employees and other elected or appointed

officials, the following fees are hereby established:

(1) The mayor shall receive an annual salary of $45,000, effective May 11, 1998. In addition, the mayor shall receive an expense allotment of up to five thousand dollars ($5,000.00), to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by Council approval. The mayor shall be entitled to all benefits customary to an employee of the City with the exception of pension benefits and sick and vacation leave.

ADOPTED: February 24, 1997

Section 2-70 - Paragraph (2) and (9) - Council

Mr. Salters moved for approval of the following ordinance, seconded by Mrs. Malone and by a roll call vote of six (6) yes, three (3) no (Mr. Pitts, Mr. Fenimore and Mr. Christiansen), the following ordinance was approved:

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

That the Dover Code be amended by deleting Sec. 2-70, paragraph (2) and paragraph (9) and inserting in lieu thereof the following:

Sec. 2-70. Compensation and Expenses - Mayor, Council, Employees and Other Elected or Appointed Officials.

In accordance with Section 12 of the Charter, authorizing Council to establish compensation and expenses for the Mayor and Council members, city employees and other elected or appointed officials, the following fees are hereby established:

(2) Each Council member shall receive an annual salary of $3,600, to be paid monthly, effective May 11, 1998. The Council President shall receive an annual salary of $4,200, to be paid monthly, effective May 11, 1998. Council members shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.

ADOPTED: February 24, 1997

SPECIAL COUNCIL MEETING

A Special Meeting was held on March 18, 1997 at 7:00 p.m. with Council President Christiansen presiding. Council members present were Mr. Lambert, Mr. Pitts, Mr. Leary, Mr. Truitt, Mrs. Malone, Mr. Fenimore, Mr. Salters and Mr. Hare. Mayor Hutchison and Mr. Schaefer were also present.

Mr. Charles Weller - 241 Fiddlers Green - Mr. Weller read into the record the following:

"At one time, I thought a paid, full-time mayor as the City's ambassador and lobbyist would be beneficial as long as we maintain a council form of government and do not give the position monstrous compensation. Developed and utilized properly, this type of position could become a jewel for the City. However, it does have its downside. Just to mention a couple, it has the potential to become a plum political position, which would mean party politics for the City (which Dover does not need), and why, when we are in an era of government downsizing, are we expanding ours?

As recently presented by City Council, I do not support the full-time Mayor position. It may be a plausible concept, but it needs more serious exploration. As presented, there are too many gray, unclear areas that need to be addressed. The citizens of Dover deserve to know with specificity what constitutes the characteristics and duties of the job. This way we will know what to expect from the Mayor, or better yet, what we will demand from the position.

Serious consideration of the proposal and its potential effects on Dover have to be given again by the Council and by you, the citizens, the owners of the City. We need to interact with Council members and our neighbors so that our feelings are known and a true and fair consensus will evolve. I am not saying the position of full-time Mayor cannot be developed, possibly, creating benefits for the City. We may very well need our own ambassador and lobbyist to champion the City' s various causes. However, proposing a salary before establishing accountability that the average citizen can understand does not seem like the fair thing to do with tax dollars. In reality, the position has the potential to cost Dover taxpayers substantially more than the inflated $45,000 proposed salary. The City will also incur the costs of the Mayor's expense account, car, and health insurance, just to point out a few. The citizens need to be presented with an accountability picture.

The Council may have a good concept of the position and its benefits, but it has done a poor job of communicating these facts to the citizens. If the concept of a full-time Mayor is a viable, practical alternative, present it as such and sell it to the citizens. Don't shove it down our throats. At this time, I don't see it as a pressing issue that needs immediate attention.

I personally cannot support the concept as currently presented. However, when elected, I will support the majority of the 2nd District's citizens' views. If my constituents convey to me that they are in favor of the present proposal of a paid, full-time Mayor, I will support their opinions."

Mr. Robert Tudor - 706 E. Division Street - Mr. Tudor stated that he opposes a full-time Mayor,

but since the matter has already been voted on, he wondered if members of Council had fully considered all of the ramifications. He stated doubt that any additional funds will be derived from the Mayor's presence at Legislative Hall and voiced concern with possible conflicts between a City Manager and a Mayor. There is a possibility that both could have very strong personalities and he feared that a City Manager would be pressured by the presence of a full-time Mayor.

Mr. Tudor reminded Council that the Mayor has veto power and could force a 2/3 vote of Council on any issue, including the ordinance that sets the Mayor's salary. He stated that there is no method of impeachment in the City Charter and wondered what action Council can take in the event the Mayor is not performing his duties properly.

Referring to the City's current City Manager form of government, Mr. Tudor stated his fear that a full-time Mayor will lead to a strong Mayor form of government. He stated that the City's current City Manager is the best Manager the City of Dover has ever had and he strongly urged City Council to protect the City Manager position.

Mr. Javan Davis - 635 Nimitz Road - Mr. Davis relayed his support for a full-time Mayor and reminded members of Council that he has supported the proposal for a number of years. He felt it somewhat unfair to members of Council that some waited until after action was taken to voice their disagreement with the proposal for a full-time Mayor. Unlike what many are saying, this issue was not acted on quickly. He stated that it has been discussed for many years. He agreed that some mistakes may have been made in not holding an official public hearing prior to making the decision, but Mr. Davis commended members of Council for the outstanding job they are doing for the citizens of Dover. He feels that the action to have a full-time Mayor is good preparation for the 21st century. He reminded the public that where there are no changes, there is no vision and where there is no vision, there are no changes.

Referring to public comments about the present Mayor already drawing retirement salary from his position as Chief of Police, Mr. Davis stated that he earned his retirement and that it should have nothing to do with the issue of a full-time Mayor.

Mr. Davis urged the public to allow the Mayor to do his job without tying his hands too closely. Although a very general job description would be beneficial, he felt that the Mayor should have a considerable amount of flexibility so that the job can be performed properly.

Richard Senato - 152 Evergreen Drive - Mr. Senato reminded the public that City Council has been dealing with the issue of a full-time Mayor for a long time. He is not in favor of a full-time Mayor at the suggested annual salary of $45,000, in addition to the benefits and expenses. He stated that a paid Mayor would essentially be doing the same job as the present Mayor which does not justify such a high salary. Since City Council has already approved the position of a full-time, paid Mayor, Mr. Senato suggested that a job description be created that states specifically the separation of duties between the Mayor and the City Manager. He stated that it is essential to ensure that there will be no conflict between the two positions and that the current City Manager form of government be maintained.

Mr. Senato stated that the general public has made it clear that they do not favor a full-time, salaried

Mayor. He objected to the format that was used by Council in making the decision for a paid Mayor, stating that public hearings should have been held prior to making the decision. Mr. Senato stated that members of Council should make a case explaining how the City will benefit from a paid Mayor, ensure that the Mayor will not infringe on the duties of the City Manager, and that the Council justify the full-time Mayor's salary with a detailed and fully accountable job description.

Mr. James Webster - 8 Arbor Drive - Mr. Webster stated his opposition to a full-time Mayor, relaying his feeling that the process was wrong and the decision was wrong. Referring to the duties and responsibilities of the Governor, Mr. Webster stated that the State Constitution lists several very powerful duties of the Governor. He stated his opinion that the current discussion over the full-time Mayor position has revealed no duties whatsoever. Mr. Webster reminded members of Council of the oath of office they took when sworn into the office of City Council, reminding them that they swore to "always place the public interests above any special or personal interests." Council President Christiansen and Mr. Hare took exception to any inference that members of Council do not abide by their sworn oath of office.

Mr. Michael Chapman - 863 Schoolhouse Lane - Mr. Chapman stated that he favors a full time Mayor. He stated that this issue has been discussed for several years and felt it was time for a decision to be made on the subject. Referring to concerns that the duties of the Mayor and City Manager could conflict, Mr. Chapman felt that the jobs are entirely different and should not conflict in any way. The City Manager is in charge of the day to day operations of the City, while the Mayor acts more in the way as an ambassador for the City. Currently, the Mayor is doing a full-time job with a part-time salary. Mr. Chapman stated his opposition to a job description for the Mayor, but suggested some basic guidelines under which the Mayor would operate. Referring to the suggestion by some for impeachment procedures, Mr. Chapman reminded the public that the terms of office are only for two years and that the term would likely be complete before impeachment could be achieved.

Mr. Samuel Schlegel - 1153 Woodstock Court - Mr. Schlegel stated that much discussion and procrastination has surrounded the idea of a full-time Mayor for Dover. He stated that the time has come for a full-time Mayor, however, he cannot support it without job guidelines. He stated that the proposed annual salary of $45,000 is too high and stated he felt it unfair for someone to have this position without the democratic process of an open and fair election.

Mr. Schlegel stated that if the person possesses a true desire and feeling for the well being of Dover, then the proposed financial package is more than what is needed to compensate someone for the position. He stated that the initial and on-going parameters for the position should be clearly set before the new position is filled, such as if the current or past Dover Mayors are eligible and if there should be term limits for the position.

Mr. George Johnson - 829 Woodcrest Drive - Mr. Johnson stated that he supports the idea of a full-time Mayor. He supports a job description for the position but suggested that it be a very flexible job description. Mr. Johnson stated that volunteerism is a noble endeavor but the reality of the situation is that Dover needs someone that is not only committed, but someone that is accountable and responsible. General guidelines for the position would provide the Mayor with

knowledge of what is expected and would provide the citizens an opportunity to evaluate how well the Mayor is performing in the position. Mr. Johnson stated that it would facilitate the idea of a realistic achievement of the goals and objectives within the boundaries of a stated set of duties, responsibilities and the authority of the person. It facilitates the organizational communication, enhances the monitoring capacity (checks and balances) and provides stability and consistency, regardless of the individual who holds the position. Referring to any potential conflict between a Mayor and City Manager, Mr. Johnson stated that this is the nature of the political beast in a democratic society. He reminded Council that conflict is not always negative and at times can even be positive.

Mr. Johnson stated that as we move into the 21st century, we need to think more realistically about the entire issue. He stated that he knows very few administrators who are responsible for an organizational structure that has nearly 30,000 individuals (citizens of our community) who make less than $45,000 annually. He stated the old adage, "you get what you pay for."

Council President Christiansen noted that Mr. Stephen M. Weill of 18 White Marsh Court had signed up to speak but was not present at the meeting.

Mr. Truitt reminded the public that the current City Charter and Code already contain language on the duties and responsibilities of the Mayor and that the issue at hand is if additional duties and responsibilities should be elaborated upon in the ordinances. He apologized for not making this information more available to the public. He reiterated his opinion that a structured job description is not needed but that he favors general guidelines. He stated his support for language submitted by Mr. Lambert, with a few minor changes.

Mr. Lambert stated his feeling that the position of Mayor has been a full-time job for a very long time. Previous efforts to set an annual salary for the position also incorporated changes in the duties which would have given the Mayor control over the City Manager. He has opposed that proposal each time it was presented. However, the current proposal makes no change to the powers of the Mayor and it was based upon this fact that he decided to support the current proposal. Referring to the current duties and responsibilities of the Mayor, as outlined in Section 14 of the Charter, Mr. Lambert stated that they are very general and he feels that they were designed to be very general. He cautioned members of Council to be careful that proposed language does not imply additional powers which could serve the effect of giving the Mayor control over the City Manager.

Mr. Lambert and Mr. Truitt submitted the following proposed language, for insertion into the City Code, which would be in addition to the current language contained in Section 14 of the City Charter:

> The Mayor shall be available on a full time basis to interact with private citizens, business people, state and county officials/representatives, and civic and neighborhood associations to promote the economic and social interests of the City and the general welfare of its citizens.
>
> Referring to Section 14 of the Charter, Mr. Truitt suggested the addition of the following sentence, to appear as the third sentence in the paragraph:

> It will be his duty to see that the orders, ordinances and resolutions enacted by City Council are faithfully executed.

He stated that the language is very similar to the language for the Governor found in the State Constitution.

Mr. Fenimore stated his feeling that the proposed addition to Section 14 of the Charter may infer that the Mayor has authority in other areas. For example, during a Council Meeting, City Council may pass a resolution directing an action by the City Planner. The Mayor could then infer that it is his responsibility to ensure that the action is executed by the City Planner which would be in conflict with the current structure where the City Planner is under the direction of City Council.
Mr. Truitt stated that it was not his intention to make such a change. It was agreed that the proposal should be referred to the City Solicitor for an opinion.

Referring to the proposal by Mr. Lambert and Mr. Fenimore, Mr. Salters suggested the addition of the word "national" after the words "state and county".

Mr. Fenimore suggested that the paragraph end with the word "basis", to read "The Mayor shall be available on a full time basis". It his feeling that there is no need to elaborate upon with whom the Mayor should interact.

Mr. Schaefer, member of the Legislative and Finance Committee, expressed his appreciation to the citizens that have offered input on this subject. He stated that it was never the intention of the committee to change the structure of the City government. Their efforts were geared toward ensuring that the City can sustain the successes we are blessed with today. He agreed that Dover has always had a full time Mayor and stated that the only change being made is to fairly compensate the Mayor for the required commitment of time. There is no proposed change in the structure of our City government or in the level of authority of any department head.

In terms of a job description, Mr. Schaefer stated objections to any detailed job descriptions. Each elected Mayor should have a very good idea of what needs to be done and the needs may vary from time to time.

Mr. Salters reminded Council of the following quotation: *"For it is with words, as with sunbeams, the more they are condensed, the deeper they burn."* He stated his feeling that the proposed language is brief, but to the point, and he felt it would be sufficient without being too restrictive.

Mr. Salters moved for acceptance of the proposed language, for insertion into the proper section of the City Code. The motion was seconded by Mrs. Malone and Council approved the following language by a roll call vote of seven (7) yes, two (2) no (Mr. Pitts and Mr. Fenimore):

> The Mayor shall be available on a full time basis to interact with private citizens, business people, state, county and national officials/representatives, and civic and neighborhood associations to promote the economic and social interests of the City and the general welfare of its citizens.

Mr. Truitt moved table action on the proposed addition to Section 14 of the Charter until a legal opinion has been received from the City Solicitor. The motion was seconded by Mr. Leary and

unanimously carried.

Mr. Salters moved to adjourn, seconded by Mr. Truitt and unanimously carried.

Meeting Adjourned at 8:15 P.M.

DEBRAH J. BOAMAN
CITY CLERK

All orders, ordinances and resolutions adopted by City Council during their meeting of March 18, 1997, are hereby approved.

JAMES L. HUTCHISON
MAYOR

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 14, 1997 at 7:30 p.m. with Council President Christiansen presiding. Council members present were Mr. Lambert, Mr. Pitts, Mr. Leary, Mr. Truitt, Mrs. Malone, Mr. Fenimore, Mr. Salters and Mr. Hare.

Council staff members present were Major Faulkner, Mr. Lucas, Mr. O'Connor, Mr. DePrima, Chief Carey, Mrs. Boaman and Mr. Rodriguez.

FIRST READING - PROPOSED ORDINANCES

Mr. Truitt moved to waive the reading of the proposed ordinances before Council, seconded by Mrs. Malone and carried with Mr. Pitts voting no. Council President Christiansen reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of April 28, 1997.

Referring to proposed amendment to Section 2-96, Mr. Truitt stated a proposal to amend the Charter was tabled by Council and referred to the City Solicitor. The City Solicitor proposed a minor change so that the sentence would read as follows: "It will be the Mayor's duty to see that the orders, ordinances and resolutions enacted by Council which are within his jurisdiction are faithfully executed." The Solicitor recommended that the change could be made to Section 14 of the Charter or added to the proposal for Section 2-96 of the City Code.

After considering this matter, Mr. Truitt moved that the above sentence not be considered and that it be stricken from the proposed language for Section 2-96 of the City Code. The motion was seconded by Mrs. Malone and carried with Mr. Pitts voting no. Mrs. Malone stated that she supports striking the sentence as she feels that the language is too close to the definition of the responsibilities of City Council.

Mr. Truitt moved for acknowledgment of the first reading of the following proposed ordinance, as amended, by title only, seconded by Mrs. Malone and carried with Mr. Pitts voting no.

A. Chapter 2 - Administration - Article IV - Mayor Section 2-96 - Duties and Responsibilities of the Mayor

Mr. Truitt moved for acknowledgment of the first reading of the following proposed ordinance, by title only, seconded by Mrs. Malone and unanimously carried.

A. Division 4. Meters - Sec. 22-226 - Required; Sec. 22-227 - Location; Section 22-228 - Installation; Sec. 22-229 - Maintenance and Responsibility for Damage; Sec. 22-230 - Notice to City of Damage or Malfunction; and Sec. 22-231 - Inaccurate Meters

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 28, 1997 at 7:30 p.m. with Council President Christiansen presiding. Council members present were Mr. Lambert, Mr. Pitts, Mr. Truitt, Mrs. Malone, Mr. Salters and Mr. Hare. Mr. Leary and Mr. Fenimore were absent.

Council staff members present were Chief Smith, Mr. Lucas, Mr. O'Connor, Mr. DePrima, Chief Carey, Mrs. Boaman and Mr. Rodriguez.

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of April 14, 1997.

Mr. Hare moved that the final reading of the proposed ordinances be acknowledged by title only, seconded by Mrs. Malone and unanimously carried.

Mr. Hare moved for adoption of the following ordinance, (effective May 11, 1998). The motion was seconded by Mr. Lambert and carried by a roll call vote of six (6) yes, one (1) no (Mr. Pitts) and two (2) absent (Mr. Leary and Mr. Fenimore):

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

That the Dover City Code shall be amended in the following respects:

* Chapter 2, Administration, is amended by inserting a new article to be designated Art. IV, Mayor, consisting of §2-96 through §2-115 and all of the following articles and sections shall be renumbered so that the next successive article shall be Art. V, City Manager, §2-116 - §2-125 which renumbering shall be true for the remainder of this chapter.

Newly renumbered Art. IV, Mayor, shall read as follows:

Section 2-96. Duties and Responsibilities of the Mayor.

The Mayor shall have all of those duties and responsibilities set forth in Section 14 of the Charter. In addition thereto, the Mayor shall be available on a full time basis to interact with private citizens, business people, national, state and county officials and representatives and civic and neighborhood associations to promote the economic and social interests of the City and the general welfare of its citizens.

ADOPTED: APRIL 28, 1997

Mr. Lambert moved for approval of the following ordinances, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Leary and Mr. Fenimore absent):

* For City Code codification purposes and to avoid renumbering other ordinances, Municipal Code renumbered this ordinance to Article III.I, Sec. 2-91 (Sec. 2-92 - 2.95 Reserved)

ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 11, 1998 at 7:30 p.m. with Mayor Hutchison presiding. Council members present were Council President Christiansen, Mr. Lambert, Mr. Pitts, Mr. Leary, Mr. Truitt, Mr. Carey, Mrs. Malone, Mr. Salters and Mr. Weller.

Council staff members present were Chief Faulkner, Mr. Lucas, Mr. O'Connor, Mr. DePrima, Chief Carey, Mrs. Green and Mr. Rodriguez.

AGENDA ADDITIONS/DELETIONS

Council President Christiansen moved for approval of the agenda, seconded by Mr. Leary and unanimously carried.

OATHS OF OFFICE - CITY COUNCIL

The Honorable Henry DuPont Ridgely, President Judge of the Superior Court, administered the Oath of Office to the Mayor and members of City Council, as follows:

Mayor	-	James L. Hutchison
First District	-	Thomas J. Leary
Second District	-	Robert W. Lambert
Third District	-	William P. Truitt
Fourth District	-	John W. Pitts

In closing I pledge to you, as the first full-time Mayor of this city, that I am committed to working with City Council, the City Manager, staff, business community, citizens, and the leadership of our State and County as we continue toward the 21st Century."

SPECIAL COUNCIL WORKSHOP

A Special Council Workshop was held on November 18, 2002 at 4:30 p.m. with Council President Carey presiding. Council members present were Mr. Ritter, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. McGlumphy, Mr. Speed, Mr. Salters (departed at 6:08 p.m.) , and Mr. Ruane.

Note from City Clerk's Office: This was a continuation of the meeting held on November 4, 2002, which was held specifically to review the PAS Organizational Study. A copy of the PAS Organizational Study is filed in the Office of the City Clerk.

Part-Time - Mayor (page 6) - Mr. Ritter indicated that the vast majority of municipalities, within our population range, and with a City Manager/Council form of government, do not have full-time Mayors. Mr. Ritter moved that the Mayor serve on a part-time basis as recommended in the PAS Study, seconded by Mr. McGlumphy. The motion failed by a roll call vote of six (6) no, two (2) yes (Mr. Ritter and Mr. McGlumphy), and one (1) absent (Mr. Salters).

Mrs. Williams moved that there be no changes in the position of the Mayor and that he continue to serve on a full-time basis, seconded by Mr. Truitt and carried by a roll call vote of seven (7) yes, one (1) no (Mr. Ritter) and one (1) absent (Mr. Salters).

COUNCIL COMMITTEES

The Council Committees Meeting was held on August 11, 2003, at 5:30 p.m., with Council President McGlumphy presiding. Members of Council present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane.

LEGISLATIVE AND FINANCE COMMITTEE

The Legislative and Finance Committee met with Mr. Speed presiding. Members present were Mr. Ritter, Mr. Ruane, Mr. Gorman, and Mr. Shelton.

Public Discussion of the Public Administration Service (PAS) Study - Compensation and Classification Review (Item tabled during April 28, 2003 Meeting)
Council President McGlumphy indicated that the presentation being made was strictly his points of view of the Compensation and Classification Study.

Several questions were asked by members of Council regarding to the overtime pay related to the Police Department. Chief Horvath was requested to provide members of Council with a breakdown of the overtime.

Responding to Mr. Speed's invitation for comments from the audience, Dr. Margaret McKay, 54 Rodney Road, suggested the following:

1. Return to part-time Mayor system (put the issue to the voters by way of a referendum);
2. City Council enforce its statutory responsibility as "guardians of the public purse", pursue competitive bidding for all contracts, including those of City Auditor and City Attorney;
3. Seek outside, truly independent, legal advice concerning the Mayor's veto power and an independent auditor;
4. City Council establish clear and unambiguous rules that determine which expenditures incurred by City staff (elected and appointed) are and are not allowable and those expenditures that are not allowable and should not be reimbursed.

Mr. Ritter moved to recommend acceptance of the PAS Compensation and Classification Review *(Attachment #3*) as presented, seconded by Mr. Ruane and unanimously carried.

Comptroller/Auditor Review - Mayor's Budget (Councilman Ritter)
As requested by Council President McGlumphy, the following portion of the minutes have been transcribed verbatim:

Mr. Speed: "Now onto item #2. The Chair recognizes Mr. Ritter."

Mr. Ritter: "Yes, thank you Mr. Speed, actually we did go into this some already and looking into the past five (5) year budget of expenses that everyone should have a copy of the budget expenses made by the Office of the Mayor is clear that the expenses are not clearly identified as official City of Dover business as outlined in the City Charter Section 12 and City Code Section 2-70; the expenses are not clearly justified and are not clearly business related. If everyone has taken a look at those already, you can clearly see some of the examples that Mrs. McKay has spoken of. What I am declaring is we need an outside auditor or objectively done by an auditor. To go on and give gifts to certain organizations you get into an equity situation also. How is it fair to give to one organization versus the other? I would like to make a motion and then we can discuss the motion and go from there. I would like to move that the City Finance Director have the audit firm that is already engaged to audit the City's fiscal year 2003 finances analyze the expenses of the Mayor's Office for the past six (6) years, fiscal year 1998 to fiscal year 2003. The purpose of such an audit would be to: (1) recreate, from an accounting perspective, all accounting related transactions identified in this special purpose engagement; (2) determine the extent in which the transactions described in the engagement were completed or accomplished in compliance with the City Charter and Code, city policy and procedure and applicable federal regulations; and (3) to evaluate the responsibility, appropriateness, and equity of the transactions with respect to the function and purpose and identify internal control weaknesses based on the results of the review performed by the auditor and to make recommendations for internal control enhancements and improvements and policy guidelines.

Mr. Speed: "Is there a second to the motion?"

Mr. Ruane: "I'll second the motion."

Mr. Speed: "Alright, discussion? Members of the committee, any questions? Mr. Shelton."

Mr. Shelton: "Thank you Mr. Chairman. The question I have is do we have any idea what the cost would be to go back and do that for the past six (6) years?"

Mr. Ritter: "I do not have a cost estimate, but basically what it would entail is going back into the next six (6) years, they already have expenditures of it, but what we have is not as broken down as what can possibly be done due to the fact we have credit card expenses all through the year. With the credit card expenses we would have to pull the receipts for each and every one and none of us have the appropriate time to engage into this process, that's why the outside audit and to have this coincide with the audit firm that we are currently engaged with in the City."

Mr. Shelton: "I guess I'm trying to understand what the cost would be and why six (6) years, why not three (3) years, why not two (2) years? I don't know how relevant it is to go back six (6) years."

Mr. Ritter: "If we go back six (6) years, we're going back to the first time we have a full-time Mayor."

Mr. Shelton: "I see."

Mr. Speed: "Any other mem... Mr. Shelton did you have any more questions?"

Mr. Shelton: "No, not at this time, thank you."

Mr. Speed: "Any other members of the committee? Mr. Mayor."

Mayor Hutchison: "Mr. Chairman, Mr. Ritter, members of Council, and Ladies and Gentlemen. First, let me ask Donna Mitchell, our Finance Director, please, do you have a copy of the policy regarding my $5,000 per year expense account that dictates what I am allowed to spend, what I'm not allowed to spend?"

Mrs. Mitchell: "I don't have it here with me Mayor, but I think that's the Code Section 2-70 that was cited. Is that correct? I'm not sure."

Mr. Ritter: "Yes."

Mayor Hutchison: "So the question is, do we have a policy?"

Mrs. Mitchell: "No."

Mayor Hutchison: "Thank you. Could you pass them out please? (Requested the City Clerk to distribute information) If you indulge with me just for a couple of minutes. The Mayor's Office and the duties and responsibilities of my office are, first, in charge of the Police Department. Second, public relations, spokesperson for the City of Dover. Third, economic development. Fourth, building relationships/partnerships with government, federal, state, and county, business, education and citizens. Serve as a lobbyist at Legislative Hall when in session. On call 24 hours a day, seven days a week. Committees in which I serve on:

1. President, Delaware League of Local Governments
2. Council on Police Training
3. Livable Delaware Advisory Council
4. Delaware Emergency Management Agency (charged with allocation of homeland security funds to local municipalities)
5. Delaware National Guard and Reserve Emergency Assistance Fund Board (allocates funding to needy families of servicemen and women)
6. Delaware Workforce Investment Board
7. Central Delaware Chamber of Commerce
8. Dover Rotary Club (honorary member)
9. Central Delaware Economic Development Council
10. Honorary Wing Commander
11. Kent County Tourism
12. Department of Public Safety and Homeland Security
13. Delaware State University Board of Visitors
14. Delaware Technical & Community College Development Council
15. Delaware Civic Center
16. Greater Dover Committee (honorary member)

17. Downtown Dover Development Corporation

Now, let's talk about what the Mayor's Office has been involved in. The Garrison Farm which resulted in $2.5M being given to the City of Dover and the last three (3) years that the farm has been under the ownership of this City, that farm has been leased for $60,000. We work very hard with the City of Wilmington to bring the Wilmington College to Dover. Currently, I am proud to say that the construction represents $12.2M. Kent County Levy Court, I am proud to say on September the 9th they will break ground to build an $18M new building. House Bill 306 and 307 that was passed on the very last day of the General Assembly this year represents a total of $250,000 to $400,000 annually that comes back to this City. We were also able to contact Senator Biden this year because of the four (4) new officers being increased to the Dover City Police Department and we received $350,000. And in the past we worked with Dover Air Force Base, Senator Biden, Senator Roth, Mike Castle, and we received $95M for the infrastructure at Dover Air Force Base. I am proud to say that we worked with Dover Downs when they got ready to expand and build a new hotel. We set up a meeting with the Governor and the task force and I'm proud to say today we have a $60M new hotel. We also worked on the Delaware Air Park and the Schwartz Theater. And currently, today, we are working on two (2) big projects; we are working with our United States Senator Tom Carper dealing with home ownership initiative and downtown Dover. We also are working on Eden Hill.

With that said, let's talk about expenses for just a minute. In the year 2000, I spent a total of $24.24 on entertaining people for food costs. In the year 2001, it came to $25.79 a week. In the year 2002, $22.07. This year, already, I have spent $13.34 a week. As far as gifts, we give out Dover golf shirts, and I might add we spend a lot money for golf shirts, coins, writing pens, lapel pins. This year I have already spent $1,605.41 for these items. Last year I spent $1,181.76. So whomever you're going to pay to do the audit, it should be real quick, it shouldn't take too long. In the year 2001, I spent $2,231.15. In the year 2000, I spent $1,744.61. What I am saying to all of you, economic development in the City of Dover, we done a lot of good things and it was said that the Mayor, no, it's not about the Mayor, I represent a team effort. And let me assure you, when Dover Air Force Base has a problem, do they call any member of Council, or do they call the City Manager? I don't think so. Let me ask you, members of Council, including the City Manager, how many of you have been to Proctor and Gamble in the last year, or two (2) years? How many of you know Phil Burns personally, like I do? How many of you have been to Kraft Food to see Brice Link, and talk to him about his issues and concerns? I have. How many of you have been to Dover Air Force Base and sat down with the Commander, personally, to talk about his issues and concerns? None of you have, I have. So I ask all of you, do away with the full time Mayor and I have a suggestion, you either are going to do one (1) or (2) things; you're going to have a City Manager and an Assistant City Manager and if you look in the PAS Study, go ahead and get one and see what it costs. It's recommended $95,000. Quite frankly, I personally believe that for $45,000, I think you're getting a pretty good deal.

Thank you. And by the way before I close, I would welcome an audit, I have no problem with an audit, you are welcome to look at it."

Mr. Ruane: "I call for the question on the motion."

Mrs. Williams: "Can I..."

Mr. Speed: "There's only been a couple of people that have had an opportunity to speak. Mr. Salters."

Mr. Salters: "My position is, if we do not have clear guidelines, in any direction, regarding the expenditures of the Mayor and how this Council would require the Mayor to spend the funds, then it's the Council's fault. Now, I'm not protecting the Mayor, the Mayor just protected himself. What I'm saying is, if we wish to set guidelines and make policies to control the expenditures of the Mayor, that's our responsibility and we should do it. Another thing is the fuss about what has been spent on various items. I just want to make a statement about the full and part time Mayor. I took a major part of the responsibility for creating a full time Mayor and I'm proud to say that. I think this City deserves a full time Mayor, I think it needs a full time Mayor, and those of you who disagree with me, that's your position. But I believe every time, and I'm out a lot in the community, I go to a lot of things, and every time I'm out, I see the Mayor. I represent the Mayor on many occasions when he has duplications. Now, I don't know whether anybody else does that. There are probably other people here that do that. My suggestion, and Dr. McKay made a reference to it, that we need independence in determining what is going on in the City. I don't know whether we need any auditor other then the ones we have, Mr. Ritter alluded to that. But my position is that we have something that has happened in the past, that's the past. If we want to correct it, it's our responsibility. We need to set the guidelines and if the Mayor doesn't want live by them, he won't run. And if he does, then he'll abide by the rules that are set by this Council, expenditures, everything. I don't know whether we do a ten (10) year study, what is it going to prove? A ten (10) year study on expenditures is going to show a lot of money has been spent. What's it going to do to prove any point? My point is we need to go forward from today, from this minute and develop a scenario where we will know what the Mayor's expenditures are going to be and he'll have to live by it. Let me mention something, in all the expenditures that I have seen come across my desk, I had so many of them, I had to get extra stuff from the Clerk's Office to keep up with them. We have been inundated with requests and paperwork that comes in. I don't know whether all this paperwork is worth it. I think Mr. Shelton made a good point when he said, "what's the audit going to cost?" An audit that goes back ten (10) years will probably cost more than $10,000. I am also of the opinion that maybe some other reason, other than just straightening out the books, that we are making this declaration at this time. If we are on a "witch hunt", most of us could probably be caught up in it. Those of us that have served in the past have served with diligence. I'll personally take responsibility if the Mayor has over spent and we let him get away with it, that's the Council 's fault, that's the old Council's fault. All of us who have served in the old Council during this year and in the past. If that is the case, and that is the case, then I think we need to move ahead, set the guidelines, and live by them, and get this out of the way.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on December 8, 2003 at 7:30 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane.

Council staff members present were Major Harding, Mr. Cooper, Mrs. Mitchell, Ms. Melson, Chief

Bashista, City Solicitor Rodriguez, Mrs. Green, and Mayor Hutchison.

CONSIDERATION FOR PLACEMENT OF BALLOT QUESTION FOR CITY OF DOVER MUNICIPAL ELECTION ON APRIL 20, 2004 - PART-TIME MAYOR

Council President McGlumphy advised members that the discussion on the consideration for placement of a ballot question should focus on the question to be placed on the ballot; not the issue of whether the Mayor should be full-time or part-time.

Relaying concern, Mrs. Williams stated that the Charter only allows for referendums related to monetary issues. She also expressed concern that such a question may violate the spirit of the maintenance standards for City elections. Mrs. Williams stated that the same or similar conditions should be maintained for a referendum or an election because the same people who may vote in a referendum may not vote in an election.

Mr. Salters asked how the item was placed on the agenda and with what support. Council President McGlumphy stated that he placed the item on the agenda. Mr. Salters requested that the item be abandoned until the City Solicitor provides a legal opinion as to the Council President's authority to place an item on the agenda without the support of other Council members. Mr. Rodriguez stated that he would look into the question. He also reminded members that they unanimously adopted the agenda at the beginning of the meeting.

Mrs. Williams asked Council President McGlumphy if he would be willing to hold a public hearing on the issue to provide the citizens with the whole range of information related to the question. Council President McGlumphy stated that he would not since there have been debates and public hearings and at this time, the question is whether or not members wish to place the question on the ballot. Mrs. Williams asked if he would be willing to pose the question of whether the City needs a Council President. Council President McGlumphy responded that the issue of a Council President was discussed in relationship to the consent decree resulting from the NAACP lawsuit.

Mr. Ruane stated that there would be ample time for the electorate to come forward and have their questions answered regarding the issue of a full-time or part-time Mayor.

Mr. Ruane's call for the question failed by a roll call vote of eight (8) no, one (1) yes (Mr. Ritter).

Mr. Salters suggested that the question be worded so that the voters would make a choice between a full-time or a part-time Mayor; not just "are you in favor of a part-time Mayor". He noted that he had received many calls from constituents wondering what this Council's intentions are.

Mrs. Williams stated that if members truly want to hear the answer to this question, it should be put forth honestly and not hurriedly.

Mr. Speed agreed that it was important to word the question in a way that would not lead the voters. He suggested that wording such as "Are you in favor of a full-time or a part-time Mayor" would result in a more accurate response.

Mayor Hutchison, noting that this was a very important issue, urged members to allow public hearings on the issue to obtain public input prior to voting on the issue.

Mrs. Williams moved that the whole issue of the question on the ballot go into public hearings prior

to a decision being made on the exact wording for the ballot and that the City Solicitor be given plenty of time to evaluate the legality of the question. The motion was seconded by Mr. Truitt.

Mr. Speed noted that the Council President presented the question for a vote without a motion being necessary. He asked which motion had priority, the President's or Mrs. Williams'. Council President McGlumphy stated that Mr. Rodriguez advised him that his motion took precedence and requested the Clerk to call the roll.

By a roll call vote of five (5) yes, four (4) no (Mr. Carey, Mrs. Williams, Mr. Truitt, and Mr. Salters), Council approved the placement of a ballot question pertaining to a part-time Mayor on the ballot for the City of Dover Municipal Election being held on April 20, 2004.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 12, 2004 at 7:30 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane.

Council staff members present were Chief Horvath, Mr. Cooper, Mrs. Mitchell, Mr. Galvin, Chief Bashista, Mr. DePrima, City Solicitor Rodriguez, Mrs. Green, and Mayor Hutchison.

CONSIDERATION FOR PLACEMENT OF BALLOT QUESTION FOR CITY OF DOVER MUNICIPAL ELECTION ON APRIL 20, 2004 - PART-TIME MAYOR

Council President McGlumphy advised members that the discussion on the consideration for placement of a ballot question should focus on the question to be placed on the ballot; not the issue of whether the Mayor should be full-time or part-time.

Relaying concern, Mrs. Williams stated that the Charter only allows for referendums related to monetary issues. She also expressed concern that such a question may violate the spirit of the maintenance standards for City elections. Mrs. Williams stated that the same or similar conditions should be maintained for a referendum or an election because the same people who may vote in a referendum may not vote in an election.

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hearing on the issue to provide the citizens with the whole range of information related to the question. Council President McGlumphy stated that he would not since there have been debates and public hearings and at this time, the question is whether or not members wish to place the question on the ballot. Mrs. Williams asked if he would be willing to pose the question of whether the City needs a Council President. Council President McGlumphy responded that the issue of a Council President was discussed in relationship to the consent decree resulting from the NAACP lawsuit.

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Mr. Speed noted that the Council President presented the question for a vote without a motion being necessary. He asked which motion had priority, the President's or Mrs. Williams'. Council President McGlumphy stated that Mr. Rodriguez advised him that his motion took precedence and requested the Clerk to call the roll.

By a roll call vote of five (5) yes, four (4) no (Mr. Carey, Mrs. Williams, Mr. Truitt, and Mr. Salters), Council approved the placement of a ballot question pertaining to a part-time

Mayor on the ballot for the City of Dover Municipal Election being held on April 20, 2004.

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 29, 2004 at 7:00 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane. Mr. Pitts and Mrs. Williams were absent.

Council staff members present were Mr. DePrima and Mrs. Gardner.

PUBLIC HEARING - FULL-TIME OR PART-TIME MAYOR FOR THE CITY OF DOVER

Following the Pledge of Allegiance, Council President McGlumphy reminded members that during their Regular Meeting of January 12, 2004, Council set a Public Hearing on the issue of a Full-Time or Part-Time Mayor for the City of Dover (due to inclement weather, the public hearing scheduled for January 27, 2004 was canceled).

Council President McGlumphy read the guidelines and declared the public hearing open.

Mary Skelton - Resident of the City of Dover and Director of Kent County Tourism

Ms. Mary Skelton spoke in favor of a full-time Mayor. She felt that the salary should be increased and that although comparisons of other municipalities may indicate otherwise, the full-time position deserves additional compensation. She stated that the City of Dover is a metropolitan City and is on the verge of becoming a great city, it's growing enormously, quickly and now would not be the time to revert back to a part-time Mayor position. For the Mayor, a full-time position means 24 hours a day, seven (7) days a week; therefore, it is more than what the average person would consider being a full-time position.

Concurring with comments made by individuals in the community that because of our government, the Mayor is a public relations position, she asked what could be more important to a City than public relations. She also explained that for the "ribbon cutting" ceremonies, the City is made up of many small businesses that feel it is important for the Mayor to be present for these ceremonies. On many occasions, she has requested that the Mayor join her when making a presentation to groups that are considering the City of Dover for bringing meetings to our City. The Mayor has played an important role in their decision to come to Dover.

Ms. Skelton stated that the real issue is availability of the Mayor and the City of Dover and people deserve to have a full-time Mayor.

Dan Wolfensberger - Central Delaware Economic Development Council

Mr. Dan Wolfensberger reiterated the commitment of the Central Delaware Economic Development Council for support of a full-time Mayor. He stated that it has been the Council's experience that there is tremendous value in a full-time Mayor to the City and in particular, economic development issues and the availability of a Mayor at the spur of a moment. Mr. Wolfensberger urged Council's support for a full-time Mayor in the future.

William Daisey - Candidate for Mayor

Mr. William Daisey indicated his opposition to a full-time Mayor; the City has a Council/Manager Form of Government not a Mayor/Council Form of Government. He referred to the past two (2) studies that have been done which indicate that the City of Dover is not large enough to support both a full-time City Manager and Mayor nor can the City justify the costs for both positions. Mr. Daisey explained that there may often be more than 40 hours worked per week by the Mayor, as well as members of City Council; however, it is expected that with a City the size of Dover, those that run for office and are elected serve, do so with the understanding that they will be donating many hours.

Mr. Daisey reminded members that the purpose for conducting a study is to obtain information and answers. If Council is unwilling to abide by the recommendations of a study, then a study should not be requested. With this particular issue, he stated that there were two (2) studies conducted. It was his feeling that the Council did not have the right to alter the recommendations of such a study and that only the people would have that right.

Mr. David Anderson - 217 Cecil Street

Mr. David Anderson stated that he is not speaking for or against the issue of a full-time or part-time Mayor but rather to advocate the issue of placing the question on the ballot to be answered by the people. He advised members that several years ago he had proposed the concept of placing such a question on the ballot. Mr. Anderson stated that over time, he has come to realize that a full-time Mayor position is an investment for the City. However, in order to settle the issue, he felt it was necessary to put the question before the people and supports Council in this endeavor.

Mr. John Friedman - Candidate for Mayor

Mr. John Friedman indicated his support for a full-time Mayor position for the City of Dover and read a statement into the record (*Exhibit #1*).

Mr. Jeff Reed - Candidate for Mayor

Mr. Jeff Reed commended members for allowing the people of the Capital City of the First State to finally decide the issue of a full-time or part-time Mayor for the City of Dover. He stated that many changes have occurred in the City which has resulted in a different community that has grown into a very viable and large metropolitan area. Because of this, it was his feeling that the

people should be given the opportunity to determine if a full-time Mayor is necessary.

Mr. Reed stated that previous Councils decided, without public input, to remove certain responsibilities from the Mayor and in addition, changed the Mayor's position to full-time. The Council now has the opportunity to solve the issue regarding a full-time or part-time Mayor by placing the question on the ballot. He felt that the community needs a full-time Mayor and explained the importance of having him serve as the leader of our City. He also suggested the Council consider the possibility of restructuring the entire Council. Although individuals may change, there will always be the Mayor and Council positions within the City of Dover and never should these positions be downgraded. Council has the opportunity to add more to the upcoming vote by allowing the people to relay their feelings as to which position should be leading this City.

Mayor James Hutchison - City of Dover

Mayor James Hutchison advised members that, during the last 10 years, he has had the opportunity to serve the City as Mayor, and during the last 6 years, has served in this capacity as the City's only full-time Mayor. It is clear to him that a full-time Mayor is needed in the City. By City Charter, the Mayor serves as Chief Executive Officer, responsible for the Police Department by appointment of the Police Chief, responsible for public safety, economic development, keeping jobs, and seeking new job opportunities. The Mayor is also responsible for building partnerships with State government, working with the Governor and the governor's cabinet, the membership of the General Assembly, and serving as a lobbyist. It is the Mayor's Office that has the responsibility of building relationships with businesses, both large and small, working with the Kent County Tourism and Economic Development Offices. Mayor Hutchison stated that the Mayor is responsible for having a strong working relationship with Dover Air Force Base, and that it is critical for the Mayor to be present at each Change of Command. He stressed the importance of meeting, personally, with every new commander of Dover Air Force Base, the Plant Managers of Proctor and Gamble, Kraft Foods, and Playtex.

Mayor Hutchison stated that the Mayor's Office represents the City of Dover, including City Council, city staff, and our citizens. He reminded members that the City acquired $2.5 million for the purchase of the Garrison Farm (381 acres), and explained that these funds were acquired due to the efforts of the Mayor. The City purchased the land at a cost of $5,000 per acre, and the City has leased the land for the past five (5) years generating revenues in the amount of $119,000. Mayor Hutchison advised members that today, this land is valued at $40,000 per acre, which equates to a $15 million asset to the City.

Mayor Hutchison also noted the diversity in the City and the importance of building relationships and partnerships with the entire City, which is accomplished everyday on a full-time basis.

There being no one else present wishing to speak, Council President McGlumphy declared the Public Hearing closed.

Council President McGlumphy noted receipt of a letter received from Mr. Robert Lambert, former member of City Council. He also indicated that Mr. Friedman had submitted written comments (noted above as an attachment) and that additional written comments should be submitted to the City Clerk's Office to be made a part of the record.

Considering that there was only one (1) written testimony received, Mr. Speed suggested that it be read into the record. Mr. Ruane requested that it not be considered a precedent to read written testimony into the record since Council could be inundated with such documents.

Written Testimony - Mr. Robert Lambert
Council President McGlumphy read a letter received from Mr. Robert Lambert, 210 Winterberry Drive, into the record (*Exhibit #2*).

Mr. Ruane moved for adjournment, seconded by Mr. Salters and unanimously carried.

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on February 24, 2004 at 7:00 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Truitt, Mr. Ritter, and Mr. Speed. Mr. Salters, Mr. Ruane, Mr. Pitts, and Mrs. Williams were absent.

AGENDA ADDITIONS/DELETIONS
Mr. Carey moved for approval of the agenda as presented, seconded by Mr. Truitt and unanimously carried.

PUBLIC HEARING - FULL-TIME OR PART-TIME MAYOR FOR THE CITY OF DOVER
Following the Pledge of Allegiance, Council President McGlumphy reminded members that during their Regular Meeting of January 12, 2004, Council set a Public Hearing on the issue of a Full-Time or Part-Time Mayor for the City of Dover (due to inclement weather, the public hearing scheduled for January 27, 2004 was canceled).

Council President McGlumphy read the guidelines and declared the public hearing open.

Mr. James Flood, Sr. - 89 Laurel Drive
Mr. James Flood spoke in favor of a full-time Mayor. He felt that the amount of growth Dover is

experiencing, validates the need for a full-time Mayor. As the state's capital, he felt that Dover should have a Mayor that is constantly on duty and believes that the Mayor's responsibilities could be increased, along with accountability.

Mr. Carey moved for adjournment, seconded by Mr. Speed and unanimously carried.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 26, 2004 at 7:30 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters and Mr. Ruane.

Council staff members present were Lieutenant Boney, Mr. Cooper, Mrs. Mitchell, Mr. Galvin, Deputy Fire Chief Fortney, Mr. DePrima, City Solicitor Rodriguez, and Mrs. Green.

ELECTION RESULTS - 2004 MUNICIPAL ELECTION

Mrs. Green, City Clerk/Alderman, reported the results of the 2004 Municipal Election held on April 20, 2004, as follows:

TOTAL VOTES CAST - 4,666

MAYOR

Robin R. Christiansen	1,069
William H. Daisey	1,018
Kenneth E. Deimler	83
John J. Friedman	539
R. Jefferson Reed	773
Stephen R. Speed	**1,123**
Total Votes Cast for Mayor	4,605
Total Registered Voters	19,443

FIRST DISTRICT COUNCIL (One Year Term)

Kenneth L. Hogan	**1,011**
James P. Webster	453
Total District Votes Cast	1,574
Total Votes Cast for Council	1,464
Total Votes Cast for Mayor	1,562
Total Votes Cast for Question	1,530
Total Registered Voters	6,491

QUESTION ON BALLOT -

THE CITY OF DOVER SHOULD HAVE A:

Full-Time Mayor	**3,185**
Part-Time Mayor	1,285
Total Votes Cast for Question	4,470

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on October 26, 2006, at 7:13 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mr. Jones, Mrs. Malone, Mr. Scheller, and Mrs. Merritt. Dr. Miller was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Scheller and unanimously carried.

DISCUSSION - FORM OF GOVERNMENT - GUEST SPEAKER MR. TOM WONTOREK, CITY MANAGER - CITY OF LEWES, DELAWARE

During their meeting of September 7, 2006, there were no objections from members to grant the request of the City Manager, Mr. DePrima, for members to reconsider the "form of government" and the opportunity to have a guest speaker to provide some perspective on the subject as was discussed during the committee meeting of July 6, 2006.

Mr. DePrima introduced Mr. Thomas Wontorek, City Manager for the City of Lewes, Delaware (*Biography Attached*), who has served as a City Manager for several jurisdictions. He advised members that Mr. Carl Luft, City Manager of Newark, was not able to attend the meeting.

Mr. DePrima briefly reviewed with members his role as the City Manager for the City of Dover. In the City Manager profession, he explained that there is no term of office - "everyday is an election day", because there is an open contract. Typically a City Manager is hired and continues to serve in that capacity until they are dismissed or leave voluntarily.

With regards to the Council relationship, Mr. DePrima stated that he has regular weekly meetings with the Council President and meets with the Standing Committee Chairs once a month (currently only the Legislative, Finance, and Administration and Utility Committee Chairs have elected to do so). There are also meetings held twice each month with the Council President, Mayor, and Chairman of each Standing Committee, that are held specifically to review agendas for their preparation.

Although he does not have regularly scheduled meetings with the Mayor, Mr. DePrima advised members that there is language involving the City=s Budget included in the Mayor=s job description and he recently participated in the department budget meetings and interacted as part of the budget team.

Mr. DePrima stated that when the Mayor and City Manager do interact it is typically to discuss constituent complaints. He explained that people expect to be able to call their Mayor to submit a complaint. The Mayor takes these constituent issues, as do members of City Council, and then discusses them with him for resolution. He also interacts with the Mayor regarding economic development (recruiting), and legislation affecting the City, since the Mayor serves as liaison to legislators. Mr. DePrima stated that during a state of emergency, the Mayor is in charge and that this particular Mayor has been very active in this regard. Therefore, homeland security is another issue that they discuss on a regular basis. He also advised members that the Mayor=s Office is included in the budget and is treated like any other department. Like a department, the Mayor must develop strategic goals, objectives, and programs, which are presented to Council for approval as a part of the annual budget.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 11, 2011 at 6:00 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, Dr. Jones and Mr. Shevock. Members of Council present were Mr. Bonar, Mr. Hutchison, Mr. Lynn, Mrs. Williams, and Council President Leary. Mayor Carey was also present**.**

Discussion - Economic Development Administration by the Mayor

Mr. Anderson submitted a proposal to place the City's Economic Development Office (EDO) under the supervision of the Mayor, rather than the City Manager. He noted that research by the City Clerk's Office has indicated that making this change will require only a motion (not an ordinance). He reminded members that City Council established economic development as a primary duty of the Mayor, rather than the City Manager, and provided a brief history of the organization of the EDO. Mr. Anderson advised members that, in 2004, the constituents and Council voted in favor of a full-time Mayor, based in part on the premise that the Mayor would focus on economic development. He noted that this was formalized in former Mayor Speed's job description, which is still policy under Mayor Carey. Mr. Anderson felt that having the EDO report to the Mayor would formalize the existing relationship, eliminate the possibility of confusion from having two (2) "bosses" when a permanent City Manager is hired, provide the Mayor formal resources to achieve the objective he was given by the Council and voters in the referendum held on April 20, 2004, and provide greater accountability to the voters for results. He also felt that, since the City is in the process of hiring a new City Manager, this would be an opportune time to make such a change.

Mr. Anderson recommended that the EDO be budgeted under the Mayor's Office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and that the Office would make regular reports to City Council on its objectives and progress.

Mr. Hare suggested that such a decision be made after a new City Manager is hired in order to obtain their input on the concept. He felt that Council should refrain from any restructuring until after the hiring of a new City Manager.

Understanding the concern relayed by Mr. Hare, Mr. Anderson stated his opinion that the EDO should have been placed under the Mayor's Office initially. In addition, he stated that making such a change at this time would clarify the selection criteria for the new City Manager, noting that skills in public utilities, management, and administration would be emphasized (rather than economic development) if the restructuring were approved.

For clarification, Mrs. Williams explained that Mr. Anthony DePrima, former City Manager, added the functions of the EDO as an addition to the economic development responsibilities performed by the Mayor. It was her opinion that the City Charter clearly indicates that economic development is a mayoral responsibility. She felt that the previous relocation of the EDO under the City Manager's supervision was an expansion of the purview and staff of the City Manager's Department. Mrs. Williams suggested that the City Charter be reviewed to determine that this change did not

constitute a violation. In addition, she noted that City Council has daunting budget concerns and that there may be a need to eliminate departments that were created within the last few years, including the EDO. She suggested that action be delayed until after Council and the City Solicitor have had an opportunity to review these concerns thoroughly.

Dr. Jones suggested that a new City Manager may be reluctant to willingly relinquish responsibilities that have already been specified as his/her duty. She stated that any necessary changes should be made prior to the hiring of a new City Manager.

Mr. Leary relayed his concerns regarding any reorganization prior to the hiring of a new City Manager. He also indicated his concurrence with Mrs. Williams' suggestion that the City Charter be reviewed by Council and the City Solicitor.

Responding to Dr. Jones, Mr. Leary stated that steps have been taken to begin the process of hiring a City Manager.

Based on the Committee's discussion, Mr. Shevock suggested that this matter be tabled.

With reference to the concerns of members, Mr. Anderson stated that prior to submitting his suggestion, he conducted research. He noted that the City Charter specifically places economic development under the Mayor, rather than the City Manager; therefore, his recommendation is consistent with the Charter and not the City's current practice. He also advised members that the creation of the EDO and budget was not accomplished through an ordinance; therefore, the Office and its budget can be reorganized without an ordinance.

Mr. Hutchison reiterated his opinion that members should delay action until after a new City Manager is hired and provided an opportunity to review the organization of the City with "fresh eyes" and work with City Council on this matter.

Although he had no objection to further research, Mr. Anderson felt that such a change should be made prior to the hiring of a new City Manager.

Mr. Anderson moved to recommend that the Economic Development Office be budgeted under the Mayor's office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and the Office shall make regular reports to City Council on its objectives and progress. The motion failed due to the lack of a second.

Mr. Hare moved to recommend tabling the recommendation that the Economic Development Office (EDO) be budgeted under the Mayor's Office, with the understanding that EDO employees would maintain the rights typical of City departmental employees (not a political appointment), and that the Office would make regular reports to City Council regarding its objectives and progress, for future discussion. The motion was seconded by Dr. Jones and unanimously carried.

The Regular Council Meeting was held on July 25, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Deputy Fire Chief West, Mrs. Tieman, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

Discussion - Economic Development Administration by the Mayor

Mr. Anderson submitted a proposal to place the City's Economic Development Office (EDO) under the supervision of the Mayor, rather than the City Manager. He noted that research by the City Clerk's Office has indicated that making this change will require only a motion (not an ordinance). He reminded members that City Council established economic development as a primary duty of the Mayor, rather than the City Manager, and provided a brief history of the organization of the EDO. Mr. Anderson advised members that, in 2004, the constituents and Council voted in favor of a full-time Mayor, based in part on the premise that the Mayor would focus on economic development. He noted that this was formalized in former Mayor Speed's job description, which is still policy under Mayor Carey. Mr. Anderson felt that having the EDO report to the Mayor would formalize the existing relationship, eliminate the possibility of confusion from having two (2) "bosses" when a permanent City Manager is hired, provide the Mayor formal resources to achieve the objective he was given by the Council and voters in the referendum held on April 20, 2004, and provide greater accountability to the voters for results. He also felt that, since the City is in the process of hiring a new City Manager, this would be an opportune time to make such a change.

Mr. Anderson recommended that the EDO be budgeted under the Mayor's Office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and that the Office would make regular reports to City Council on its objectives and progress.

Mr. Hare suggested that such a decision be made after a new City Manager is hired in order to obtain their input on the concept. He felt that Council should refrain from any restructuring until after the hiring of a new City Manager.

Understanding the concern relayed by Mr. Hare, Mr. Anderson stated his opinion that the EDO should have been placed under the Mayor's Office initially. In addition, he stated that making such a change at this time would clarify the selection criteria for the new City Manager, noting that skills in public utilities, management, and administration would be emphasized (rather than economic development) if the restructuring were approved.

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Dr. Jones suggested that a new City Manager may be reluctant to willingly relinquish responsibilities that have already been specified as his/her duty. She stated that any necessary changes should be made prior to the hiring of a new City Manager.

Mr. Leary relayed his concerns regarding any reorganization prior to the hiring of a new City Manager. He also indicated his concurrence with Mrs. Williams' suggestion that the City Charter be reviewed by Council and the City Solicitor.

Responding to Dr. Jones, Mr. Leary stated that steps have been taken to begin the process of hiring a City Manager.

Based on the Committee's discussion, Mr. Shevock suggested that this matter be tabled.

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Although he had no objection to further research, Mr. Anderson felt that such a change should be made prior to the hiring of a new City Manager.

Mr. Anderson moved to recommend that the Economic Development Office be budgeted under the Mayor's office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and the Office shall make regular reports to

City Council on its objectives and progress. The motion failed due to the lack of a second.

The Committee recommended tabling the recommendation that the Economic Development Office (EDO) be budgeted under the Mayor's Office, with the understanding that EDO employees would maintain the rights typical of City departmental employees (not a political appointment), and that the Office would make regular reports to City Council regarding its objectives and progress, for future discussion.

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

Public Comment Period

There was no one present wishing to speak during the public comment period.

By consent agenda, Mr. Bonar moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote.

History of the Relationship of the Mayor and Police Department

Legislative History

1920 - 1928 Minutes reflect that the Chief of Police was elected by members of Town of Dover Council.

3/29/1929 House Bill No. 249 was adopted which changed the name of the "Town of Dover" to "The City of Dover. The new charter for the City established the office of Mayor, set forth the duties of this office, as follows:

SECTION 53: POLICE: There shall be a City police force, the number thereof and their salaries shall be determined by the Council but they shall be chosen and appointed by the Mayor. The Mayor is hereby vested with all the powers of a conservator of the peace within the City limits. The members of the police force shall be subject to his direction and orders and may be removed by him at any time. They shall preserve peace and order, and compel obedience within the City limits to the ordinances of the City and the laws of the State. They shall have such other duties as the Council and or the Mayor shall prescribe.

07/12/2005 Senate Bill No. 126 - An Act to Reincorporate the City of Dover, as Amended was approved with some changes to this section:

Sec. 53. Police; mayor to be conservator of peace.

There shall be a city police force, the number thereof and their salaries shall be determined by the council, but they shall be chosen and appointed by the mayor. The mayor is hereby vested with all the powers of a conservator of the peace within the city limits. The Mayor shall appoint a Chief of Police subject to removal at any time by the Mayor in accordance with applicable laws. The members of the police force shall be subject to his/her direction and orders delivered through the proper chain of command and in accordance with applicable laws and ordinances. They shall preserve peace and order, and compel obedience within the city limits to the ordinances of the city and the laws of the state. They shall have such other duties as the council and the mayor shall prescribe by ordinance.

History in City Council Minutes

It is difficult to research the history of the relationship between the Mayor and Police Department in the Council minutes due to the volume of the records and the number of interactions between the Mayor and the Department; however, this matter was part of the discussions that took place beginning in 1989 regarding whether the Mayor's position should be part or full time. This information can be viewed in "History of the Office of Mayor - Part-Time Versus Full-Time."

Appointment/Oversight of the Chief of Police in Various Council-Manager Municipalities

Staff has conducted research regarding the appointment/oversight of the chief of police in various municipalities which have a Council-Manager form of government. The following information indicates whether the chief of police is under the direction of the Council, Manager, or Mayor for each municipality. This information includes Council-Manager municipalities which were compiled utilizing: 1) "The Form of Government in the Thirty Most Populous Cities," issued by the National League of Cities; 2) research of the codes and charters of municipalities within the states of Delaware, Maryland, and Virginia; and 3) information provided by municipalities within the State of Delaware.

COUNCIL	**MANAGER** (including direct report to Deputy or Assistant)	**MAYOR**
Elsmere, DE	Austin, TX	Dagsboro, DE*
Milford, DE	Charlotte, NC	
Woodstock, VA	Charlottesville, VA	
	Covington, VA	
	Dallas, TX	
	Delaware City, DE	
	El Paso, TX	
	Fredericksburg, VA	
	Fort Worth, TX	
	Harrisonburg, VA	
	Las Vegas, NV	
	Lewes, DE	
	Manassas Park, VA	
	Newark, DE	
	Norfolk, VA	
	Phoenix, AZ	
	Purcellville, VA	
	Rehoboth Beach, DE	
	San Antonio, TX	
	San Jose, CA	

COUNCIL	MANAGER (including direct report to Deputy or Assistant)	MAYOR
	Smithfield, VA	

* Section 21 (A) of the Dagsboro, DE Charter states: The Chief of Police shall be appointed by the Mayor at the Annual Meeting for a term of one (1) year or until his successor shall be appointed, by and with the advice and consent of a majority of all the elected members of the Town Council and at such compensation as shall be determined by the Town Council.

The following information from Ocean City, MD does not fit into any of the above categories, but is provided as an example of an alternative structure.

Ocean City: Council-Manager form of government

§ C-413. Powers and duties of Mayor.

1. The Chief of Police shall be appointed by a majority of votes of the Mayor and City Council with each Council member and the Mayor having one (1) vote. A commission consisting of four (4) members, one (1) of which shall be the Mayor, who is to be a permanent member of the commission and not subject to removal from the commission, and three (3) members taken from the membership of the City Council shall advise the administration of the Police Department, with all matters being resolved by a majority vote of the commission. The three (3) members of the commission taken from the membership of the City Council shall be appointed by the Mayor with the approval by the City Council members and shall serve at the pleasure of the City Council. The four-member commission shall be known as the "Ocean City Police Commission." The Mayor shall be the chief representative of the Town before all State, Federal and other local governmental bodies. The Mayor shall act as the City Manager of the Town during the pendency of any vacancy in the position of the City Manager and during such time shall be the chief administrative and financial officer of the Town. Upon confirmation by the Council, the Mayor shall appoint members to all city boards, commissions and committees. The powers and duties of the Mayor shall not be diminished without being submitted to a referendum of the voters.

/dd

NATIONAL LEAGUE of CITIES

Forms of Municipal Government

A municipal charter is the legal document that defines the organization, powers, functions, and essential procedures of the city government. The charter also details the form of municipal government, of which there are historically five forms: council-manager, mayor-council, commission, town meeting and representative town meeting.

Council-Manager

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; Salt Lake City, Utah and Rockville, Maryland.

Mayor-Council

Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the municipal charter, the mayor could have weak or strong powers
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority

Occuring in 34% of cities surveyed by International City/County Management Association (ICMA), this is the second most common form of government. It is found mostly in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; and Minneapolis, Minnesota.

Commission

Characteristics include:

- Voters elect individual commissioners to a small governing board
- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
- One commissioner is designated as chairman or mayor, who presides over meetings
- The commission has both legislative and executive functions

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. It typically occurs in cities with populations below 100,000, such as Sunrise, Florida and Fairview, Tennessee.

Town Meeting

Characteristics include:

- All voters meet to decide basic policy and elect officials to carry out those policies

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only 5% of municipalities.

Town meeting government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- Voters select a large number of citizens to represent them at town meetings, where only they can vote
- Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed
- The selectmen are responsible for implementing policy

This form of government is found in fewer than 1% of cities, almost exclusively in small, New England municipalities, such as Bowdoin, Maine and Lexington, Massachusetts.

Current Trends

Recent examinations of government structure indicate that these forms of government are less distinct that they once were. This is due, in part, to the common practice of incorporating structural features from other forms into one's current form. This mixing is also attributed to local responses to socioeconomic, demographic, and political changes. The most common mixing occurs across the two most prevalent forms, mayor-council and the council-manager. Among all cities proposing a change to their structure of government, the most common proposal was to add the position of chief administration officer/city manager. This professionalization of government administration also had the highest percentage of voter approval. Among other proposed changes, 50% or more respondents of ICMA's 2006 survey reported voter approval to increase or decrease the number of council members, to modify the method of electing the mayor and to decrease the power or authority of the mayor.

The Form of Government in the Thirty Most Populous Cities

Listed below is the form of government for the thirty most populous cities in the United States, based on the 2010 U.S. Census figures. The forms of government are informed by the member database at the National League of Cities.

Rank	City Name	State	Form Of Government
1	New York	NY	Mayor-Council
2	Los Angeles	CA	Mayor-Council
3	Chicago	IL	Mayor-Council
4	Houston	TX	Mayor-Council
5	Philadelphia	PA	Mayor-Council
6	Phoenix	AZ	**Council-Manager**
7	San Antonio	TX	**Council-Manager**
8	San Diego	CA	Mayor-Council
9	Dallas	TX	**Council-Manager**
10	San Jose	CA	**Council-Manager**
11	Indianapolis	IN	Mayor-Council
12	Jacksonville	FL	Mayor-Council
13	San Francisco	CA	Mayor-Council
14	Austin	TX	**Council-Manager**
15	Columbus	OH	Mayor-Council
16	Fort Worth	TX	**Council-Manager**
17	Louisville-Jefferson County	KY	Mayor-Council
18	Charlotte	NC	**Council-Manager**
19	Detroit	MI	Mayor-Council
20	El Paso	TX	**Council-Manager**
21	Memphis	TN	Mayor-Council
22	Nashville-Davidson	TN	Mayor-Council
23	Baltimore	MD	Mayor-Council
24	Boston	MA	Mayor-Council
25	Seattle	WA	Mayor-Council
26	Washington	DC	Mayor-Council
27	Denver	CO	Mayor-Council
28	Milwaukee	WI	Mayor-Council
29	Portland	OR	Commission
30	Las Vegas	NV	**Council-Manager**

Sources

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DeSantis,Victor S. and Tari Renner. "City Government Structures: an Attempt at Classification." *State and Local Government Review*, 34(2) (Spring 2002).

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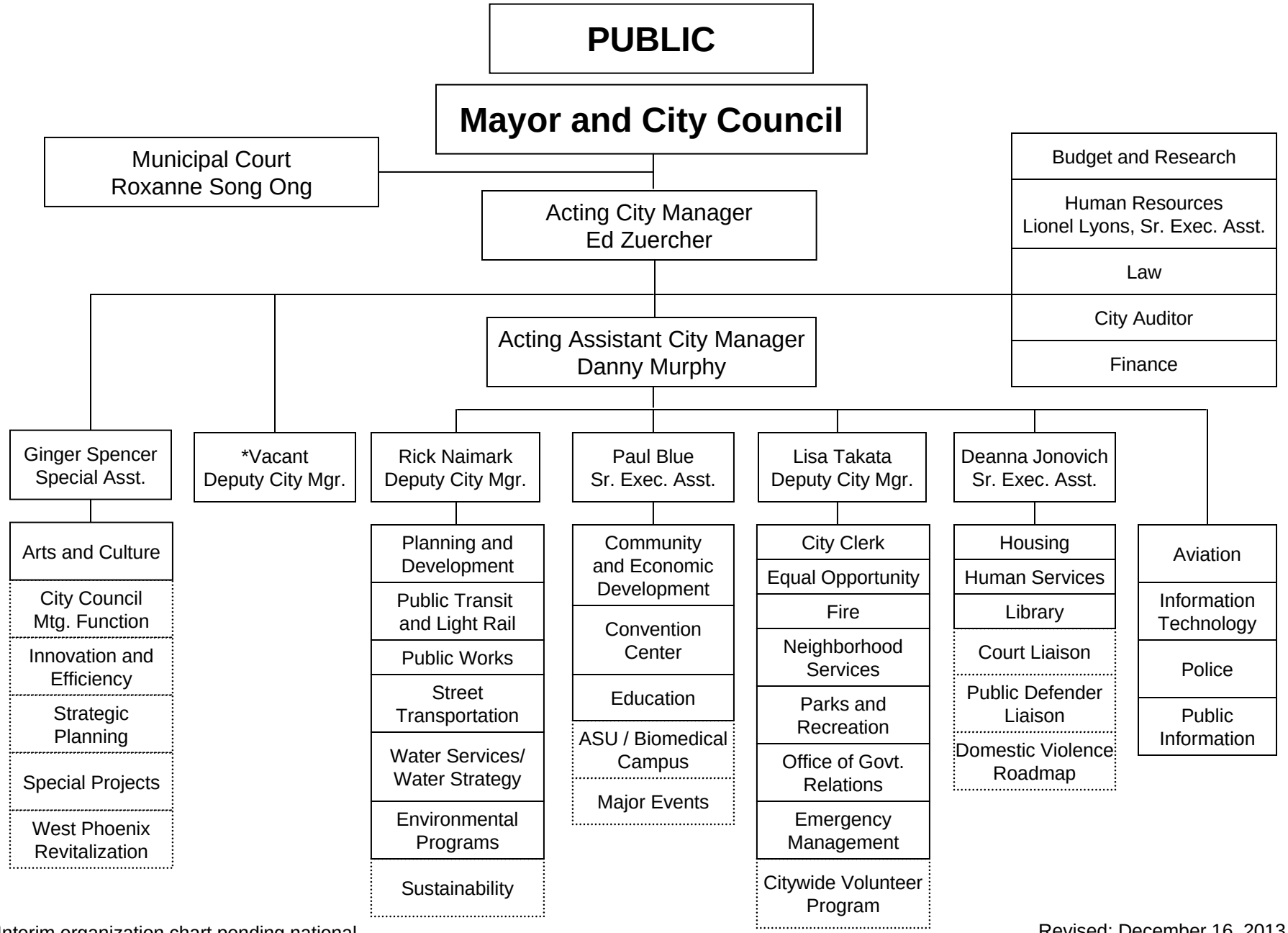
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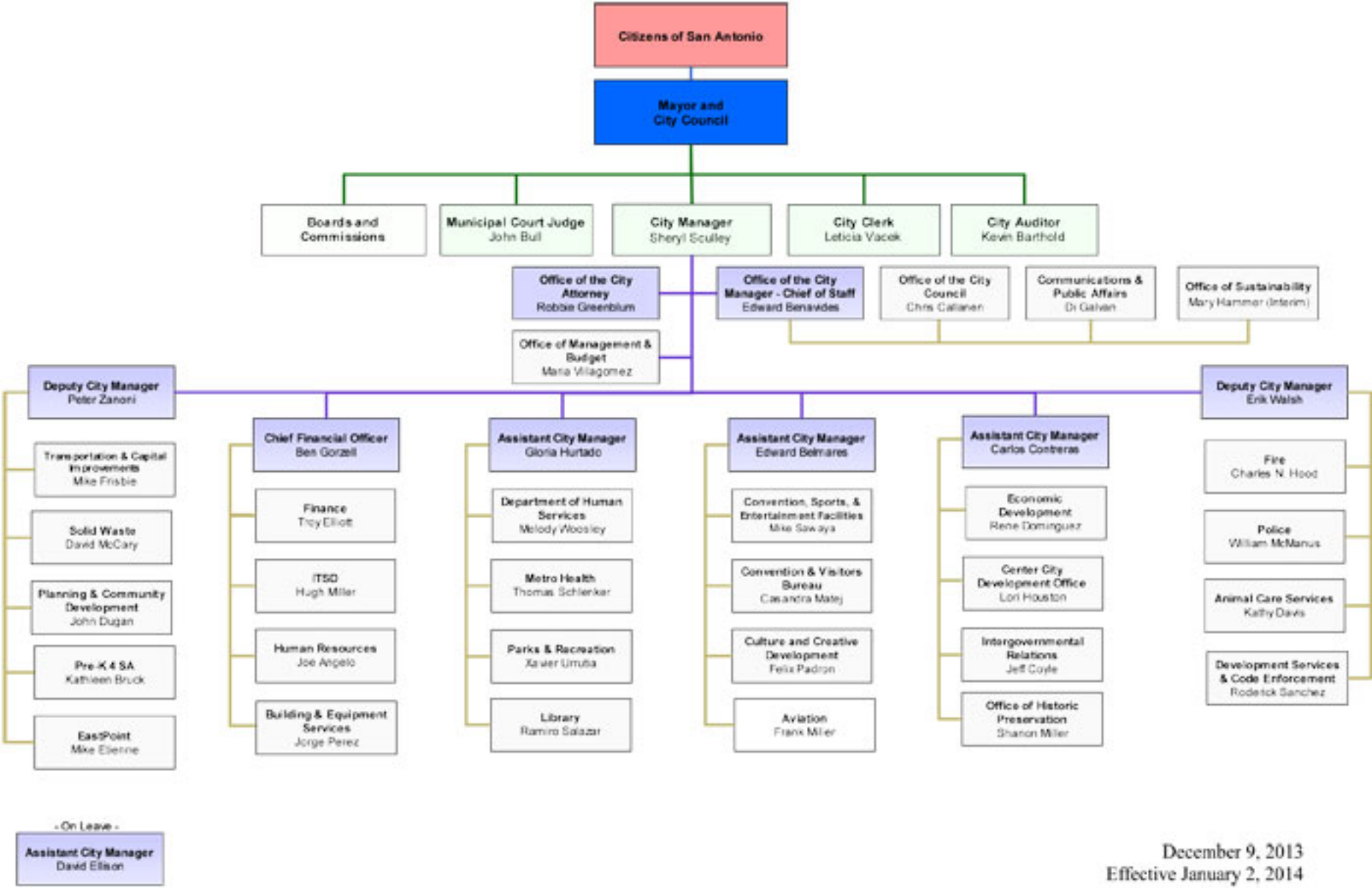
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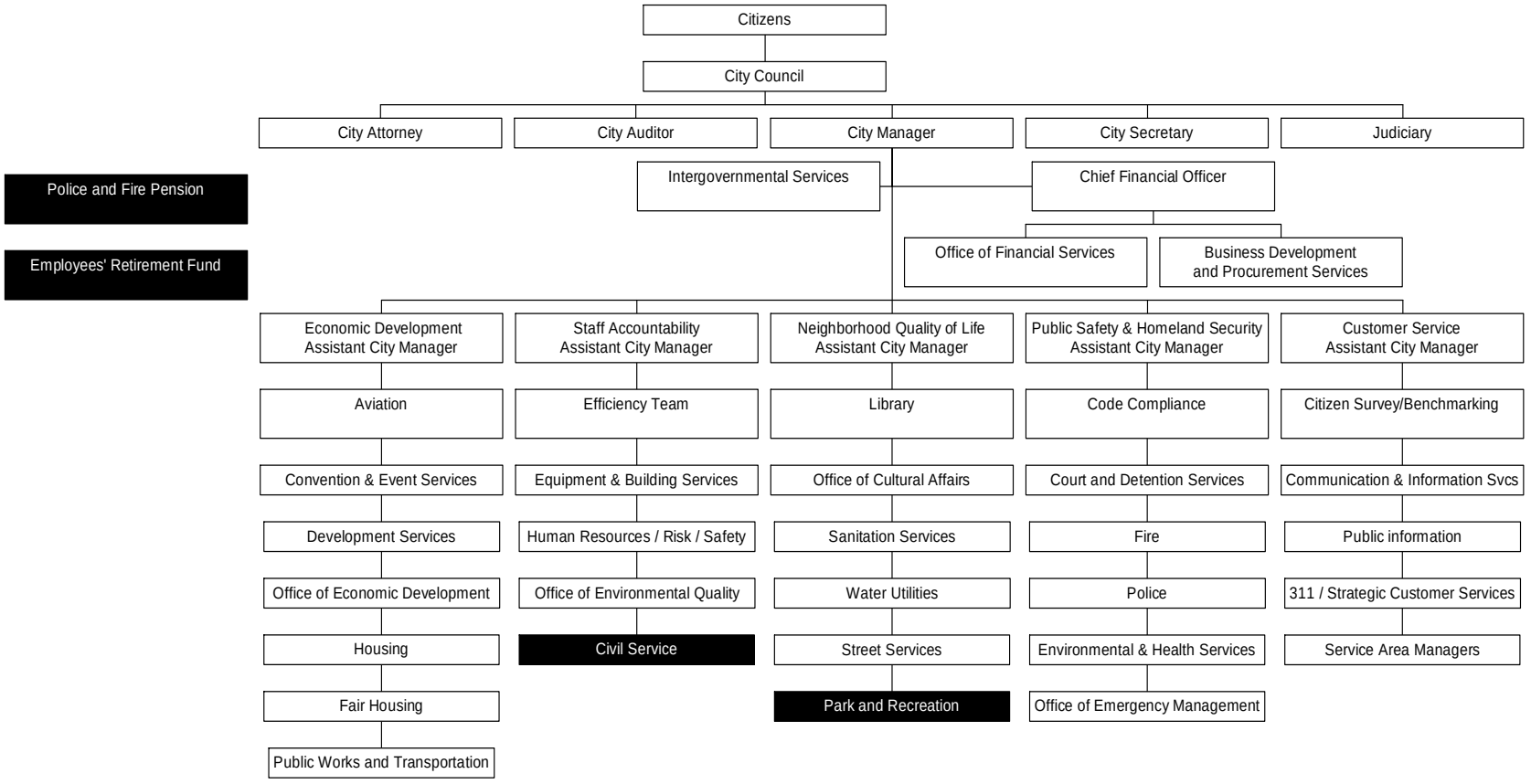
*Interim organization chart pending national recruitment for City Manager and Deputy City Manager.

Revised: December 16, 2013
Effective: December 19, 2013



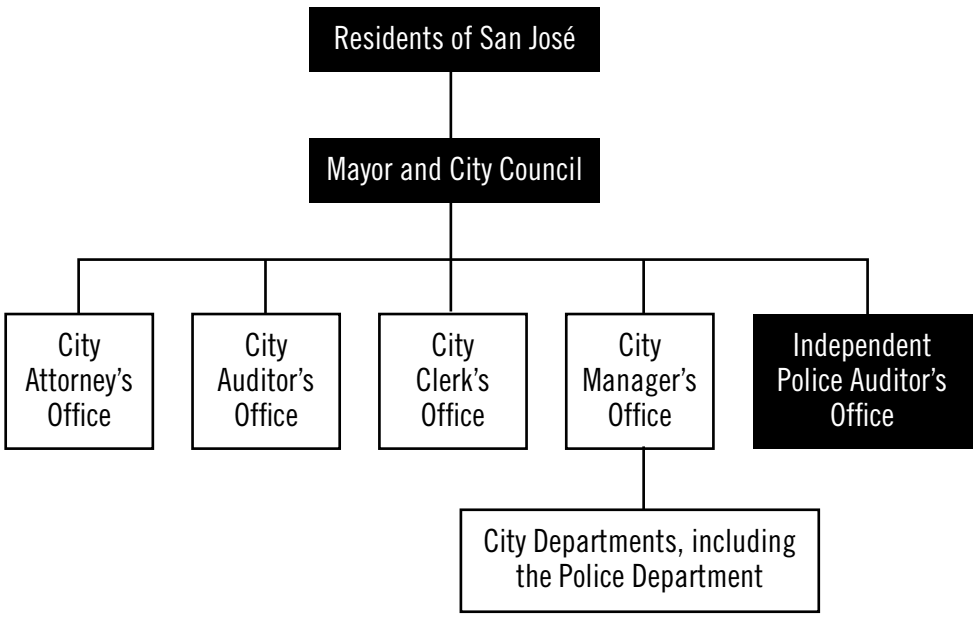
December 9, 2013
Effective January 2, 2014

FY 2005-06 CITY OF DALLAS ORGANIZATIONAL CHART



NOTE: Shading indicates Liaison Relationship

City of San José Organizational Chart



City of Austin, Texas

Austin Residents

Mayor and City Council

City Manager
Marc A. Ott
512-974-2200

City Auditor
Kenneth Mory
512-974-2805

City Clerk
Jannette Goodall
512-974-2210

Municipal Court
Rebecca Stark
Court Clerk, 512-974-4692

Municipal Court Judge
Evelyn J. McKee, Presiding Judge
512-974-4842

Austin Energy
Larry Weis
General Manager
322-6002

Financial Services
Elaine Hart
Chief Financial Officer
974-3344

Law Department
Karen Kennard, City Attorney
974-2268

Office of Police Monitor
Margo Frasier, Police Monitor
974-9090

Assistant to the City Manager
Ray Baray
974-2200

ACAP Coordinator
Valerie Harris
512-974-3297

Agenda Office
Leander Davila
974-2306

Administrative Services

Assistant City Manager
Anthony Snipes
512-974-7906

Austin Convention Center
Mark Tester, Director
512-404-4000

Communications & Technology Mgt
Stephen Elkins, Chief Information Officer, 512-974-7702

Contract Management Department
Rosie Truelove, Director
512-974-7141

Human Resources
Mark Washington, Director
512-974-3202

Labor Relations Office
Deven Desai, Officer
512-974-2777

Staff Liaison: City Auditor, ACVB, CFO

Development Services

Assistant City Manager
Sue Edwards
512-974-7906

Aviation Department
Jim Smith, Executive Director
512-530-7518

Economic Development Department
Kevin Johns, Director
512-974-7819

Office of Real Estate Services
Lauraine Rizer, Officer
512-974-7078

Planning and Development Review Department
Greg Guernsey, Director
512-974-2387

Sustainability Office
Lucia Athens, Officer
512-974-7902

Watershed Protection Department
Victoria Li, Director
512-974-2339

Infrastructure Services

Assistant City Manager
Robert Goode
512-974-7717

Austin Resource Recovery
Robert Gedert, Director
512-974-1987

Austin Water Utility
Greg Meszaros, Director
512-972-0108

Capital Planning Office
Mike Trimble, Officer
512-974-3344

Public Works Department
Howard Lazarus, Director
512-974-7065

Transportation Department
Robert Spillar, Director
512-974-7092

Staff Liaison: Austin Energy

Community Services

Assistant City Manager
Bert Lumbreras
512-974-7717

Animal Services Office
Abigail Smith, Officer
512-978-0536

Health and Human Services Department/Medical Director
Carlos Rivera, Director
512-972-5010

Library Department
Brenda Branch, Director
512-974-7444

Neighborhood Housing and Community Development
Betsy Spencer, Director
512-974-3100

Parks and Recreation Department
Sara Hensley, Director
512-974-6717

Staff Liaison: City Clerk

Public Safety

Deputy City Manager
Michael McDonald
512-974-2307

Code Compliance Department
Carl Smart, Director
512- 974-1970

Community Court
Pete Valdez, Court Administrator
512-974-4873

Emergency Medical Services Department
Ernesto Rodriguez, Director
512-972-7203

Fire Department
Rhoda Mae Kerr, Chief
512-974-0130

Office of Homeland Security and Emergency Management
Otis Latin, Director
512-974-0450

Office of Medical Director
Paul Hinchey, Director
512-978-0003

Police Department
Art Acevedo, Chief
512-974-5030

Staff Liaison: Municipal Court, Municipal Court Judges and Police Monitor

Support Services

Assistant City Manager
Rey Arellano
512-974-6339

Building Services
Eric Stockton, Officer
512-974-7948

Communications & Public Information Office
Doug Matthews, Director
512-974-2220

Fleet Services
Gerry Calk, Officer
512-974-3202

Government Relations
John Hrncir, Officer
512-974-2246

Small & Minority Business Resources Dept.
Veronica Lara, Director
512-974-7600

Telecommunications & Regulatory Affairs
Rondella Hawkins, Officer
512-974-2999

Last updated 9/30/2013

CITIZENS OF FORT WORTH

MAYOR AND COUNCIL
$1,282,000 6.00 A.P.

CITY ATTORNEY
$5,979,860 53.00 A.P.

CABLE COMMUNICATIONS
$386,236 3.00 A.P.

CITY MANAGER
$1,177,379 3.00 A.P.

CITY SECRETARY
$1,056,787 11.50 A.P.

INTERNAL AUDIT
$2,183,034 14.00 A.P.

Management Services (D)

- **BUDGET AND RESEARCH**
  $1,036,508 9.00 A.P.
- **HUMAN RELATIONS COMMISSION**
  $812,021 5.55 A.P.
- **INFORMATION TECHNOLOGY SOLUTIONS**
  $22,999,543 120.00 A.P.
- **NON-DEPARTMENTAL**
  $54,753,132 0.00 A.P.
- **FINANCIAL MANAGEMENT SERVICES**
  $7,634,301 65.00 A.P.
  Risk Management
  $7,403,937 7.00 A.P.
  Debt Service Fund
  $65,431,892 0.00 A.P.
- **OFFICE SERVICES**
  $1,352,771 9.00 A.P.
- **HUMAN RESOURCES**
  $3,531,435 34.25 A.P.
  Group Health Fund
  $84,649,053 10.00 A.P.
  Unemployment
  $705,876 0.20 A.P.
  Worker's Compensation
  $11,580,505 6.35 A.P.
- **TEMPORARY LABOR**
  $1,056,732 1.20 A.P.

Community Development Services (C) (D)

- **CULTURE & TOURISM**
  $29,729,447 126.00 A.P.
- **EQUIPMENT SERVICES**
  $25,019,050 123.00 A.P.
- **HOUSING & ECONOMIC DEVELOPMENT**
  $6,168,921 19.90 A.P.
- **LIBRARY**
  $18,904,930 205.50 A.P.
- **PARKS AND COMMUNITY SERVICES**
  $38,617,817 329.10 A.P.
- **MUNICIPAL GOLF**
  $5,687,673 47.65 A.P.

Infrastructure Services (B) (E)

- **AVIATION**
  $5,598,784 24.00 A.P.
- **PLANNING AND DEVELOPMENT**
  $11,546,420 147.00 A.P.
- **WATER AND SEWER**
  $353,037,854 932.00 A.P.
- **LAKE WORTH TRUST**
  $676,280 0.00 A.P.
- **TRANSPORTATION & PUBLIC WORKS**
  $52,612,739 320.50 A.P.
- **CAPITAL PROJECTS SERVICE FUND (PMO)**
  $14,621,006 145.00 A.P.
- **ENVIRONMENTAL PROTECTION FUND**
  $4,140,207 22.50 A.P.
- **MUNICIPAL PARKING**
  $7,539,894 6.00 A.P.
- **RED LIGHT ENFORCEMENT**
  $5,786,012 4.00 A.P.
- **STORM WATER UTILITY**
  $28,065,024 102.75 A.P.

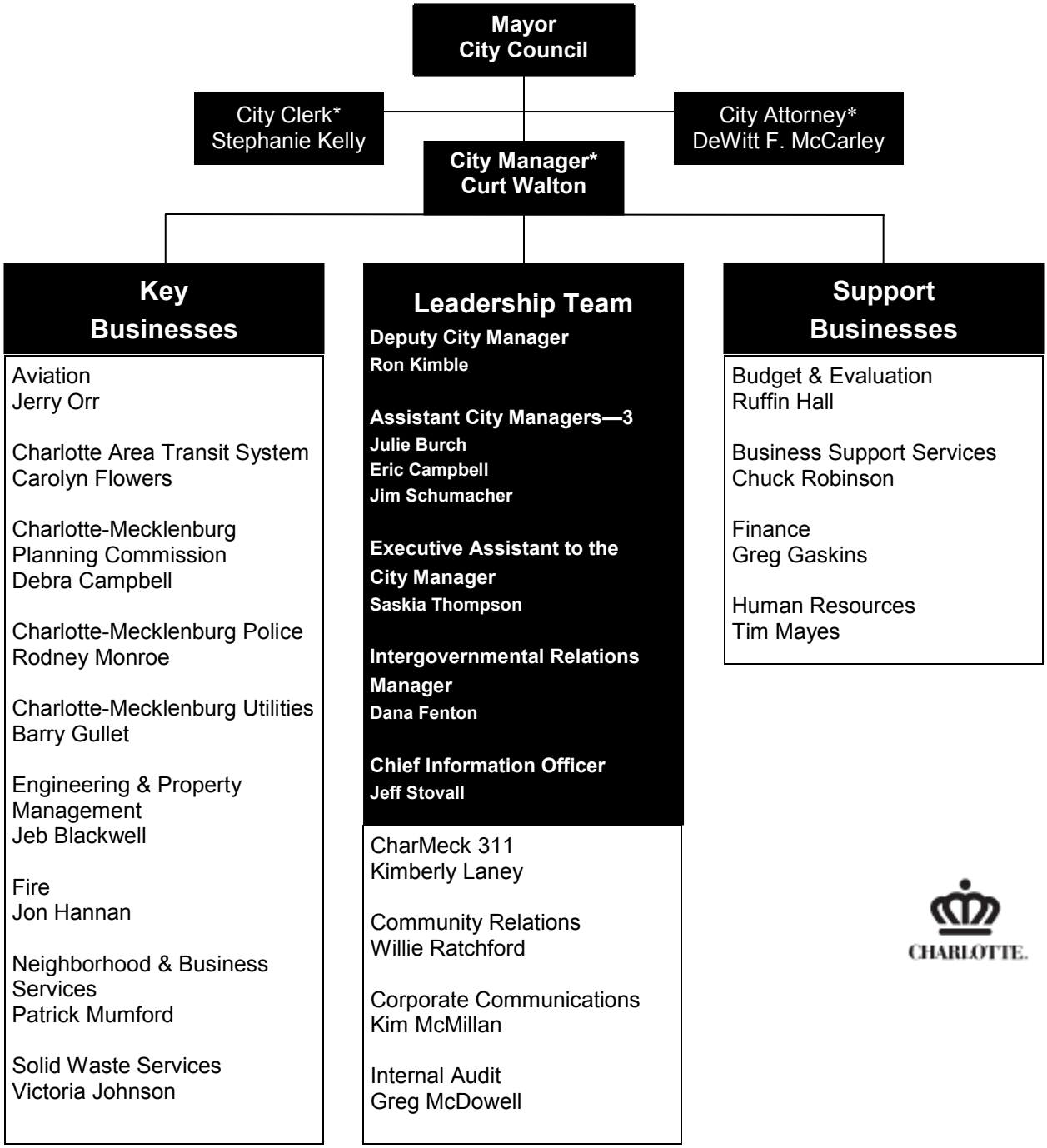
Public Safety Services (A) (C) (D)

- **CITY MANAGER'S OFFICE ADMINISTRATION**
  $2,003,798 13.00 A.P.
- **FIRE**
  $111,777,471 950.00 A.P.
- **MUNICIPAL COURTS**
  $14,802,316 201.50 A.P.
- **CODE COMPLIANCE**
  $14,247,221 176.00 A.P.
- **SOLID WASTE**
  $50,783,581 73.00 A.P.
- **POLICE**
  $181,241,835 1,732.00 A.P.
  Federal Awarded Assets
  $1,799,200 0.00 A.P.
  State Awarded Assets
  $742,856 0.00 A.P.
- **CRIME CONTROL & PREVENTION DISTRICT**
  $47,434,839 254.00 A.P.

(A) Make Fort Worth the nation's safest major city
(B) Improve mobility and air quality
(C) Create and maintain a clean, attractive city
(D) Strengthen the economic base, develop the future workforce, and create quality job opportunities
(E) Promote orderly and sustainable development

- ELECTED OFFICIAL
- APPOINTED BY CITY COUNCIL
- GOVERNMENTAL FUNCTIONS
- DEPARTMENTS/FUNDS

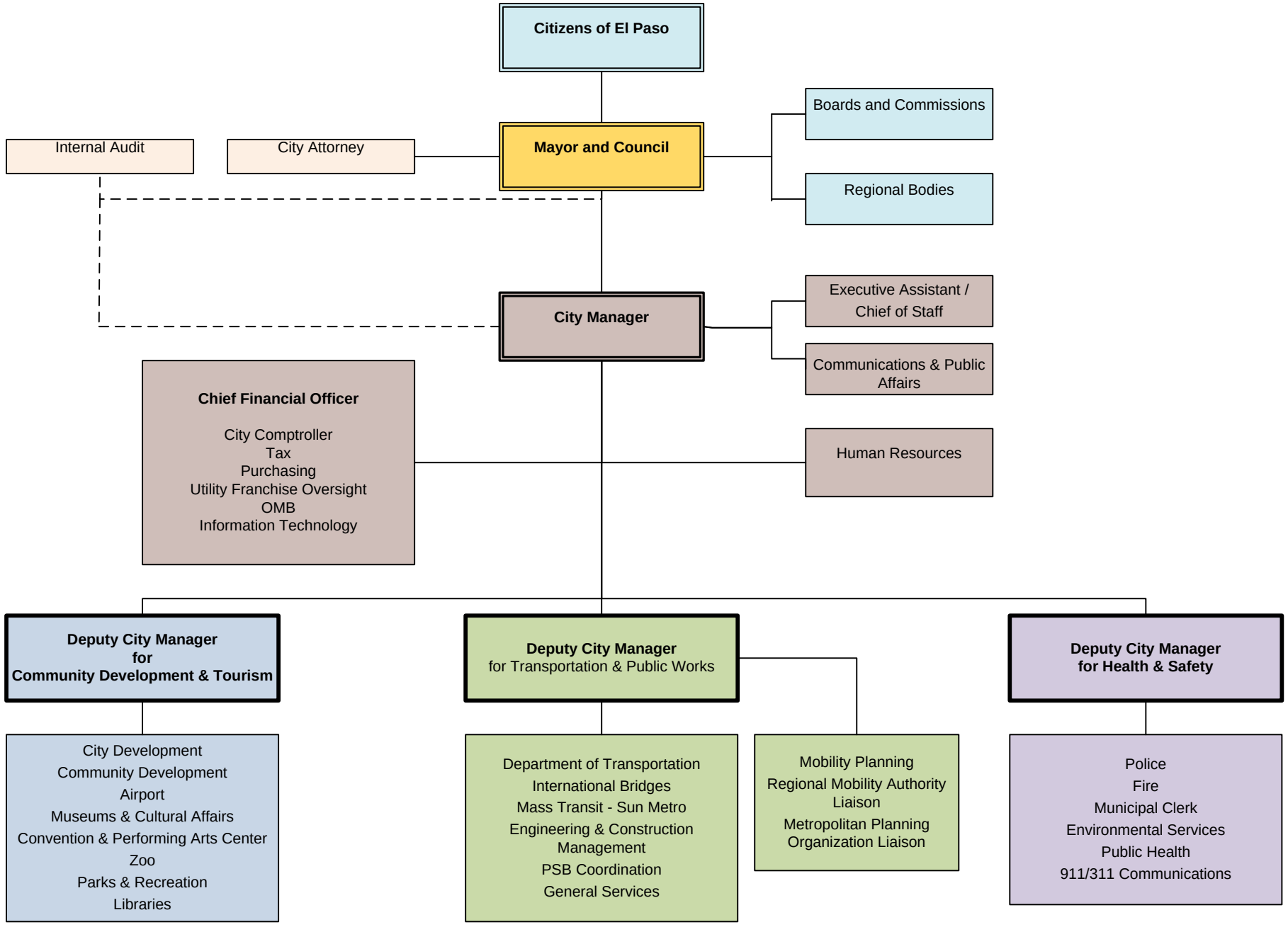
City of Charlotte
Organizational Chart



CHARLOTTE.

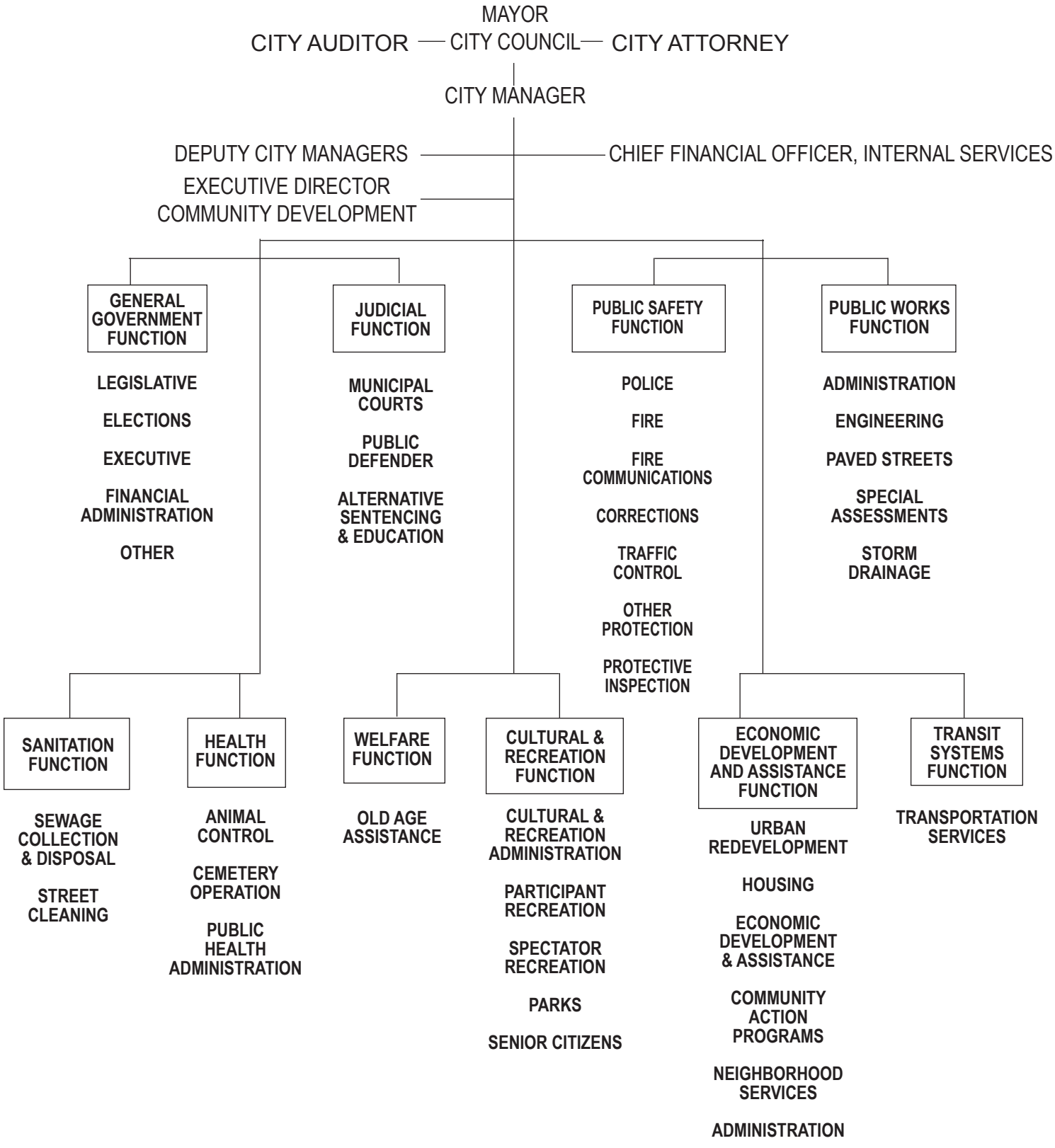
* Council Appointed

City of El Paso
Organizational Structure
as of January 2013



CITY OF LAS VEGAS

TABLE OF ORGANIZATION
BY FUNCTION AND ACTIVITY



REV. January 2013

ACTION FORM

PROCEEDING: Legislative, Finance & Administrative Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 04/21/14
PREPARED BY: Donna Mitchell, Controller/Treasurer & Ann Marie Townshend, City Planner
SUBJECT: Recommended Planning & Inspection Fee Increases effective July 1, 2014
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: Committee/Council
EXHIBITS: Schedule of Planning & Inspection Fees
EXPENDITURE REQUIRED: **$0** **AMOUNT BUDGETED**: $0 **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: Effective July 1, 2014
RECOMMENDED ACTION: Staff recommends approval of the recommended Planning & Inspection Fee increases to become effective July 1, 2014.

BACKGROUND

During the Council workshop held on March 31, 2014, staff presented to City Council members planning and inspection fees that were recently reviewed and are being recommended for increase this next fiscal year. A schedule of the applicable fees and permits is attached for reference. The estimated budget impact of these fee increases are as follows:

Planning & Inspections	
Recommended Fee Increases - FY15	
Estimated Revenue Increase	
Planning Application Fees	$10,000
Zoning Verification Letter	5,000
Public Occupancy Increase	10,000
Certificates of Occupancy	3,380
Mechanical	23,450
Plumbing	13,000
Rental Permits	79,245
Sign Permits	8,350
Itinerant Merchant Licenses	2,000
Budget Impact	$154,425

Schedule of Planning & Inspections – Fees and Permits

Type	Sub Type	Last Updated	Current Fee	Proposed Fee
Sign Permits (22-65)		2004	$.50 per SF/minimum fee $15	$.75 per SF/minimum fee $40
Temporary Sign Permits (Appendix B, Article 5)		2004	$15.00	$30.00
Mechanical	Heating permit	2004	$30.00 first 10,000 BTUs and $5.00 each additional 10,000 BTUs or multiple thereof	$40.00 first 10,000 BTUs and $7.00 each additional 10,000 BTUs or multiple thereof
Mechanical	Air conditioning permit	2004	$30.00 per ton for the first five tons and $5.00 per ton over five tons or multiple thereof	$40.00 per ton for the first five tons and $7.00 per ton over five tons or multiple thereof
Mechanical	Heat pump permit	2004	$15.00 first 10,000 BTUs and $5.00 each additional 10,000 BTUs or multiple thereof and $2.50 for each additional 10,000 BTUs or multiple thereof and an additional $15.00 for the first five tons and $2.50 per ton for over five tons or multiple thereof	$40.00 first 10,000 BTUs and $7.00 each additional 10,000 BTUs or multiple thereof or $40.00 per ton for the first five tons and $7.00 per ton over five tons or multiple thereof
Plumbing	Fixtures	2004	$25.00 first five fixtures and $2.00 for each additional fixture	$35.00 first five fixtures and $3.00 for each additional fixture
Plumbing	Garbage Disposal & Hot Water Heaters	2004	Minimum of $25	Minimum of $35
Plumbing	Gas, water and sewer inspection underground	2004	$20.00 for first 150 feet and $0.50 for each additional ten feet or multiple thereof	$30.00 for first 150 feet and $0.75 for each additional ten feet or multiple thereof
Rental Permits	Single-family detached dwelling, each dwelling	2000	$90.00	$100.00
Rental Permits	Single-family attached dwelling, each dwelling	2000	$70.00	$80.00
Rental Permits	For the first three dwelling units	2000	$90.00	$100.00
Rental Permits	For each additional dwelling unit in excess of three	2000	$30.00	$35.00
Rental Permits	Condominium units and accessory apartments located within structures principally used for owner occupancy, each	2000	$30.00	$35.00
Business License	Itinerant Merchant License	2010	$41.50	$50.00
Public Occupancy Permits	Churches	1993	$25.00	$50.00
Public Occupancy Permits	Civic auditoriums	1993	$25.00	$50.00
Public Occupancy Permits	Clubhouses	1993	$50.00	$75.00
Public Occupancy Permits	Commercial auditoriums	1993	$25.00 first 200 seats and $2.50 for each additional 50 seats	$50.00 first 200 seats and $4.00 for each additional 50 seats
Public Occupancy Permits	Day care facilities	1993	$25.00	$50.00
Public Occupancy Permits	Hospitals, nursing homes or rest homes	1993	$5.00 first ten rooms and $1.25 for each additional room	$15.00 first ten rooms and $2.00 for each additional room
Public Occupancy Permits	Mercantile (10,000 square feet of area or greater)	1993	$25.00	$50.00
Public Occupancy Permits	Outdoor public events, including but not limited to firework displays, carnivals, and outdoor music concerts	1993	$25.00	$100.00
Public Occupancy Permits	Public office buildings	1993	$25.00	$50.00
Public Occupancy Permits	School	1993	$25.00	$50.00
Public Occupancy Permits	Theaters	1993	$25.00 for the first 200 seats and $2.00 for each additional seat	$50.00 for the first 200 seats and $3.00 for each additional seat
Public Occupancy Permits	Restaurants (10,000 square feet of area or greater).....	N/A	N/A	$50.00
Public Occupancy Permits	Restaurants of any size that serve alcoholic beverages	N/A	N/A	$75.00
Subdivision	Pre-application; filing fee	2004	$200.00	No change
Subdivision	Preliminary layout; filing fee	2004	$325.00	No change
Subdivision	Plat; review fee	2004	$150.00, plus $65.00 per acre for the first ten acres, $40.00 per acre for the next ten acres and $25.00 per acre for each acre thereafter	$200.00, plus $85.00 per acre for the first ten acres, $60.00 per acre for the next ten acres and $45.00 per acre for each acre thereafter
Subdivision	Minor Lot Line Adjustment	2004	Plats for minor lot line adjustments shall require a review fee of $100.00	$150.00
Subdivision	Minor Subdivision	2004	Plats for minor subdivisions shall require a review fee of $100.00	$150 plus $15 per lot
Certificates of occupancy	All properties zoned single-family residential	2004	$40.00	$60.00
Certificates of occupancy	All other property in other zoning classifications, other than single-family residential	2004	$40.00 for the first 20,000 square feet of building area plus the sum of $10.00 for each additional 10,000 square feet of building area in excess of the first 20,000 square feet or multiple thereof	$75.00 for the first 20,000 square feet of building area plus the sum of $25.00 for each additional 10,000 square feet of building area in excess of the first 20,000 square feet or multiple thereof
Certificates of occupancy	Temporary Certificate of Occupancy for any zoning classification	N/A	N/A	$50.00
Zoning Verification/Administrative Interpretations		N/A	N/A	$50.00
Board of Adjustment	Variance for Residential	2004	$200.00	$300.00
Board of Adjustment	Variance for Non-Residential	2004	$300.00	$600.00
Board of Adjustment	Appeal	2004	$200.00	$250.00
Conditional Use		2004	$325 plus $15 per acre	$425 plus $25 per acre
Site Plan	Administrative Site Plans	2004	$125.00	$200.00
Site Plan	Site Plan	2004	$325.00	$425 plus $25 per acre
Historic District Comm.		2004	$250.00	No change
Rezoning		2004	$325 plus per acre fee	$425 plus per acre fee
Rezoning	R-7, R-8, R-10, R-15, and R-20	2004	$10 per acre	$25 per acre
Rezoning	RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, and RM-2	2004	$30 per acre	$50 per acre
Rezoning	C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO	2004	$50 per acre	$70 per acre
Rezoning	SC-1, SC-2 and SC-3	2004	$60 per acre	$75 per acre
Rezoning	M and IPM	2004	$60 per acre	$75 per acre

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: City Manager's Office	**DATE SUBMITTED**: 04-21-2014
PREPARED BY: Scott D. Koenig, P.E., City Manager	
SUBJECT: Request for an Assistant City Manager Position	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: Exhibit A – Assistant City Manager Job Description	
EXPENDITURE REQUIRED: **$105,189 - $122,032 plus benefits** **AMOUNT BUDGETED: Same** **FUNDING SOURCE (Dept./Page in CIP & Budget)**: FY-2015 City Manager's Budget	
TIMETABLE: Position to be filled after the adoption of the FY-2015 Operating Budget.	
RECOMMENDED ACTION: Authorize the City Manager to include one (1) Assistant City Manager position in the FY-2015 budget request for the City Manager's Office.	

BACKGROUND AND ANALYSIS

During the City Manager's evaluation last fall, City Council indicated that the City Manager's office needs additional staff to improve response times to various inquires and concerns. As a result of these comments, the City Manager was directed to evaluate various positions to improve the overall function of the office. Two (2) position descriptions were reviewed – an Executive Assistant for the City Manager and an Assistant City Manager.

Based on the long-term needs of the City, the City Manager is recommending the inclusion of an Assistant City Manager position in the FY-2015 budget. This position, rather than an Executive Assistant for the City Manager, will provide greater assistance with respect to the needs of the City Manager's Office as well as the citizens of the City. The Assistant City Manager position would also provide more value in the area of succession planning for the upper level of the organization. A copy of the job description for the Assistant City Manager is attached as Exhibit A. The position is valued as a Grade 136 with a market salary range of $105,189 - $122,032.

Due to the city's budget constraints, the City Manager is recommending including this position request as part of the FY-2015 Operating Budget rather than authorizing an immediate recruitment.

CITY OF DOVER
POSITION DESCRIPTION

TITLE: ASSISTANT CITY MANAGER

FLSA: Exempt

GENERAL DESCRIPTION

The essential function of the position within the organization is to assist with the oversight and directing of operations for the City of Dover. The position is responsible for assisting with staff supervision, long range planning, development of policy and procedures, management of daily operations of the City, and preparing budgets, and for evaluating, documenting, and reporting on events and activities for the area of responsibility. The position develops and implements programs within organizational policies; reports major activities to executive level administrators through conferences and reports.

PRIMARY DUTIES: *This list represents the essential tasks performed by the position. May be assigned additional duties by city council as required.*

Supervises staff, including assisting with establishing staffing standards, organizing, selecting or recommending selection, training, assigning and evaluating work, counseling, disciplining, and terminating or recommending termination.

Assists with goal, objective, policy and procedure development and implementation for City activities and programs in consultation with elected or appointed officials, senior management, department heads, and department staff.

Performs long and short range planning for the City in collaboration with the City Manager and City Council, participating in development and implementation of new programs and services to support and encourage the City's growth and development.

Assists with directing of City activities, including public utilities, administrative services, recreation services, human resources, contingency planning, safety, and other activities, processes, or programs.

Advises and consults with elected and appointed officials, commissions, department heads, staff agencies, civic or private groups, individuals, and others on issues, problems, strategies, policies, and procedures related to City services.

Represents the City on regional and local boards or committees and at meetings concerning City issues as directed; makes presentations to elected or appointed officials, department heads and staff, and other public or private agencies or groups on significant City issues or programs.

Assists with and/or directs administrative matters such as developing and reviewing City budgets, administering expenditures, developing and recommending City CIP, conducting special studies, managing correspondence and records, preparing routine and special reports, administering training, providing for staff technical or professional growth, and other administrative duties.

DATA RESPONSIBILITY: *Data refers to information, knowledge, and conceptions obtained by observation, investigation, interpretation, visualization, and mental creation. Data are intangible and include numbers, words, symbols, ideas, concepts, and oral verbalizations.*

Conducts research to discover new methodologies or to find solutions for unresolved problems.

PEOPLE RESPONSIBILITY: *People refers to individuals who have contact with or are influenced by the position.*

Mentors others by advising, counseling, or guiding them regarding problems that may be resolved by legal, scientific, clinical, spiritual, or other professional principles.

INVOLVEMENT WITH THINGS: *Things refers to inanimate objects such as substances, materials, machines, tools, equipment, work aids, or products. A thing is tangible and has shape, form, and other physical characteristics.*

Develops and implements long range plans and programs to support the goals and objectives of the organization.

ASSETS RESPONSIBILITY: *Assets responsibility refers to the responsibility for achieving economies or preventing loss within the organization.*

Requires responsibility and opportunity for achieving widespread economies and/or preventing losses through the development and administration of organization-wide programs and policies that impact the operations of two or more major departments or three or more minor departments, or for providing legal counsel to the elected officials.

SAFETY OF OTHERS: *Safety of others refers to the responsibility for other people's safety, either inherent in the job or to assure the safety of the general public.*

Requires responsibility and authority for the development of policies regarding the provision of continuous enforcement of the laws and standards of public health and safety.

MATHEMATICAL REQUIREMENTS: *Mathematics deals with quantities, magnitudes, and forms and their relationships and attributes by the use of numbers and symbols.*

Uses practical application of fractions, percentages, ratios and proportions, measurements, or logarithms; may use algebraic solutions of equations and equalities, deductive geometry, and/or descriptive statistics.

COMMUNICATIONS REQUIREMENTS: *Communications involves the ability to read, write, and speak.*

Reads and interprets highly complex professional materials involving abstract theories and concepts; speaking before professional and/or civic groups, writes for professional publications; develops and presents papers at professional conferences.

COMPLEXITY OF WORK: *Complexity of work addresses the analysis, initiative, ingenuity, creativity, and concentration required by the position and the presence of any unusual pressures.*

Performs work involving the application of broad principles of professional management and leadership to solve new problems for which conventional solutions do not exist; requires sustained, intense concentration for accurate results and continuous exposure to unusual pressure.

IMPACT OF DECISIONS: *Impact of decisions refers to consequences such as damage to property, loss of data or property, exposure of the organization to legal liability, or injury or death to individuals.*

Makes decisions with catastrophic impact - has widespread impact on public and private organizations, the general public, and extensive geographic area; survival of organization is threatened or widespread loss of life and/or severe damage is probable.

EDUCATION AND EXPERIENCE REQUIREMENTS

EDUCATION REQUIREMENTS: *Education requirements refers to job specific training and education required for entry into the position.*

Requires a Bachelor's degree in public administration, finance, business management, or a closely related field. A Master's degree is preferred.

LICENSES, CERTIFICATIONS, AND REGISTRATIONS REQUIRED: *Licenses, certifications, and registrations refers to professional, state, or federal licenses, certifications, or registrations required to enter the position.*

Requires none

EXPERIENCE REQUIREMENTS: *Experience refers to the amount of work experience that is required for entry into the position that would result in reasonable expectation that the person can perform the tasks required by the position.*

Requires eight years of related experience.

AMERICANS WITH DISABILITIES REQUIREMENTS

PHYSICAL DEMANDS: *Physical demands refers to the requirements for physical exertion and coordination of limb and body movement.*

Requires sedentary work involving standing or walking for brief periods, exerting up to 10 pounds of force on a regular basis, and moderate dexterity in operating office equipment.

UNAVOIDABLE HAZARDS: *Unavoidable hazards refers to unusual conditions in the work environment that may cause illness or injury.*

The position is exposed to no unusual environmental hazards.

SENSORY (ADA) REQUIREMENTS: *Sensory requirements refers to hearing, sight, touch, taste, and smell necessary to perform the tasks required by the position efficiently.*

The position requires normal visual acuity and field of vision, hearing, and speaking,

AMERICANS WITH DISABILITIES ACT COMPLIANCE

The City of Dover is an Equal Opportunity Employer. ADA requires the City to provide adequate accommodations to qualified persons with disabilities. Prospective and current employees are encouraged to discuss ADA accommodations with management.

4/22/14 KDH

MEMO

TO: City Council

FROM: Cheryl Russell, AAS
City Assessor

DATE: May 12, 2014

RE: 2015 Property Reassessment

According to the City Code, the revaluation and reassessment of all real property may be conducted this year as five years have passed since the last reassessment.

We sent Request for Proposals (RFP) out in April so that we could budget for the reassessment for FY 2015. May 1 was the deadline to turn in the sealed Bids to the City of Dover. The amount of the only Bid for the 2015 reassessment was $125,300.

A reassessment is an effort to value all real property at its fair market value in an equitable and uniform manner.

Staff requests the approval of the 2015 Property Reassessment.

ACTION FORM

PROCEEDING: Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 4/25/14
PREPARED BY: Captain Timothy Stump / Administrative Division Commander	
SUBJECT: FY14 Edward Byrne Justice Assistance Grant Program – Police Vehicle Computer and Video Technology Upgrades	
REFERENCE: Annual Recurring Grant Funding	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $51,549.00	**PROJECT BUDGET:** $81,549.00
FUNDING SOURCE (Dept./Page in CIP & Budget):	USDOJ Grant (as noted above) Computer Equipment Budget (20-38)
TIMETABLE: After approval is received from the Council, the Police Department will order the first increment of vehicle computer/video systems in accordance with the city purchasing policy.	
RECOMMENDED ACTION: Approve the grant project as requested.	

BACKGROUND

The Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2014 Justice Assistance Grant (JAG). Similar to previous years, Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the county level, unlike Newcastle County in northern Delaware. The disparate condition above requires the submission of a joint grant application for the two agencies. Although no funds were designated for Kent County in the allocation document, a Memorandum of Understanding will be completed and signed by both agencies which will state that Kent County will waive any claim to the funding on this grant.

The Dover Police Department intends to upgrade/replace eight vehicle computer/video systems. A portion of the upgrades will be purchased for new vehicles that will be coming on line during FY15. On April 8th, Windows XP became obsolete and the State of Delaware Division of Communications discontinued support for it. As a result, the remainder of the grant funds will be used to retrofit older vehicle computer/video systems to bring those units back on-line and in compliance with Windows 7, the current operating system. Since we are currently short-handed on working computers in the vehicles, we are hoping to get approval to submit this application early so the funding may be released earlier by USDOJ.

In addition, the department plans to purchase COBAN systems, a sole vendor purchase. This system has been in use by the State Police and other agencies throughout the state and received good reviews from both the user and maintenance perspectives. As result, the department will purchase the new systems in two or more increments to retrofit older the model vehicles first as they can be scheduled and the new vehicles during the FY15 budgeted vehicle replacement cycle.

ACTION REQUESTED

The Legislative and Finance Committee and Council approve the receipt of this grant and the purchases identified.

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

General Information

Department: Police Staff Contact: Capt Stump

Grant/Project Title: FY13 Byrne Memorial Justice Assistance Grant (JAG)

Brief Grant/Project Description: Recurring formula based Federal grant program which provides funds for various Law Enforcement programs. This grant is a joint grant with Kent County. There were no funds allocated for Kent County on the funding document so the Dover Police Department will serve as the administrative agency and complete all the reports and documentation required.

Application Information

Due Date: 6/10/14

New ☐

Recurring ☒

Related Grants: Previous years' grants

Anticipated Award Date: 7/1/14 or earlier

Anticipated Notification Date: 7/1/14

Start Date: 7/1/14 or earlier

End Date: 9/30/16

Award Amount: $51,549.00

Cash ☐ Reimbursement ☒

Approx. reimbursement turn-a-around time 1-2 weeks

Council Approval Needed: Yes ☒ No ☐

(Council approval is needed for grant projects > $25,000, when match amounts equal or exceed $25,000, or when expressly required by the granting authority.)

Which apply?

Match amount ☐

Project shortage ☐

Other grant requirement ☒

Grant/Project Costs

Budget Category	Award Amt	Match Amt	Match Source
Contractual			
Equipment/Supplies	51,549.00	$0.00	Not Applicable
Indirect Cost (ie, vehicle repairs, mileage, IT, telephone)			
Personnel			
Additional Personnel/Over-time (ie, support costs, administrative salaries)			
Travel/Training			
Capital Voicemail System			
Other (ie, informant/buy money)			
Total	$51,549.00	$ 0.00	
	GRANT TOTAL	$51,549.00	**Award + Match**

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

Other Information

1. Are any of this project's costs included in the City budget?
   Yes, currently the Dover Police Department has $30,000 programmed in its computer budget for the replacement of mobile computers in the vehicles. These funds will be combined with the grant funds to purchase eight systems.

2. Are there any long-term costs or commitments?
   Maintenance costs for the systems will be picked up by the department budget after the end of the three year warranty period.

3. How will this program/project be funded after the grant expires?
   Not Applicable.

4. What is the maximum amount of funds available from this funding source?
   The amounts shown on the preceding table are the maximum amounts available.

5. If the Department receives only a portion of the amount requested, how will the project be funded?
   The funds are explicitly authorized for Dover PD's use, so the full amount will be available.

6. Are there other departments in the City eligible for this funding?
   No.

7. Are other departments in the City willing to collaborate on this project?
   Not Applicable.

8. Will this project duplicate or compete with other services or programs provided by the City or other local agency?
   No.

CITY OF DOVER
REVENUE POLICY
POLICE EXTRA DUTY / VOLUNTARY OVERTIME

I. POLICY

The City of Dover Police Department recognizes the need for individuals and businesses to have the services of police officers for special events or other functions that would not be part of routine patrol. The Department will ensure that these needs are met by permitting officers to work for these employers in their capacity as Dover Police Officers. Additionally, the Department shall seek to secure grant funding to compensate officers for voluntary patrols in and around specific areas of the city, supplementing the normal activities of the Department.

Question: Why can't grant work be done during routine schedules as long as we are not going below minimum staffing levels for public safety?

II. PURPOSE

It is the purpose of this document to outline the extra duty billing rates and procedures to our customers and granting agencies.

III. RESPONSIBILITIES

The Special Enforcement Unit Commander will be the Extra Duty Coordinator and will assign clerical support as well.

The Extra Duty Coordinator shall be responsible for ensuring that all requests conform to this Procedural Notice, City ordinances, and to oversee compliance with departmental regulations.

The Chief of Police will determine if an extra duty request is a "must fill" position, due to safety concerns to the public or to police. When this occurs, and no one has volunteered to work the position, the Extra Duty Coordinator will be responsible for assigning this extra duty job to an officer.

The Extra Duty Coordinator will be responsible for determining the adequate number of officers to staff an event.

In cases where the staffing was underestimated the on-site supervisor or working shift commander, at an event may, at his discretion, notify the employer and the extra duty coordinator that additional officers are needed. Regardless of whether or not the employer was able to be notified, the on-site supervisor may call in additional officers and the employer will be billed accordingly.

Examples of "Special Events" requiring extra duty assignments include, but are not limited to, events:

1. That require a City of Dover permit
2. Involve temporary road closures
3. Require right of way closures
4. Bicycle or foot races or walks

5. Active traffic control- where an officer is actively/physically engaged in directing vehicular or pedestrian traffic
6. Other special events

IV. REQUESTS FOR EXTRA DUTY OFFICERS

Any individual or private firm may request extra duty officers for work within the city limits of Dover. Requests must be received between the hours of 8:00 am and 4:00 pm Monday through Friday and can be mailed, emailed, faxed or brought in person to the Dover Police Department. Applications must be received seven (7) days before the event. Any requests made less than seven (7) days in advance are only processed with the understanding that the assignment may not be filled. These requests will be directed to the Extra Duty Coordinator, who will ensure that the requesting party understands the payment and cancellation procedures.

The Extra Duty Coordinator will try to accommodate any schedule requests made by the employer if made within one hour prior to the time of the event.

It shall be the responsibility of the Extra Duty Coordinator to review all requests and the work required. The extra duty request will be denied if:

A. The employment is prohibited by State Law, City Ordinance, or Dover Police Department Rules & Regulations.

B. The employment presents a potential risk of injury due to the lack of officers being requested for the assignment.

C. The request requires the officer to act in any capacity other than a law enforcement official.

D. The final determination of whether a permit is approved rests with the Extra Duty Coordinator. While efforts will be made to comply with the assignment duties as defined by the business representatives, the Dover Police Department maintains exclusive rights in determining the number of officers required in order to maintain a safe environment for all and dictate placement and duties.

E. On occasion, specific staffing levels and officer placement are influenced by City of Dover Ordinances and unique circumstances identified by the City of Dover Council regarding zoning approval for individual establishments and land parcels.

F. (Chief Bernat requested this addition) Major re-occurring special events within the City of Dover may involve more defined and detailed staffing and planning processes that may be outlined in a memorandum of understanding at the discrection of the Chief of Police or his designee.
Recommendation of Controller/Treasurer – Any separate agreements must adhere to the requirements of the Extra Duty Revenue/Voluntary Overtime Policy and all other City of Dover personnel and financial policies and procedures as promulgated by the City Council, City Manager, or Controller Treasurer.

V. PAYMENT METHODS

Billing and processing for all extra duty accounts will be handled in accordance with current City of Dover finance policies.

A. Non-Recurring permits

Employers who are using the extra duty services one time, or are determined by the Extra Duty Coordinator as a high risk customer, must pay for services before the assignment commences.

Officers can work additional hours with permission granted by the shift commander or extra duty coordinator. If this should occur, the extra duty employer must pay the additional charges on the next business day to the Extra Duty Coordinator. To prevent this, the employer may pay for extra hours and if unused, will be reimbursed.

No officer is allowed to accept monies from an extra duty employer.

B. ~~Extra Duty for~~ City Sponsored Events

The cost of police personnel to maintain safety for the actual event, those officers assigned to traffic and/or crowd control, will be absorbed by the City of Dover.

Controller Recommendation – City sponsored events will be staffed by officers scheduled during the hours of the event. For events that required additional staffing levels, regular overtime will be schedule and paid to those officers that actually work overtime.

C. Extra Duty for Non City Sponsored Events

The Extra Duty Coordinator will schedule officers to work non-city sponsored events. The expense associated with this extra duty will be the responsibility of the event organizers. The Coordinator may also arrange for additional requests for police services, such as money escorts or overnight security.

VI. REPORTING PROCEDURES

The officer may elect to go directly to the job site and report to the point of contact identified on the assignment worksheet. That contact (or his/her designee) will be responsible for completing the time-on-duty and time-off-duty sections, along with the Extra Duty Employer section of the assignment worksheet. If the officer elects to do this, he/she must contact the on-duty Shift Supervisor by telephone to be input into the CAD system.

VII. FAILURE TO APPEAR FOR EXTRA DUTY

An employer, upon realizing that the officer failed to appear, should notify the extra duty coordinator at (302)- 736-7145 immediately and also call the on duty shift commander at (302)736-7111.

VIII. CANCELLATIONS OF EXTRA DUTY

A. Extra duty assignments will not be canceled less than one hour prior to the scheduled start time, except as authorized by a Unit or Division Commander, during regular duty hours, or after regular duty hours, the On-Call Lieutenant.

B. In the case of a departmental need or community emergency, the Chief of Police or designee may cancel any extra duties assignments. The extra duty officers would then be immediately available for service to the department.

IX. PROCEDURE FOR CANCELLATIONS OF EXTRA DUTY ASSIGNMENTS NOTIFICATIONS

A. Cancellations by the extra duty employer should be made at least one hour before the time the assignment is scheduled to begin. If cancellation is made in less than an hour (with the exception of a natural disaster) the customer will be charged and the assigned officers will be paid a minimum of 3 hours as per the FOP Union contract. When an extra duty assignment is canceled by an extra duty employer the following procedure will be followed:

1. The person who receives the cancellation notice will document in the extra duty book, the date and time the cancellation call was received, and they will initial next to this entry.

2. The person will then notify the officer who had signed up for the extra duty assignment.

    a. This notification will be by leaving the officer a voice mail message stating the particular extra duty assignment was canceled.

    b. If the cancellation notice was received after normal working hours and the assignment is for the next business day the person receiving the notification will comply with the above steps but they will also attempt to contact the officer at the officer's residence.

3. The person's initials next to the entry will signify that his person did in fact notify the officer.

B. When an extra duty assignment is canceled for inclement weather the following procedure will be followed:

1. The officer who has signed up for the extra duty assignment will be responsible for contacting the On Duty Supervisor at least one (1) hour prior to the start of the extra duty assignment. The On Duty Supervisor will make the determination if an extra duty assignment will be canceled due to inclement weather at this time.

2. If extra duty assignments are going to be canceled due to inclement weather in advance of the assignment, the officer making the decision to cancel the assignment will ensure that the officers are notified in advance if possible. (ie: leaving the officer a message at his residence if possible, if not then a voice mail message)

3. Officers are required to check their voicemail one (1) hour prior to the scheduled start time of all assignments unless notified previously.

C. A phone message will be left for the Extra Duty Coordinator advising of the cancellation and that the officer(s) were in fact notified.

D. Some extra duty assignments will be canceled regularly due to inclement weather where others such as grant-related extra duty assignments are generally not canceled for inclement weather, unless such weather is severe. Officers are expected to be prepared to adapt to existing weather conditions.

X. DISCONTINUATION OF SERVICE

If the Chief of Police or his designee or the Extra Duty Coordinator, determines that it is in the best interest of the department to discontinue an extra duty service, the customer employer will be immediately notified.

XI. BILLING POLICY

A. Billing rates for Fiscal Year 2015 are as indicated in Attachment 4.

B. Officers pay rates for extra duty assignments, regardless of type, are governed by the Collective Bargaining Agreement.

C. The City of Dover will pay the officers wages as well as pay for worker's compensation and general liability insurance, administrative resource costs, automobile fuel, maintenance and insurance. An overhead rate is added to the contractual Extra Duty rate to cover these cost.

D. Officers working an extra-duty assignment will be paid a 3-hour minimum. If the assignment is not canceled according to policy, or if the officer is released from the assignment less than 3 hours from the start time, he/she will receive three (3) hours pay at the extra duty rate.

E. If an officer is late to the assignment for any reason, the officer will be paid only for actual hours worked.

F. Officers are held strictly accountable for their extra duty assignment worksheets, as this is the source document by which officers are paid. The customer or designee must sign the worksheet upon completion of the assignment. For large assignments, the customer must sign the master worksheet that covers all the officers on that assignment. Officers will be compensated for extra duty assignments during the pay period in which the worksheet is submitted to payroll.

G. If an officer must work additional hours on an extra duty assignment, the customer is responsible for payment of the additional costs, as long as the overage is due to the extra duty assignment and is necessary.

H. At the conclusion of the extra duty assignment, the officer should place the assignment worksheet in the payroll mailbox, but no later than the officer's next scheduled workday.

Loss of an extra duty assignment worksheet may result in a delay of payment to the officer, or may cause the officer to forfeit pay. Reproduction of assignment worksheets

may be done with the approval of the Extra Duty Coordinator. The officer will have sole responsibility for obtaining the proper signatures/dates/times. All employees working extra duty are required to submit accurate assignment worksheets. The accuracy of these assignment sheets is critical in ensuring appropriate employee compensation. The employee's signature must match the printed name of the employee assigned the duty. The editing of extra duty worksheets by the employee is permitted for the purpose of adding accurate information.

G. Any officer who falsifies any portion of the extra duty assignment worksheet will be subject to discipline under General Order 26, Code of Conduct.

XII. WORKERS' COMPENSATION/LIABILITY

The City of Dover is self- insured for general liability and statutory workers' compensation coverage. Police officers assigned to extra duty work are afforded workers compensation coverage.

XIII. EFFECTIVE DATE

This Procedure shall become effective upon adoption of City Council. Rates will be reviewed on an annual basis and revised upon Council approval during the adoption of the annual budget.

Attachment 1

NOTICE TO CUSTOMERS

The officers are at all times subject to the policies and procedures of the City of Dover and the rules and regulations governing employees of the Dover Police Department (DPD). A customer has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer. Those duties never supersede DPD policy or procedures and employers of the extra duty officers should so be advised. Extra duty officers remain under the exclusive control of the department and accountable for strict adherence to departmental rules and regulations. Any conflicting rules of employers of extra duty officers will be disregarded. The officer shall refuse to perform any duties deemed to be in conflict with the guidelines established by the Dover Police Department. As determined by the Department, officers may be recalled from extra duty to on-duty status.

This permit is for Law Enforcement work only and does not exempt customers from obtaining other necessary permits for this event.

The City of Dover Police Department is NOT obligated to provide extra duty services. A permit will not be issued to any person, firm, or organization whose offices, members, business, or operations are questionable or for any event of a potentially compromising nature.

Dover Police Department officers are NOT permitted to receive cash from customers for any reason whatsoever.

The undersigned customer agrees, individually and on behalf of the named applicant, to promptly pay for extra duty services rendered. Further, the undersigned agrees, individually and on behalf of the named applicant to pay all costs, expenses and attorney's fees incurred in the collection of any sums due hereunder.

Paul M. Bernat.
Chief of Police

I have read and understand the "Extra Duty Conditions of Permit" and "Notice To Customers"

_____

Customer-Individually and as Authorized Representative Date

_____

Federal ID

Attachment 2

DOVER POLICE DEPARTMENT
BILLING INFORMATION FORM

TO: DEPARTMENT OF FINANCE

FROM: Dover Police Department **Date:** 5/8/14

THIS SECTION TO BE COMPLETED BY THE FINANCE DEPARTMENT	**PLEASE BILL AS FOLLOWS**		
	TYPE OF ACCOUNT	**CODE**	**ACCOUNT NUMBER**

THIS SECTION TO BE COMPLETED BY THE OPERATING DEPARTMENT

VENDOR:

WORK DONE ON:

LOCATION: As Requested

DESCRIPTION OF WORK DONE: Police services

 # HOURS:

DETAIL OF CHARGES

LABOR:

OVERHEAD:

VEHICLE:

TOTAL BILL:

MANUAL PAYMENT INTRUCTIONS: Take this invoice to the City of Dover Customer Services Department located at 5 East Reed Street, Dover DE 19901. *Only cash, money order or certified funds payments will be accepted*.

AUTHORIZED SIGNATURE

FINANCE DEPARTMENT

RECEIVED BY _____ **RECEIVED ON** _____

KEYED BY _____ **VERIFIED BY** _____

Attachment 3

Dover Police Department Extra Duty Request Form

Type of Event: _____

Number of people attending: _____

Location of event: _____

Dates & Times Requested: _____

Billing Information:

Name: _____

Address: _____

Phone #'s: Cell #_____ Work #_____

Contact person at the event: _____

Contact person cell #: _____

Person(s) requesting officer(s): _____

Signature of requesting person: _____

The responsible party will be charged a 3-hour minimum (per officer) if the assignment is not canceled one (1) hour before the assigned start time. If the officer(s) are released from the assignment less than three (3) hours from the start time, he/she will receive three (3) hours pay. To cancel an assignment, dial (302) 736-7111.

Official use only, do not write below

Number of officers assigned: _____

Times officers assigned: _____to_____

Approved: _____

Return this form or fax it to: Special Enforcement Unit Commander.
Fax # (302) 672-1842, any additional questions, dial (302) 736-7145

Attachment 4

City of Dover			
Officer Extra Duty Billing Rates for Grant Related Events			
	Officer		
	Billing		
Rank	Rate		
Patrolman	$42.00		
Patrolman 1st Class	$51.00		
Corporal	$55.00		
Master Corporal	$65.00		
Sergeant	$72.00		
Lieutenant	$78.00		
Captain	$85.00		
Officer Extra Duty Billing Rates for Office of Highway Safety Grants			
Federal Approved Rate			$50.00

City of Dover			
Officer Extra Duty Billing Rates for Special Events (Spectator's over 5,000)			
	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Special Event Rate	$57.00	$2.00	$59.00

City of Dover			
Officer Extra Duty Billing Rates for Non-Special Events			
	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Extra Duty Rate	$57.00	$6.00	$63.00
Vehicles Actively Used on Extra Duty Jobs - Hourly Rate			$ 16.25

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Planning/City Clerk **DATE SUBMITTED**: April 23, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development; Traci McDowell, CMC, City Clerk; Dawn Melson-Williams, AICP, Principal Planner
SUBJECT: Proposed Ordinance #2014-09 Amending Chapter 50 - Floods
REFERENCE: Chapter 50 – Floods; National Flood Insurance Program
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: Proposed Ordinance
EXPENDITURE REQUIRED: **AMOUNT BUDGETED**: **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: First Reading on May 12, 2014; Final Reading and Council Action on May 27, 2014
RECOMMENDED ACTION: Staff recommends that the Committee forward the proposed ordinance to City Council with a favorable recommendation.

BACKGROUND AND ANALYSIS

The City is a participating community in the National Flood Insurance Program (NFIP). In order to continue participation in the NFIP, the City is required to implement standards for construction activities within the 100-year floodplain. When the Federal Emergency Management Agency (FEMA) updates the Flood Insurance Rate Maps (FIRM), the City is required to update our regulatory requirements to comply with the most current FEMA standards. FEMA is in the process of updating the FIRM for Kent County, with the new maps to take effect on July 7, 2014. All NFIP communities must have updated regulatory requirements in place by July 7, 2014 when the new maps take effect.

The Department of Natural Resources and Environmental Control (DNREC) hired a consultant to develop model ordinances approved by FEMA for Delaware's communities to adopt. Many of the provisions contained in the 2009 and 2012 International Code Council (ICC) series of building codes already comply with the FEMA standards. Dover has adopted the 2009 ICC codes. The model ordinance that we have used in updating Dover's regulation is a model that recognizes the standards in the building code and does not duplicate or reiterate these standards. Use of this ordinance minimizes the likelihood for conflict and confusion among chapters of the Dover Code.

The proposed ordinance would remove the language currently found in Chapter 50 of Dover Code and replace it with the current standards as approved by FEMA.

~~DELAWARE CODE-COORDINATED MODEL FLOODPLAIN MANAGEMENT ORDINANCE~~

~~The premise of this ordinance is that it does not govern buildings in SFHAs because that is accomplished by enforcement of the building code. FEMA HQ has deemed the flood provisions of the 2009 and 2012 I-Codes to be consistent with the NFIP requirements for buildings and structures (http://www.fema.gov/building-science/building-code-resources).~~

~~This model is intended for use by communities that enforce the 2009 or 2012 IRC and IBC (without Appendix G, and either with IBC Chapter 34 or IEBC). If asked about Appendix G, we'll indicate preference for this ordinance rather than use Appendix G. However, should a community want to use Appendix G we'll handle it individually (rather than put out yet another model!).~~

~~In terms of higher standards that affect the design of buildings, the best way to do it to amend the building code, which is easy to do because every community that adopts the codes does so by ordinance. A section towards the end of this ordinance is set up to amend the community's regulations where they adopt the building code – thus adoption of this ordinance results in both new flood regulations AND amendment of the building code. Alternatively, the community may want to use a separate ordinance to adopt the code amendments.~~

CITY OF DOVER~~FLOOD DAMAGE REDUCTION ORDINANCE~~
PROPOSED ORDINANCE #2014-09~~{COMMUNITY NAME}, DELAWARE~~

~~ORDINANCE NO. XX-XX~~

~~AN ORDINANCE BY THE [community's governing body] AMENDING THE {name of community} CODE OF ORDINANCES TO REPEAL [insert appropriate chapter/section numbers]; TO ADOPT A NEW [insert appropriate chapter/section numbers]; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT ADMINISTRATIVE PROCEDURES, TO COORDINATE WITH THE BUILDING CODE, AND TO ADOPT CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO PROVIDE FOR APPLICABILITY; REPEALER; AND AN EFFECTIVE DATE.~~

WHEREAS, the **City of Dover, Delaware** ~~[COMMUNITY'S GOVERNING BODY]~~ has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **the City of Dover** ~~[COMMUNITY NAME]~~ and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **City of Dover** ~~[COMMUNITY NAME]~~ was accepted for participation in the National Flood Insurance Program on **September 16, 1982** ~~[DATE OF ENTRY]~~ and the **City of Dover**

~~[COMMUNITY'S GOVERNING BODY]~~ desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the **City of Dover** ~~[COMMUNITY NAME]~~ has, in **Chapter 22 – Buildings and Building Regulations, of the Dover Code of Ordinances** ~~[CITATION], has~~ adopted a building code that contains provisions for the design and construction of buildings, structures, and dwellings in flood hazard areas; and

~~**NOW, THEREFORE, BE IT ORDAINED** by the [COMMUNITY'S GOVERNING BODY] of [COMMUNITY NAME] that the following floodplain management regulations are hereby adopted.~~

~~**SECTION 1. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): [insert citation to existing regulations that will be replaced by these regulations and citation(s) to other ordinances that have flood provisions, such as subdivision regulations that also will be replaced by these regulations].**~~

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

That Chapter 50 – Floods, of the Dover Code of Ordinances, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Chapter 50 – FLOODS

SECTION 1.0 [RCQ1]GENERAL PROVISIONS

1.1 Findings.

The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of **the City of Dover, Delaware.**~~[COMMUNITY NAME]~~. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. **Development** ~~Structures~~ that **is** ~~are~~ inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to the flood loss.

The **City of Dover** ~~[COMMUNITY NAME], by resolution,~~ agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on **September 16, 1982**~~[DATE OF ENTRY]~~. As of that date or the initial effective date of the **City of Dover** ~~[COMMUNITY NAME]~~ Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with these regulations and the flood load and flood-resistant construction provisions of the building code.

1.2 Statement of ~~P~~purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

(A) Protect human life, health and welfare;

(B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;

(C) Minimize flooding of water supply and sanitary sewage disposal systems;

(D) Maintain natural drainage;

(E) Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;

(F) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(G) Minimize prolonged business interruptions;

(H) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;

(I) Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;

(J) Minimize the impact of development on adjacent properties within and near flood prone areas;

(K) Provide that the flood storage and conveyance functions of the floodplain are maintained;

(L) Minimize the impact of development on the natural and beneficial functions of the floodplain;

(M) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(N) Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

1.3 Areas to ~~W~~which ~~T~~these ~~R~~regulations ~~A~~apply.

These regulations shall apply to all special flood hazard areas within the jurisdiction of the **City of Dover**~~[COMMUNITY NAME]~~, as identified in Section 1.4.

1.4 Basis for ~~E~~establishing ~~S~~special ~~F~~flood ~~H~~hazard ~~A~~areas.

For the purposes of these regulations, and for the purpose of establishing flood hazard areas in the building code [Section 1612.3 and Table R301.2(1)], the following are adopted by reference as a part of these regulations and serve as the basis for establishing special flood hazard areas:

(A) The FEMA Flood Insurance Study for **Kent County** ~~[COUNTY]~~, Delaware and Incorporated Areas dated **July 7, 2014** ~~[INSERT DATE ON STUDY]~~ and all subsequent amendments and/or the most recent revision thereof.

(B) The FEMA Flood Insurance Rate Map for **Kent County** ~~[COUNTY]~~, Delaware and Incorporated Areas dated **July 7, 2014** ~~[INSERT DATE ON INDEX]~~, and all subsequent amendments and/or the most recent revision thereof.

(C) Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to these regulations or for other purposes, and which establish base flood elevations, delineate 100-year floodplains, floodways or other areas of special flood hazard.

(D) **The City of Dover** ~~[COMMUNITY NAME]~~ may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

~~(D)~~**(E)** Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as special flood hazard area.

Maps and studies that establish special flood hazard areas are on file at the **City of Dover Department of Planning and Inspections.** ~~[MAP STORAGE LOCATION NAME/ADDRESS, COMMUNITY NAME, DELAWARE]~~

1.5 Abrogation and ~~G~~greater ~~R~~restrictions.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by these regulations.

1.6 Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body;

(C) Deemed neither to limit nor repeal any other powers granted under state statutes; and

(D) Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence~~.~~ **, where more restrictive.**

1.7 Warning and ~~D~~disclaimer of ~~L~~liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the **City of Dover** ~~[COMMUNITY NAME]~~, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.8 Severability.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 2.0 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined in these regulations and are defined in the building code, such terms shall have the meanings ascribed to them in that code. ~~Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application. Where terms are not defined in these regulations and are defined in the building code, such terms shall have the meanings ascribed to them in that code.~~

Accessory ~~S~~structure: For the purposes of these regulations, a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Area of ~~S~~shallow ~~F~~flooding: A designated Zone AO on a community's Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base ~~F~~flood: The flood having a one percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 100-year flood (or the 1%-annual-chance flood).

Base ~~F~~flood ~~D~~discharge: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base ~~F~~flood ~~E~~elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the community's Flood Insurance Rate Map.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

~~**Breakaway Wall:** A wall that is designed and certified by a registered design professional that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.~~

Building Code: The family of building codes specifically adopted by the **City of Dover** ~~[COMMUNITY NAME]~~ in **the Dover Code of Ordinances – Chapter 22 – Buildings and Building Regulations** ~~[INSERT CITATION]~~. The code that applies to one- and two-family dwellings is referred to as the "residential code."

~~**Coastal High Hazard Area:** Area within the flood hazard area that is subject to high-velocity wave action, and shown on a Flood Insurance Rate Map (FIRM) or other flood hazard map as Zone V, VO, VE or V1-30.~~

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevation Certificate: The *National Flood Insurance Program, Elevation Certificate* (FEMA Form 086-0-33), used to document building elevations and other information about buildings. When required to be certified, the form shall be completed by a licensed professional land surveyor.

Federal Emergency Management Agency (FEMA): The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FEMA Technical Bulletin: A series of guidance documents published by FEMA to provide guidance concerning building performance standards of the National Flood Insurance Program. See sections where specific TBs are identified.

Flood *or* Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood ~~D~~damage-~~R~~resistant ~~M~~materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas.*

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Zone A: Special flood hazard areas inundated by the 1% annual chance flood; base flood elevations are not determined.

Zone AE: Special flood hazard areas subject to inundation by the 1% annual chance flood; base flood elevations are determined; floodways may or may not be determined.

Zone AO: Areas of shallow flooding, with or without a designated average flood depth.

Zone X (shaded): Areas subject to inundation by the 500-year flood (0.2% annual chance); areas subject to the 1% annual chance flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone X (unshaded): Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

~~Zone VE: Special flood hazard areas subject to inundation by the 1% annual chance flood and subject to high velocity wave action (also referred to as coastal high hazard areas).~~

~~Limit of Moderate Wave Action (LiMWA): The inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the Zone VE and the LiMWA will be similar to, but less severe than, those in the Zone VE.~~

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevations of the base flood and supporting technical data.

Floodplain: Any land area susceptible to being inundated by water from any source (see "Flood" or "Flooding").

Dry ~~F~~floodproofing:~~.~~ A combination of measures which results in a structures, including attendant utilities and equipment, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.[RCQ2]

Floodproofing Certificate: The *National Flood Insurance Program, Floodproofing Certificate for Non-Residential Structures* (FEMA Form 86-0-34), used by registered professional engineers and architects to certify dry floodproofing designs.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height.

Functionally ~~D~~dependent ~~U~~use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest ~~A~~adjacent ~~G~~grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic ~~S~~structure: [RCQ3]Any structure that is:

(1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(3) Determined eligible for listing on the National Register of Historic Places by the Delaware State Historic Preservation Officer; or
(4) Determined to contribute to the historic significance of a district that has been determined by the Delaware State Historic Preservation Officer, to be eligible for listing on the National Register of Historic Places.

Hydrologic and ~~H~~hydraulic ~~E~~engineering ~~A~~analysis: An analysis performed by a professional engineer, licensed in the State of Delaware, in accordance with standard engineering practices as accepted by FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letter of Map Change: A Letter of Map Change is an official FEMA determination, by letter, to amend or revise an effective Flood Insurance Rate Map, Flood Boundary and Floodway Map, and Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for this determination, the fill must have been permitted and placed in accordance with these regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies; upon submission to and approval of certified as-built documentation, a Letter of Map Revision may be issued.

Lowest ~~F~~floor: The lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements specified in the building code for enclosures below the lowest floor.

Manufactured ~~H~~home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New ~~C~~construction: Buildings and structures for which the "start of construction" commenced on or after **September 16, 1982**~~[DATE OF ENTRY]~~, including any subsequent improvements to such structures

Person: An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Recreational ~~V~~vehicle: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self- propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special ~~F~~flood ~~H~~hazard ~~A~~area: The land in the floodplain subject flood hazards and shown on a Flood Insurance Rate Map as Zones A, AE, **and** AO~~, and Zone VE~~. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in Section 1.4.

Start of ~~C~~construction: The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of issuance. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns. Permanent construction does not include land preparation (such as clearing, grading and filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (or ~~B~~building): That which is built or constructed.

Substantial ~~D~~damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial ~~I~~improvement: Any repair, alteration, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time that documentation is provided.

SECTION 3.0 ADMINISTRATION

3.1 Designation of the ~~F~~floodplain ~~A~~administrator.

The ~~[TITLE OF POSITION]~~**city planner** is hereby appointed to administer and implement these regulations and is referred to herein as the ~~F~~floodplain ~~A~~administrator. The ~~F~~floodplain ~~A~~administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees,

or (C) Enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations**, upon receiving necessary approvals**. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

3.2 Duties and ~~R~~responsibilities of the ~~F~~floodplain ~~A~~administrator.

The duties and responsibilities of the ~~F~~floodplain ~~A~~administrator shall include but are not limited to:

(A) Coordinate with the ~~B~~building ~~O~~official to support administration, interpretation, and enforcement of the flood load and flood-resistant construction provisions of the building code.

(B) Review applications for permits to determine whether proposed activities will be located in special flood hazard areas.

(C) Interpret floodplain boundaries and provide flood elevation and flood hazard information.

~~(D) Advise applicants for new construction or substantial improvement of structures that are located on any coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as identified undeveloped coastal barriers or Otherwise Protected Areas.~~

~~(E)~~**(D)** Review applications to determine whether proposed activities will be reasonably safe from flooding.

~~(F)~~**(E)** Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.

~~(G)~~**(F)** Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship), and have submitted copies of such notifications to the Federal Emergency Management Agency.

~~(H)~~**(G)** Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or disapprove the same in the event of noncompliance.

~~(I)~~**(H)** Inspect special flood hazard areas to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.

~~(J)~~**(I)** Review submitted Elevation Certificates for completeness.

~~(K)~~**(J)** Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for the **City of Dover** ~~[COMMUNITY NAME]~~, corrections to labeling or planimetric details, etc.

~~(L)~~**(K)** Maintain and permanently keep all records for public inspection that are necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions taken for violations of these regulations.

~~(M)~~**(L)** Enforce the provisions of these regulations.

~~(N)~~**(M)** Assist with and coordinate flood hazard map maintenance activities.

~~(O)~~**(N)** Conduct, with the ~~B~~**b**uilding ~~O~~**o**fficial, determinations as to whether existing buildings and structures damaged by any cause and located in special flood hazard areas, have been

substantially damaged.

~~(P)~~**(O)** Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.

~~(Q)~~**(P)** Undertake, as determined appropriate by the ~~F~~**f**loodplain ~~A~~**a**dministrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.

~~(R)~~**(Q)** Notify the Federal Emergency Management Agency when the corporate boundaries of the **City of Dover** ~~[COMMUNITY NAME]~~ have been modified.

3.3 Permits ~~R~~required.

It shall be unlawful for any person or entity to begin construction or other development which is wholly within, partially within, or in contact with any identified special flood hazard area, as established in Section 1.4, including but not limited to: subdivision of land, filling, grading, or other site improvements and utility installations; placement or replacement of a manufactured home; recreational vehicles; installation or replacement of storage tanks; or alteration of any watercourse, until a permit is obtained from the **City of Dover** ~~[COMMUNITY NAME]~~. These regulations are intended to be administered and enforced in conjunction with the building code. No permit shall be issued until the requirements of these regulations and, as applicable, the flood load and flood-resistant construction provisions of the building code, have been met. **Permit fees shall be as provided for in Appendix F – Fees and Fines.**

3.4 Application ~~R~~required.

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose. For applications for buildings and structures, these required minimum contents of the application are in addition to the requirements of the building code.

(A) Application ~~C~~contents.

At a minimum, applications shall include:

(1) Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.

(2) Elevation of the existing natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map, and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as “Construction Drawings”).

(3) Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where surveyed natural ground elevations are lower than the base flood elevations, base flood elevations shall be used to delineate the boundary of special flood

hazard areas. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with Section 3.4(B). Where special flood hazard areas are not delineated or base flood elevations are not shown on the flood hazard maps, the ~~F~~**f**loodplain ~~A~~**a**dministrator has the authority to require the applicant to use information provided by the ~~F~~**f**loodplain ~~A~~**a**dministrator, information that is available from other sources, or to determine such information using accepted engineering practices.

(4) For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as required by Section 4.2(D).

(5) Elevation of the lowest floor, including basement, or elevation of the bottom of the lowest horizontal structural member, as applicable to the flood zone, of all proposed structures, referenced to the datum on the Flood Insurance Rate Maps.

(6) Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with these regulations.

(7) For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement, including:

(a) Documentation of the market value of the structure before the improvement is started or before the damage occurred.

(b) Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.

(8) Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by these regulations and the building code:

(a) Floodproofing Certificate for dry floodproofed non-residential structures, as required by the building code.

(b) Certification that flood openings that do not meet the minimum requirements for non-engineered openings but designed to automatically equalize hydrostatic flood forces, as required by the building code.

~~(c) Certification that the structural design, specifications and plans, and the methods of construction to be used for buildings and structures in Coastal High Hazard Areas are in accordance with accepted standards of practice and meet the requirements of the building code.~~

~~(d)~~**(c)** Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished and documentation of maintenance assurances as required in Section ~~5.3~~**4.11**(C).

~~(e)~~**(d)** Hydrologic and hydraulic engineering analyses demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required by Section ~~5.3~~**4.11**(B).

~~(f)~~**(e)** Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required by Section ~~5.3~~**4.11**(A).

~~(g)~~**(f)** Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required by Section 4.2(D) or otherwise required by the ~~F~~**f**loodplain ~~A~~**a**dministrator.

(B) Right to ~~S~~submit ~~N~~new ~~T~~technical ~~D~~data.

The applicant has the right to seek a Letter of Map Change and to submit new technical data to FEMA regarding base maps, topography, special flood hazard area boundaries, floodway boundaries, and base flood elevations. Such submissions shall be prepared in a format acceptable by FEMA and the ~~F~~**f**loodplain ~~A~~**a**dministrator shall be notified of such submittal. **Submittal requirements and processing fees shall be the responsibility of the applicant.**

(C) Requirement to ~~S~~submit ~~N~~new ~~T~~technical ~~D~~data.

The Floodplain Administrator shall notify FEMA of physical changes affecting flood hazard areas and flooding conditions by submitting technical or scientific data as soon as practicable, but not later than six (6) months after the date such information becomes available. The Floodplain Administrator has the authority to require applicants to submit technical data to FEMA for Letters of Map Change.

3.5 Review, ~~A~~approval or ~~D~~disapproval.

(A) Review.

The ~~F~~**f**loodplain ~~A~~**a**dministrator shall:

(1) Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information required to support the application.

(2) Review applications for compliance with these regulations after all information required in Section 3.4 or identified and required by the ~~F~~**f**loodplain ~~A~~**a**dministrator has been received.

(3) Review all permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including but not limited to:

(a) Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Delaware Environmental Protection Agency under Section 401 of the Clean Water Act.

(b) Permits required by the State of Delaware.

(4) **Permit fees shall be as provided for in Appendix F – Fees and Fines.**

(B) Approval or disapproval.

The floodplain administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain administrator shall disapprove applications for proposed development that does not comply with the applicable provisions of these regulations

and shall notify the application of such disapproval, in writing, stating the reasons for disapproval.

(~~B~~C) Expiration of ~~P~~permit.

A permit is valid provided the actual start of construction occurs within 180 days of the date of permit issuance. If the actual start of construction is not within 180 days of the date of permit issuance, requests for extensions shall be submitted in writing. Upon reviewing the request and the permit for continued compliance with these regulations, the Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each. **Permit fees shall be as provided for in Appendix F – Fees and Fines.**

3.6 Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. In addition to the inspections required by the building code, such inspections may include:

(A) Stake-out inspection, to determine location on the site relative to the special flood hazard area and floodway.

(B) Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.

(C) Enclosure inspection, including crawlspaces, to determine compliance with applicable provisions.

(D) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.

~~(D)~~(E) Storage of Materials.

3.7 Submissions ~~R~~required ~~P~~prior to ~~I~~issuance of a ~~C~~certificate of ~~O~~occupancy.

The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to the issuance of a Certificate of Occupancy:

(A) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as “Finished Construction”).

(B) For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on “Finished Construction” (identified in Section II).

(C) For all development activities subject to the requirements of Section 3.4(B), a Letter of Map Revision shall be provided.

3.8 Flood ~~I~~insurance ~~R~~rate ~~M~~map ~~U~~use and ~~I~~interpretation.

The ~~F~~floodplain ~~A~~administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of special flood hazard maps and data:

(A) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used. **When a Preliminary Flood Insurance Rate Map has been provided by FEMA to identify base flood elevations where such elevations were not previously shown,**

the base flood elevations on the Preliminary Flood Insurance Rate Map shall be used.

(B) Special flood hazard area delineations, base flood elevations, and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood elevations, and floodway boundaries by any other source that reflect a reduced special flood hazard area, reduced floodway width and/or lower base flood elevations.

(C) Other sources of data shall be reasonably used, with the approval of the ~~F~~**f**loodplain ~~A~~**a**dministrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies.

~~(D) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:~~

~~(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace all flood hazard data previously provided from FEMA for the purposes of administering these regulations.~~

~~(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be required only where no base flood elevations and/or floodway areas were determined or where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~

~~(E)~~**(D)** Where field surveyed topography indicates that ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood hazard map, the area shall be considered as special flood hazard area.

SECTION 4.0 REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS

4.1 Application of ~~R~~**r**equirements**.**

The general requirements of this section apply to all development proposed within special flood hazard areas identified in Section 1.4.

4.2 Subdivisions and ~~D~~**d**evelopments**.**

(A) All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

(B) All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision and developments proposals shall have adequate drainage provided to reduce exposure to flood damage.

(D) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

4.3 Protection of ~~W~~**w**ater ~~S~~**s**upply and ~~S~~**s**anitary ~~S~~**s**ewage ~~S~~**s**ystems**.**

(A) New and replacement water supply systems shall be designed to minimize or eliminate

infiltration of flood waters into the systems.

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

(C) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

4.4 Buildings and ~~S~~structures.

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall comply with flood load and flood-resistant construction requirements of the building code.

4.5 Fill.

(A) Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.

(B) Where permitted by the building code (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the following requirements:

(1) Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the ~~State~~ Fire Marshal's Office and/or the local fire services agency.

(2) Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.

(3) Consist of soil or rock materials only.

(4) Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator.

(5) Designed with provisions for adequate drainage and no adverse effect on adjacent properties.

(C) Fill placed for a purpose other than to support a building or structure shall meet the requirements of Sections 4.5(B)(2) through (B)(5).

4.6 Historic ~~S~~structures.

As specified by the building code, repair, alteration, or rehabilitation of historic structures shall be subject to the requirements of the building code unless a determination is made that compliance will preclude a structure's continued designation as a historic structure and a variance is granted in accordance with Section 7 and such variance is the minimum necessary to preserve the historic character and design of the structure.

4.7 Recreational ~~V~~vehicles.

(A) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

(B) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 4.9 for manufactured homes.

4.8 Gas or ~~L~~liquid ~~S~~storage ~~T~~tanks.

(A) Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(B) Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation ~~[~~plus 18 inches~~/12 inches]~~ or shall be anchored at- grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(C) In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

(1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

4.9 Manufactured ~~H~~homes.

(A) **Elevation.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the lowest horizontal structural supporting member of lowest floor of the manufactured home is elevated to or above the base flood elevation ~~[~~plus 18 inches~~/ 12 inches]~~.

(B) **Foundations**. All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the residential code based on the applicable flood zone identified on the FIRM.

(C) **Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a special flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. The anchor and tie-down specifications of the manufacturer are permitted, provided such specifications are specific to installation in special flood hazard areas. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(D) **Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section R322 of the residential code based on the applicable flood zone identified on the FIRM.

(E) **Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall comply with the requirements of Section R322 for protection of mechanical and electrical systems.

~~SECTION 5.0 REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS OTHER THAN COASTAL HIGH HAZARD AREAS~~

~~5.1 General Requirements~~

~~In addition to the general requirements of Section 4.0, the requirements of this section apply to all development proposed in special flood hazard areas other than coastal high hazard areas. These areas include Zones A, AE, and AO. See Section 4.4 for the requirement that buildings and structures comply with the flood load and flood-resistant construction requirements of the building code.~~

~~5.2~~4.10 Accessory ~~S~~structures.

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

(A) Useable only for parking or limited storage;

(B) Constructed with flood damage-resistant materials below the base flood elevation;

(C) Constructed and placed to offer the minimum resistance to the flow of flood waters;

(D) Firmly anchored to prevent flotation, collapse, and lateral movement;

(E) Electrical service and mechanical equipment elevated to or above the level of the base flood elevation ~~[~~plus 18 inches~~/ 12 inches]~~; and

(F) Equipped with flood openings that meet the requirements of Section R322.2.2 of the residential code.

(G) For guidance, see FEMA Technical Bulletin #7 – *Wet Floodproofing Requirements*.

~~5.3~~4.11 Protection of ~~F~~flood-~~C~~carrying ~~C~~capacity.

(A) Development in ~~F~~floodways.

Within any floodway area designated on the Flood Insurance Rate Map, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data shall be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the activity:

(1) Will not result in any increase in the base flood elevation; or

(2) Will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:

(a) Submits technical data required in Section 3.4(A)(8)(e);

(b) Evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

(c) Certifies that no structures are located in areas which would be impacted by the increased base flood elevation;

(d) Documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;

(e) Requests and receives concurrence of the **City Manager** ~~[CHIEF EXECUTIVE OFFICER]~~ of **the City of Dover** ~~[COMMUNITY NAME]~~ and the Chief Executive Officer of any other community impacted by the proposed actions; and

(f) Notifies the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship).

(B) Development in ~~A~~areas with ~~B~~base ~~F~~flood ~~E~~elevations but ~~N~~no ~~F~~floodways.

For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments will not increase the base flood elevation more than 1.0 (one) foot at any point.

(C) Deliberate ~~A~~alterations of a ~~W~~watercourse.

For the purpose of these regulations, a watercourse is deliberately altered when a person causes a change to occur within its banks. Deliberate changes to a watercourse include, but are not limited to: widening, deepening or relocating of the channel; installation of culverts; construction of bridges, and excavation or filling of the channel or watercourse banks.

For any proposed deliberate alteration of a watercourse, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed alteration of a watercourse may be permitted upon submission, by the applicant, of the following:

(1) Documentation of compliance with Section ~~5.5~~**4.11**(A) if the alteration is in a floodway or Section ~~5.5~~**4.11**(B) if the alteration is in a watercourse with base flood elevations but no floodway.

(2) A description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.

(3) A certification by a licensed professional engineer that the bankful flood-carrying capacity of the watercourse will not be diminished.

(4) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) have been notified of the proposal and evidence that such notifications have been submitted to the Federal Emergency Management Agency.

(5) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with **the City of Dover** ~~[COMMUNITY NAME]~~ specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

~~**SECTION 6.0 REQUIREMENTS IN COASTAL HIGH HAZARD AREAS (ZONE VE)**~~

~~**6.1 General Requirements**~~

~~In addition to the general requirements of Section 4.0, the requirements of this section apply to all development proposed in coastal high hazard areas, also referred to collectively as "Zone V." See Section 4.4 for the requirement that buildings and structures comply with the flood load and flood-resistant construction requirements of the building code.~~

SECTION ~~7.0~~5.0 VARIANCES.

~~7.1~~5.1 Variances.

The ~~[COMMUNITY NAME]'s [BODY WITH AUTHORITY TO GRANT VARIANCES]~~ **City of Dover Construction Code Appeals Committee** shall have the power to authorize, in specific cases, such variances from the requirements of these regulations and the flood load and flood load and flood-resistant construction of the building code, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(A) Application for a Variance.

(1) Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.

(2) At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in Section ~~7~~5.1(B) and the limitations and conditions of Section ~~7~~5.1(C).

(B) Considerations for ~~V~~variances.

In considering variance applications, the **City of Dover Construction Code Appeals Committee** ~~[BODY WITH AUTHORITY TO GRANT VARIANCES]~~ shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed development to the community.

(5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.

(6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the comprehensive plan for that area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(C) Limitations for ~~V~~variances.

(1) An affirmative decision on a variance request shall only be issued upon:

(a) A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.

(b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.

(c) Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

(d) A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.

(e) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

(f) A determination that the structure or other development is protected by methods to minimize flood damages.

(g) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the **City of Dover Construction Code Appeals Committee** ~~[BODY WITH AUTHORITY TO GRANT VARIANCES]~~ may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

(3) The **City of Dover Construction Code Appeals Committee** ~~[BODY WITH AUTHORITY TO GRANT VARIANCES]~~ shall notify any applicant **in writing** to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements only, and that the cost of federal flood insurance will be commensurate with the increased risk.

SECTION 6~~8~~.0 ENFORCEMENT

6~~8~~.1 Compliance ~~R~~required.

(A) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations.

(B) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with Section **6.2**~~8.3~~.

(C) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of these regulations.

~~**8.2 Notice of Violation**~~

~~[INSERT REFERENCE TO OTHER ORDINANCE WITH PROCEDURES]~~

~~**8.3**~~**6.2 Violations and Penalties**

~~[INSERT REFERENCE TO OTHER ORDINANCE WITH PROCEDURES]~~

(a) Violation of any provision or requirement of this ordinance or violation of any statement, plan, application, permit or certificate approved under the provisions of this ordinance shall be considered a misdemeanor.

(b) The owner, general agent or contractor of a building, premises, or part thereof, where such a violation had been committed or does exist, shall be guilty of such misdemeanor.

(c) Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall be guilty of such misdemeanor.

(d) The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) Penalties for violations or non-compliance shall be as provided for in Appendix F – Fees and Fines.

BE IT FURTHER ORDAINED:

That Chapter 22 – Buildings and Building Regulations, Article II – Building Code, Section 22-61 – Adopted, (a) International Building Code adopted, Section 1612.3 - Establishment of flood hazard areas, of the Dover Code, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 1612.3: Flood Insurance Study for **the City of Dover, dated**~~[COUNTY NAME and Incorporated Areas]~~, dated **July 7, 2014, or as subsequently amended or revised**[RCQ4]**.**~~[EFFECTIVE DATE OF FIS/FIRM]~~

That Chapter 22 – Buildings and Building Regulations, Article II – Building Code, Section 22-61 – Adopted, (a) International Residential Code adopted, Section R301.2, Table R301.2(1) Climatic and Geographic Design Criteria, of the Dover Code, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Table R301.2(1)[RCQ5] **Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Design		Seismic Design Category [f]	Subject to Damage From			Winter Design Temp [e]	Ice Barrier Under-layment Required [h]	Flood Hazards [g]	Air Freezing Index ;sup\sup;	Mean Annual Temperature [j]
	Speed [d] (mph)	Topographic effects [k]		Weathering [a]	Frost line Depth ;sup\sup;	Termite [c]					
25	95 gust 77 fastest	NO	A	Severe	24"	Moderate To Heavy	14°	NO	~~May 5, 2003~~Adopted in Chapter 50 of the Code of the City of Dover	450	55°

BE IT FURTHER ORDAINED:

That Chapter 22 – Buildings and Building Regulations, Article II – Building Code, Section 22-61 – Adopted, (a) International Building Code adopted, be amended by inserting Section 1612.4.1, as follows:

Section 1612.4.1 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 18 inches, whichever is higher.

~~**SECTION 2. This ordinance specifically amends the** [INSERT CITATION TO EXISTING REGULATIONS THAT ADOPT AND AMEND THE BUILDING CODES]**.**~~

~~1.0. The following sections of the building code are hereby amended, by insertion of the following in the specified section:~~

> ~~Section 1612.3: Flood Insurance Study for [COUNTY NAME and Incorporated Areas], dated [EFFECTIVE DATE OF FIS/FIRM]~~

~~2.0. The following sections of the residential code are hereby amended, by insertion of the following in the specified sections:~~

> ~~Table R301.2(1), footnote (g): [DATE OF ENTRY], Flood Insurance Study for [COUNTY NAME and Incorporated Areas], dated [EFFECTIVE DATE OF FIS/FIRM]~~

BE IT FURTHER ORDAINED:

That Chapter 22 – Buildings and Building Regulations, Section 22-61 – Adopted, International Residential Code Adopted, be amended by inserting the following:

~~3.0. The following sections of the residential code are hereby amended:~~

> Table R301.2(1), footnote (g): ~~[~~**September 16, 1982**~~DATE OF ENTRY]~~, Flood Insurance Study for **Kent County** ~~[COUNTY NAME~~ and Incorporated Areas], dated **July 7, 2014, or as subsequently amended or revised.** ~~[EFFECTIVE DATE OF FIS/FIRM]~~ [RCQ6]

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation ~~[~~plus 18 inches ~~/12 inches]~~ or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher. ~~*{already has +1 ft; could add another foot here}*~~
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus ~~[~~18 inches ~~/12 inches]~~ or at least 3**.5** feet ~~2 feet (610 mm)~~ if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus ~~[~~18 inches ~~/12 inches]~~ or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

~~**R322.3.2 Elevation requirements.**~~[RCQ7]

~~1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:~~
~~1.1 Located at or above the base flood elevation plus [18 inches /12 inches] or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or~~
~~1.2 Located at the base flood elevation plus [18 inches /12 inches] 1 foot (305 mm), or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach. *{you may elect to not add +1 ft here because this provision already adds a foot}*~~
~~2. Basement floors that are below grade on all sides are prohibited.~~
~~3. The use of fill for structural support is prohibited.~~
~~4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.~~

~~**Exception:** Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.~~

~~4.0. The following section of the building code is hereby amended:~~

~~**1612.4.1 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus [18 inches /24 inches], whichever is higher.~~ ~~Moved but would not track~~

~~5.0. The following section of the building code is hereby amended: [RESERVED FOR ADDITIONAL LOCAL REQUIREMENTS TO ADOPT HIGHER STANDARDS IN THE BUILDING CODES]~~

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **the City of Dover, Delaware** ~~[COMMUNITY NAME].~~ **.** This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after **July 7, 2104** ~~[INSERT DATE]~~

SECTION 4. REPEALER.
Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): [insert citation to existing flood damage reduction regulations that will be replaced by these regulations and citation(s) to other ordinances that have flood provisions, such as subdivision regulations that also will be replaced by these regulations].

SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES.
It is the intent of the [COMMUNITY'S GOVERNING BODY] that the provisions of this ordinance shall become and be made a part of the [COMMUNITY NAME] Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE.
This ordinance shall take effect on _____.

PASSED on first reading on _____.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the [COMMUNITY'S GOVERNING BODY], upon second and final reading this _____, 2014.

This ordinance shall take effect on _____

Date Ordinance Adopted: _____

Ordinance Number: _____

Signature of Community Official: _____

_____

_____ Title: _____

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, be amended by inserting the bold, blue text, as follows:

Chapter 50 - Floods, Article II—Flood Damage Prevention		
Sec. **-*	***Permit***	***$50.00***
	Permit Extension	***$25.00***
	Violation and non-compliance; penalties	***Not less than $25.00 nor more than $100.00, plus cost of prosecution***

ADOPTED: *

SYNOPSIS

AN ORDINANCE BY THE [community's governing body] AMENDING THE {name of community} CODE OF ORDINANCES TO REPEAL [insert appropriate chapter/section numbers]; TO ADOPT A

~~NEW [insert appropriate chapter/section numbers]; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT ADMINISTRATIVE PROCEDURES, TO COORDINATE WITH THE BUILDING CODE, AND TO ADOPT CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO PROVIDE FOR APPLICABILITY; REPEALER; AND AN EFFECTIVE DATE.~~

The proposed amendment replaces Chapter 50 – Floods, of the Dover Code of Ordinances in its entirety, adopts flood hazard maps, designates a floodplain administrator, adopts administrative procedures, coordinates with the building code, and adopts criteria for development in flood hazard areas. Additionally, Chapter 22 – Buildings and Building Regulations and Appendix F – Fees and Fines have been amended accordingly.

Actions History

04/28/2014 - Scheduled for Introduction at the Legislative, Finance, and Administration Committee

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Finance **DATE SUBMITTED: 04/23/2014**
PREPARED BY: Donna Mitchell, Controller/Treasurer
SUBJECT: Proposed Budget Amendment for Fiscal Year 2014
APPROVALS: City Council
REVIEWED BY: City Manager
EXHIBITS: Proposed Budget Ordinance #2014 – 10
TIMETABLE: Upon approval
RECOMMENDED ACTION: Staff recommends approval of the Budget Ordinance # 2014 – 10 for Fiscal Year 2014.

Attached is a second set of budget amendments for Fiscal Year 2013/2014. The first budget amendment (2013-08) was approved on January 27, 2014. The proposed budget ordinance amending the Fiscal 2014 budget encompasses the following changes.

- Revenues have been adjusted to reflect the current forecast.
- Pension accounting changes are reflected, shifting the fund expenses back to the Divisions and interfund service line items in the General Fund, Water/Wastewater Fund and Electric Revenue Fund.
- Incorporates internal budget adjustments completed in accordance with budget amendment authority of the City Manager. I.e. transferring salary savings to contractual services for seasonal grass mowing due to vacancies.
- Transfers $77,000 of savings in temporary help for the Library to the Inspections demolition account to fund the Council action approved for increased demolition cost.
- Operating expense reductions based on annual budget reviews with the City Manager.

Also included are the following additional items of which a couple of them have previously been discussed with City Council and the others are included for discussion now.

- Salt Barn – Street Division CIP budget $50,000. Was inadvertently dropped off in the project carry forwards in the January ordinance. Another $15,000 for Kent Conservation District storm water.
- Demolition of the White Oak Park recreation building – Current estimate $70,500 in the Recreation Division CIP.
- Old Library clean up – Current estimate $35,000 in the Library Division CIP.
- Contractual services in the Finance Division $12,000 for agreed upon procedure engagement with current auditors to review internal control procedures, revenue procedures and cash handling procedures at Recreation, Library and Police Divisions.
- Water Utility – U.S. 13 Water Main –WQ0907 – lawsuit settlement with Eastern States Construction $141,600.

All of these items are being funded through salary savings within the budget. The transfer to the Capital Project Fund has been adjusted for the CIP items.

CITY OF DOVER ORDINANCE # 2014-10
2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT

GENERAL FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Forty-One Million, Ninety-Seven Thousand dollars ($41,097,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 3,455,200	$ 4,219,800
REVENUES		
FINES AND POLICE REVENUE	666,000	573,900
INVESTMENT INCOME	75,000	40,000
LIBRARY REVENUES	66,600	70,500
KENT COUNTY BOOK REIMBURSEMENT	400,000	460,000
BUSINESS LICENSES	1,460,000	1,460,000
PERMITS AND OTHER LICENSES	1,167,500	1,332,500
MISCELLANEOUS CHARGES	63,300	53,100
POLICE EXTRA DUTY	650,000	650,000
PROPERTY TAXES	11,120,000	11,046,000
BID REVENUE	49,500	49,500
RECREATION REVENUE	133,000	148,800
FRANCHISE FEE	606,200	636,000
TRASH FEES	2,676,500	2,595,600
RENT REVENUE - GARRISON FARM	118,500	118,500
COURT OF CHANCERY FEES	863,200	1,002,200
REVENUES SUBTOTAL	20,115,300	20,236,600
INTERFUND SERVICE RECEIPTS		
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	1,134,900	1,360,300
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,319,400	3,572,700
INTERFUND SERVICE RECEIPTS SUBTOTAL	4,454,300	4,933,000
GRANTS		
POLICE RELATED	110,000	126,800
POLICE PENSION GRANT	500,000	500,000
GREEN ENERGY GRANT	98,500	98,500
MISCELLANEOUS GRANTS	25,000	25,000
GRANTS SUBTOTAL	733,500	750,300
TRANSFERS FROM		
TRANSFER TAX	1,315,500	1,393,000
MUNICIPAL STREET AID	527,400	663,900
CIVIL TRAFFIC PENALTIES	600,000	368,400
WATER/WASTEWATER	500,000	500,000
ELECTRIC	8,000,000	8,000,000
OTHER RESERVES	32,000	32,000
TRANSFERS FROM SUBTOTAL	10,974,900	10,957,300
TOTAL REVENUES	36,278,000	36,877,200
TOTALS	**$ 39,733,200**	**$ 41,097,000**

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

GENERAL FUND - EXPENDITURES AND BUDGET BALANCE FOR 2013-2014

DEPARTMENT EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
CITY CLERK	$ 334,400	$ 371,700
COUNCIL	107,800	107,800
TAX ASSESSOR	198,300	208,400
FIRE	692,100	741,600
GROUNDS MAINTENANCE	948,500	1,160,700
LIBRARY	1,330,400	1,336,900
RECREATION	708,200	717,200
LIFE SAFETY	468,200	491,400
CODE INFORCEMENT	377,100	432,300
PLANNING	444,800	422,600
INSPECTIONS	540,300	695,200
ECONOMIC DEVELOPMENT	215,200	215,200
POLICE	13,571,800	13,988,700
POLICE EXTRA DUTY	760,000	776,800
STREETS	603,700	660,300
SANITATION	2,153,800	2,253,500
CITY MANAGER	457,300	460,000
INFORMATION TECHNOLOGY	660,500	740,000
FINANCE	906,500	980,000
PUBLIC WORKS - ADMINISTRATION	425,800	513,100
FACILITIES MANAGEMENT	632,600	689,100
PROCUREMENT & INVENTORY	517,600	559,400
FLEET MAINTENANCE	720,700	770,900
CUSTOMER SERVICES	1,109,400	1,232,200
HUMAN RESOURCES	334,300	393,100
MAYOR	83,300	83,300
DEPARTMENT SUBTOTALS	29,302,600	31,001,400
OTHER EXPENSES		
DEBT SERVICE	557,300	557,300
CONTRIBUTION TO DDP	162,400	162,400
MISCELLANEOUS GRANT RELATED EXPENSES	25,000	25,000
INSURANCE	658,900	658,900
RETIREES HEALTH CARE	1,636,500	1,636,500
OTHER EMPLOYMENT EXPENSES	400,000	118,800
PENSION UNFUNDED LIABILITY	1,159,100	121,000
POLICE PENSION FUND - STATE GRANT	500,000	500,000
POLICE PENSION FUND - UNFUNDED LIABILITY	307,400	689,400
UNCOLLECTIBLES - TRASH AND OTHER	10,000	10,000
STREET LIGHTS	836,000	774,500
OTHER EXPENSE SUBTOTAL	6,252,600	5,253,800
TRANSFERS		
TRANSFER TO CAPITAL FUND - PROJECTS	1,278,300	1,448,800
TRANSFERS SUBTOTAL	1,278,300	1,448,800
TOTAL EXPENDITURES	36,833,500	37,704,000
CURRENT YEAR BALANCE	2,899,700	3,393,000
TOTALS	**$ 39,733,200**	**$ 41,097,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

GOVERNMENTAL CAPITAL PROJECTS FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Five Million, Three Hundred Thirty-Three Thousand, Six Hundred dollars ($5,333,600) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

REVENUES

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 241,200	$ 2,801,800
BEGINNING BALANCE - LIBRARY PROJECT	(74,700)	256,500
REVENUES		
STATE GRANTS - OTHER	15,000	15,000
CONTRACTOR'S CONTRIBUTIONS	-	264,800
TRANSFER FROM COMMUNITY TRANSPORTATION	-	60,500
TRANSFER FROM GENERAL FUND FOR PROJECTS	1,278,300	1,448,800
TRANSFER FROM MUNICIPAL STREET AID - CAPITAL	-	251,200
TRANSFER FROM PARKLAND RESERVE	95,000	80,000
SUBTOTAL PROJECT RECEIPTS	1,388,300	2,120,300
STATE GRANTS - LIBRARY	-	150,000
LIBRARY CAPITAL PLEDGES	-	5,000
SUBTOTAL LIBRARY PROJECT RECEIPTS	-	155,000
TOTAL REVENUES	1,388,300	2,275,300
TOTAL BEGINNING BALANCE AND REVENUES	**$ 1,554,800**	**$ 5,333,600**

EXPENSE SUMMARY

DEPARTMENT EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
FIRE	$ 238,500	$ 238,500
GROUNDS MAINTENANCE	50,100	50,100
LIBRARY	-	446,500
RECREATION	95,000	172,000
CODE ENFORCEMENT	30,000	30,900
POLICE	257,300	342,400
STREETS	251,500	1,524,600
STREETS - GARRISON FARM INFRASTRUCTURE	-	1,936,100
SANITATION	402,100	395,600
INFORMATION TECHNOLOGY	7,000	7,000
FACILITIES MANAGEMENT	17,800	17,800
PROCUREMENT & INVENTORY	55,000	55,000
DEPARTMENT SUBTOTAL	1,404,300	5,216,500
CURRENT YEAR BALANCE	150,500	117,100
TOTALS	**$ 1,554,800**	**$ 5,333,600**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

WATER/WASTEWATER FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Fourteen Million, One Hundred Eighty Thousand, Three Hundred dollars ($14,180,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE - WATER	$ 770,800	$ 732,700
BEGINNING BALANCE - WASTEWATER	412,600	441,400
BEGINNING BALANCE - KCSA	141,600	(17,300)
TOTAL BEGINNING BALANCES	1,325,000	1,156,800
BASE REVENUE		
WATER FEES	4,730,700	4,396,000
WASTEWATER FEES	3,642,700	3,529,000
WASTEWATER ADJUSTMENT FEES	2,980,300	2,900,000
GROUNDWATER INFLOW ADJUSTMENT	1,324,600	1,302,300
WATER TANK SPACE LEASING	333,800	321,200
SEWER IMPACT FEES	323,000	237,900
WATER IMPACT FEES	357,000	262,700
INTEREST - WATER	9,100	3,900
INTEREST - WASTEWATER	14,000	6,100
MISCELLANEOUS SERVICE FEE	82,000	64,400
TOTAL REVENUES	13,797,200	13,023,500
TOTAL BEGINNING BALANCES AND REVENUES	**$ 15,122,200**	**$ 14,180,300**

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

WATER/WASTEWATER FUND - EXPENDITURES AND BUDGET BALANCE FOR 2013-2014

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
DIRECT EXPENSES		
ENGINEERING & INSPECTION	$ 664,400	$ 499,000
WATER CONSTRUCTION	351,400	340,800
WATER MANAGEMENT	433,900	474,700
WATER TREATMENT PLANT	1,501,800	1,495,200
WASTEWATER MANAGEMENT	945,100	885,700
DIRECT EXPENDITURE SUBTOTAL	3,896,600	3,695,400
OTHER EXPENSES		
DEBT SERVICE - WATER	403,800	403,800
DEBT SERVICE - WASTEWATER	615,700	603,400
RETIREES HEALTH CARE	200,000	200,000
OTHER EMPLOYMENT EXPENSES	25,000	10,800
PENSION UNFUNDED LIABILITY	339,400	-
KENT COUNTY TREATMENT CHARGE	3,524,800	4,030,000
INTRAFUND SERVICE FEES	1,233,400	1,458,800
OTHER EXPENSES SUBTOTAL	6,342,100	6,706,800
TRANSFER TO		
GENERAL FUND FROM WATER	250,000	250,000
GENERAL FUND FROM WASTEWATER	250,000	250,000
WATER IMP AND EXT	1,200,000	1,233,200
WASTEWATER IMP AND EXT	1,330,000	1,330,000
TRANSFER TO SUBTOTAL	3,030,000	3,063,200
TOTAL EXPENSES	13,268,700	13,465,400
CURRENT YEAR BALANCES		
CURRENT YEAR BALANCE WATER	1,056,400	658,400
CURRENT YEAR BALANCE WASTEWATER	797,100	(98,500)
CURRENT YEAR BALANCE KCSA	-	155,000
CURRENT YEAR BALANCE SUBTOTALS	1,853,500	714,900
TOTAL CURRENT YEAR BALANCES AND EXPENSES	**$ 15,122,200**	**$ 14,180,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Fifteen Million, Four Hundred Fifty-Four Thousand, Nine Hundred dollars ($15,454,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
PRIOR YEAR BALANCE - WATER	$ 1,620,000	$ 4,473,800
PRIOR YEAR BALANCE - WASTEWATER	660,900	2,807,000
TOTAL BEGINNING BALANCES	2,280,900	7,280,800
RECEIPTS		
BOND PROCEEDS - WATER - 2013 ISSUE	-	3,000,000
BOND PROCEEDS - WASTEWATER - 2013 ISSUE	-	1,067,900
BOND PROCEEDS - WASTEWATER - 2011 ISSUE (DRLP)		62,000
ARBITRAGE REBATE - IRS REFUND	-	66,000
TRANS FROM OPERATING FUND FOR WATER	1,200,000	1,233,200
TRANS FROM OPERATING FUND FOR WASTEWATER	1,330,000	1,330,000
TRANSFER FROM WATER IMPACT FEE RESERVE	390,000	390,000
TRANSFER FROM WASTEWATER IMPACT FEE RESERVE	-	1,000,000
INTEREST INCOME	25,000	25,000
TOTAL RECEIPTS	2,945,000	8,174,100
TOTALS	**$ 5,225,900**	**$ 15,454,900**

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
WATER	$ 1,476,800	$ 7,649,700
WASTEWATER	1,251,000	5,252,400
WATER CONSTRUCTION	90,000	90,000
TOTAL EXPENSES	2,817,800	12,992,100
CURRENT YEAR BALANCE - WATER	1,655,700	1,402,800
CURRENT YEAR BALANCE - WASTEWATER	752,400	1,060,000
CURRENT YEAR BALANCE SUBTOTALS	2,408,100	2,462,800
TOTALS	**$ 5,225,900**	**$ 15,454,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

ELECTRIC REVENUE FUND
REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Ninety-Four Million, Seven Hundred Twenty-Two Thousand, One Hundred dollars ($94,722,100) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 7,152,400	$ 6,620,900
BASE REVENUE		
DIRECT SALES TO CUSTOMER	76,286,700	78,792,300
UTILITY TAX	1,492,200	1,309,300
MISCELLANEOUS REVENUE	602,000	579,100
RENT REVENUE	251,000	180,000
GREEN ENERGY	135,800	130,000
INTEREST EARNINGS	119,400	12,000
TRANSFER FROM RATE STABILIZATION	4,000,000	7,000,000
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	98,500	98,500
TOTAL REVENUES	82,985,600	88,101,200
TOTALS	**$ 90,138,000**	**$ 94,722,100**

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

ELECTRIC REVENUE FUND - EXPENDITURES & BUDGET BALANCE FOR 2013-2014

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
POWER SUPPLY	$ 23,832,000	$ 25,977,700
SOLAR ENERGY	1,565,800	1,729,200
SOLAR RENEWAL ENERGY CREDITS	300,000	352,600
POWER SUPPLY MANAGEMENT	996,000	996,000
PJM CHARGES - ENERGY	12,812,900	17,274,000
PJM CHARGES - TRANSMISSION & FEES	4,740,000	7,420,000
CAPACITY CHARGES	15,787,200	15,614,100
SUB-TOTAL POWER SUPPLY	60,033,900	69,363,600
PLANT OPERATIONS	6,015,800	5,851,600
GENERATION FUELS	-	1,603,800
PJM SPOT MARKET ENERGY	(230,500)	(1,004,500)
PJM CREDITS	(397,000)	(5,314,800)
CAPACITY CREDITS	(15,079,800)	(15,079,800)
GENERATION SUBTOTAL	(9,691,500)	(13,943,700)
POWER SUPPLY & GENERATION SUBTOTAL	50,342,400	55,419,900
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	3,302,500	3,776,300
ELECTRICAL ENGINEERING	1,192,200	1,285,300
ADMINISTRATION	597,000	628,400
METER READING	220,300	273,800
SYSTEMS OPERATIONS	543,600	675,800
DIRECT EXPENDITURE SUBTOTALS	5,855,600	6,639,600
OTHER EXPENSES:		
UTILITY TAX	1,492,200	1,309,300
ALLOW FOR UNCOLLECTIBLES	200,000	200,000
CONTRACTUAL SERVICES - RFP'S	100,000	100,000
RETIREES HEALTH CARE	513,300	513,300
OTHER EMPLOYMENT EXPENSES	150,000	125,700
TRANSFER TO PENSION UNFUNDED LIABILITY	1,314,200	-
OPEB UNFUNDED LIABILITY	975,700	975,700
GREEN ENERGY PAYMENT TO DEMEC	135,800	135,800
INTRAFUND SERVICE FEES	3,319,400	3,572,700
INTEREST ON DEPOSITS	27,000	20,000
DEBT SERVICE	3,301,900	3,301,900
OTHER EXPENSES SUBTOTAL	11,529,500	10,254,400
TRANSFER TO		
IMPROVEMENT & EXTENSION	5,448,600	4,918,600
GENERAL FUND	8,000,000	8,000,000
TRANSFER TO SUBTOTAL	13,448,600	12,918,600
TOTAL EXPENSES	81,176,100	85,232,500
CURRENT YEAR BALANCE	8,961,900	9,489,600
TOTALS	**$ 90,138,000**	**$ 94,722,100**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

2013-2014 BUDGET ORDINANCES - SECOND AMENDMENT - CONTINUED

ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2013-2014

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Nine Million, Two Hundred Fifty-two Thousand Three Hundred dollars ($9,252,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

CASH RECEIPTS

	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
BEGINNING BALANCE	$ 3,091,000	$ 3,868,500
RECEIPTS		
TRANSFER FROM ELECTRIC	5,448,600	4,918,600
GENERAL SERVICE BILLING	440,000	440,000
INTEREST EARNINGS	25,200	25,200
TOTAL RECEIPTS	5,913,800	5,383,800
TOTALS	**$ 9,004,800**	**$ 9,252,300**

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2013/14 BUDGET	REVISED 2013/14 BUDGET
ELECTRIC GENERATION	$ 2,117,800	$ 2,130,000
TRANSMISSION AND DISTRIBUTION	1,100,000	1,144,600
ELECTRICAL ENGINEERING	2,405,800	2,615,500
TOTAL EXPENSES	5,623,600	5,890,100
CURRENT YEAR BALANCE	3,381,200	3,362,200
TOTALS	**$ 9,004,800**	**$ 9,252,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

CITY OF DOVER PROPOSED ORDINANCE #2014-14

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

That Appendix D - Downtown Dover Business Improvement District, Article III - Establishment of the Dover Downtown Business Improvement District, Section 3 - Geographic Boundaries, and Section 5 - Management Company of the Dover Code be amended by deleting the text indicated in bold, red, strikeout and inserting the text indicated in bold, blue text, as follows:

Section 1. Purpose.

The creation of the Dover Downtown Business Improvement District is designed to assist in the revitalization of the city's downtown and adjoining commercial district by providing enhanced municipal services via a commercial property surtax. The district is created pursuant to chapter 15, title 22, Delaware Code (22 Del. C. § 1501 et seq.) (hereafter, the "enabling legislation").

Section 2. Establishment.

The mayor and council hereby create a business improvement district to be known as the "Dover Downtown Business Improvement District" ("DDBID"), which district shall be bounded, governed and administered in accordance with this appendix D.

Section 3. Geographic boundaries.

The geographic boundaries of the DDBID shall not exceed the boundaries of the downtown redevelopment target area as defined in ~~a~~**A**ppendix C ~~**[to the Code]**~~ **- Downtown Redevelopment.**

(Ord. of 4-10-2006(4))

Section 4. Duration of DDBID.

~~[~~The~~]~~ city council shall have the right to dissolve the DDBID or change the designation of the management company at any time.

Section 5. Management company.

~~[~~(a) *Authorized*.~~]~~ The DDBID shall be governed by **the Downtown Dover Partnership,** a management company specifically authorized by this ordinance and organized under the not-for-profit corporation provisions of the Delaware General Corporation Law (8 Del. C. § 101 et seq.).

~~**(a) [**~~(b)~~]~~ *Certification of incorporation*. The city solicitor, as incorporator of the company, shall prepare and cause, or amend, the certificate of incorporation to be filed with the secretary of State of Delaware, which certificate shall include those requirements set forth in 22 Del. C. § 1504, as amended.

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~~(b) [~~(c)~~]~~ *Membership of company and board of directors*. The management company shall be a corporation comprised of ~~a majority representation, but~~ not less than five members or directors respectively who either own a commercial property within the district, or are the designee of such owner.~~, and these directors shall constitute a majority of the board of directors.~~

~~(c) [~~(d)~~]~~ *Company reports*. The management company shall file with the finance department and with the city clerk a monthly financial report and shall also provide an operating report monthly. The City of Dover shall annually review the performance of the management company and shall prepare for public inspection a report which certifies that the management company is in compliance with its enabling ordinance, its certificate of incorporation and bylaws, and the provisions of this appendix and 22 Del. C. ch. 15 (22 Del. C. § 1501 et seq.); the management company is fiscally sound; and the management company has not discriminated against any person based upon race, sex, national origin, religion, age or disability.

Section 6. Services.

Except as limited by the enabling legislation, the DDBID may use proceeds of the special assessments to provide for the following services, directly or by contract: promotional events, business training and education; streetscape and store design services and assistance; marketing and advertising; economic development; market analysis and planning studies; security services; sidewalk sanitation; [and] downtown signage and lighting.

Section 7. Assessment base.

The assessment base through which the annual budget of the DDBID shall be funded shall be the real property assessment value as established by city property tax records for the qualified property in the assessment zone.

Section 8. Properties exempt from assessment.

(a) All exclusively residential properties having not more than four rental units shall be exempt from assessment.

(b) All properties which are (i) exempt from the city's real property tax and (ii) owned by either churches or the federal, state or local government shall be exempt from assessment.

(c) All assessment appeals shall be taken directly to the management company.

Section 9. Method of assessment.

(a) The management company shall assess each assessable property within the district by multiplying the total service and improvement cost as reflected in the adopted budget for each year (less any allocated surplus or estimated revenue from other sources) by the ratio of the amount of such assessable property's assessment base to the total amount of the assessment base for all assessable properties in the district or, if the district is divided into assessment zones, in the respective assessment zone, provided that, in all cases, the

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assessment base shall be the one designated in the enabling legislation and this appendix by the city to fund the district; and provided, further, that notwithstanding the above, the management company shall have the power to impose an assessment of a minimum amount.

(b) The management company shall by resolution authorize the payment of such assessments annually.

(c) All assessments imposed by the management company shall constitute a lien on each property so assessed, the nonpayment of which shall be collectible in the same manner as the collection of a property tax delinquency by the city in which the district lies. No action taken to enforce a claim by the management company for the annual payment shall affect the status of any subsequent installment of the same or the next assessment, each of which shall constitute a lien upon the property.

(d) Each year the city assessor shall provide the management company with a list of the assessed values of all properties located within the DDBID which are subject to assessment hereunder, as well as the:

(i) Name and address of the owner(s) of each such property; and

(ii) The address and parcel number of each such property.

(e) There shall be three assessment zones in the district as set forth in the attached map. Zones 1, 2 and 3 shall provide 50 percent, 40 percent and ten percent of the budget assessment.

(f) The annual budget and assessment zones shall be established by the management company and submitted to [the] city council for approval on or before the first council meeting in May each year. The budget shall be based on services and improvements authorized by this ordinance and shall be approved by [the] council on or before the second meeting in June. Once the budget is approved by [the] city council, the city assessor shall supply to the management company the necessary information to determine the assessments and assessment rate. The assessment rate shall be approved and accepted by [the] council on or before the second meeting in June each year. The billing and assessment year shall run from July 1 to June 30. Assessment notices shall be mailed on or before the tenth working day of July each year. Assessments not paid by August 1 shall bear a penalty of 1½ percent per month.

(Ord. of 4-10-2006(5))

Section 10. Limitations on authority.

The management company shall have all of the powers and authorities described and listed in 22 Del. C. § 1504(b), as amended; provided, however, that it shall be prohibited from incurring capital debt and owning real property with funds acquired through the DDBID revenues.

ADOPTED: *

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SYNOPSIS

The proposed amendment names the Downtown Dover Partnership as the "management company" for the Business Improvement District and removes the requirement that a majority of the management company's Board of Directors be owners or owners' designees of commercial properties within the Business Improvement District.

(SPONSORS: LYNN AND TOWNSHEND)

Actions History

05/12/2014 - Scheduled for Introduction at the Legislative, Finance, and Administration Committee

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M E M O R A N D U M

TO: Legislative, Finance, and Administration Committee

FROM: Traci A. McDowell, City Clerk

DATE: May 8, 2014

SUBJECT: May 12, 2014 LF&A Agenda Item #9 - Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties

Councilman Slavin has requested consideration of the Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties. Attached, please find information pertaining to this item, as follows:

- January 13, 2014 LF&A Committee Action form regarding Proposed Ordinance #2014-01 - Amendment to Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility *(Amendments Would Require Compliance with Section 1-13 - Clean Hands; Provide for Revocation of the Incentives for Beneficiaries Who Are Delinquent on Obligations to the City; and Make Tax Exempt Properties Ineligible for the Incentives.)*
- Excerpted Portions of the January 27, 2014 City Council Minutes regarding Proposed Ordinance #2014-01
- The Final Reading of Proposed Ordinance #2014-01
- Excerpted Portions of the February 10, 2014 City Council Minutes regarding Proposed Ordinance #2014-01

/dd

S:\CAFS\05-12-2014 LF&A - Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties\05-12-2014 LF&A Item 9 Memo.wpd

COMMITTEE ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections/City Manager's Office **DATE SUBMITTED**: January 3, 2014
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development
SUBJECT: Proposed Ordinance #2014-01
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: City Manager, Deputy City Solicitor, City Clerk
EXHIBITS: Proposed Ordinance #2014-01
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Forward to City Council for First Reading on 1/27/14 and Final Reading and Action on 2/10/14
RECOMMENDED ACTION: Staff recommends the Committee forward the ordinance to City Council with a recommendation for adoption.

BACKGROUND AND ANALYSIS

The City offers incentives to certain qualifying industries, businesses, and homeowners to expand or locate within the limits of the City, and business and property owners to improve their properties. These incentives are addressed in Chapter 102 – Taxation, Appendix C – Downtown Redevelopment, and Appendix E – Commercial and Industrial Building Redevelopment of the City of Dover Code of Ordinances.

The City offers tax abatement incentives to certain qualifying industries and businesses to expand or locate in the City, and persons purchasing residential real property (where they will reside) within a designated area. Additionally, in the Downtown Redevelopment Target Area, eligible projects may receive a full waiver of building permit fees, a full waiver of City impact fees (for multi-story mixed use development), and abatement of the property taxes on the improvements for a period of ten years. For commercial and industrial buildings, where there are renovations to establish a new business, projects may receive a 50% reduction in building permit fees, a 50% reduction in any applicable City impact fees, and abatement of the property taxes on the improvements for a period of ten years.

In recent years, some of the beneficiaries of these incentives have become delinquent on City taxes. Currently there is no mechanism to revoke the outstanding incentives if property owners are delinquent. The proposed amendments would require compliance with the City's Clean Hands Ordinance and provide for the revocation of approved but unrealized incentives if the beneficiary of the incentives becomes delinquent on obligations owed to the City. The proposed amendments reference and are consistent with the City Clean Hands Ordinance, which prevents the City from issuing permits or establishing services for property owners who are delinquent on obligations to the City.

The proposed ordinance would also make tax exempt properties ineligible for the incentives.

Excerpted Portions - January 27, 2014 City Council Meeting Minutes

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JANUARY 13, 2014

Proposed Ordinance #2014-01 - Amendment to Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility

Mr. Scott Koenig, City Manager, explained that the City offers incentives to certain qualifying industries, businesses, and homeowners to expand or locate within the limits of the City, and business and property owners to improve their properties. Tax abatement incentives are offered to certain qualifying industries and businesses to expand or locate in the City, and persons purchasing residential real property (where they will reside) within a designated area. Additionally, in the Downtown Redevelopment Target Area, eligible projects may receive a full waiver of building permit fees, a full waiver of City impact fees (for multi-story mixed use development), and abatement of the property taxes on the improvements for a period of ten years. For commercial and industrial buildings, where there are renovations to establish a new business, projects may receive a 50% reduction in building permit fees, a 50% reduction in any applicable City impact fees, and abatement of the property taxes on the improvements for a period of ten years.

In recent years, some of the beneficiaries of these incentives have become delinquent on City taxes and there is no mechanism to revoke the outstanding incentives if property owners are delinquent. The proposed amendments would require compliance with the City's Clean Hands Ordinance and provide for the revocation of approved but unrealized incentives if the beneficiary of the incentives becomes delinquent on obligations owed to the City. The proposed amendments reference and are consistent with the City Clean Hands Ordinance, which prevents the City from issuing permits or establishing services for property owners who are delinquent on obligations to the City.

The proposed ordinance would also make tax exempt properties ineligible for the incentives.

Staff recommended adoption of Proposed Ordinance #2014-01.

The Committee recommended adoption of Proposed Ordinance #2014-01, as recommended by staff.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson). *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

FIRST READING - PROPOSED ORDINANCE #2014-01

Council President Bonar reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's office. Final action by Council on the proposed ordinance will take place during the Council meeting of February 10, 2014.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2014-01 as read by the City Clerk, by title only, as follows:

➢ PROPOSED ORDINANCE #2014-01 AMENDING CHAPTER 102 - TAXATION, ARTICLE IV - ABATEMENT OF REAL ESTATE TAXES; APPENDIX C - DOWNTOWN REDEVELOPMENT, ARTICLE II - DEFINITIONS AND ARTICLE III - ELIGIBILITY; AND APPENDIX E - COMMERCIAL AND INDUSTRIAL BUILDING REDEVELOPMENT, ARTICLE II - ELIGIBILITY

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FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2014-01

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

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-111 - Purpose, be amended by inserting the blue, bold text and deleting the text indicated in red, bold, strikeout, as follows:

In the ~~**option**~~ **opinion** of city council, the abatement of city real estate taxes for certain qualifying industries and businesses defined herein best promotes the public welfare by providing incentives for them to expand or locate in the city, thereby creating new employment opportunities for the citizens of the city and ultimately strengthening the city's tax base.

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, be amended by adding a new Section 102-118 - Revocation of Eligibility, to read as follows:

Sec. 102-118 - Revocation of Eligibility

The beneficiary of the incentives provided by this Article must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

BE IT FURTHER ORDAINED:

That Appendix C - Downtown Redevelopment, Article II - Definitions, be amended by deleting it in its entirety and inserting in lieu thereof the following:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Section 1. Beneficiary of the incentives.

The *beneficiary of the incentives* shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

Section 2. Downtown Dover Partnership.

The *Downtown Dover Partnership* shall be established for the purpose of fostering redevelopment within the target area.

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Section 3. Eligible project.

Eligible project shall mean a new construction or renovation which:

(a) Is located within the target area; and

(b) The fair market value of the materials to be used in and the labor to be performed on the project exceeds the sum of $15,000.00; and

(c) Is for commercial, office, or a residential use; and

(d) Conforms to the intent of this ordinance.

In order for a residential use to be an eligible project, the object of the construction or renovation must be a dwelling unit as defined in article 12 of the City of Dover zoning ordinance [appendix B]. Construction or renovation of accessory buildings as defined in article 12 of the City of Dover zoning ordinance [appendix B] shall not be eligible for development incentives. Construction or renovation which constitutes ordinary replacement or routine maintenance shall not qualify as an eligible project.

Section 4. Target area.

Target area shall mean that part of the city more particularly described as follows:

Beginning at a point at the intersection of the centerlines of Cecil and North State Streets, then continuing on the centerline of North State Street in a southerly direction to the intersection of the centerline of State Street and an extension of the centerline of Delaware Avenue, then continuing on the centerline and an extension of the centerline of Delaware Avenue in an easterly direction to the point of intersection of an extension of the centerline of Delaware Avenue and the St. Jones River, then following the centerline of the St. Jones River in a southerly direction to the point of intersection of the centerline of the St. Jones River and the southerly property line of lands now or formerly of the Catholic Diocese of Wilmington, being the site of Holy Cross Roman Catholic Church, then proceeding in a westerly direction along said property line to the easterly right-of-way line of South State Street (U.S. Route 13-A), then crossing the right-of-way line of South State Street in a westerly direction and joining the centerline of Hope Street and proceeding in a westerly direction to the centerlines of Hope Street and South Governors Avenue, then proceeding in a southerly direction along the centerline of South Governors Avenue to the point of intersection of the centerlines of South Governors Avenue and Dover Street, then proceeding in a westerly direction along the centerline of Dover Street to the point of intersection of the centerlines of Dover Street and Westview Terrace, then continuing in a northerly direction on the centerline of Westview Terrace to the point of intersection of the centerline of Westview Terrace and New Burton Road, then proceeding in a northeasterly direction on the centerline of New Burton Road to the point of intersection of New Burton Road and West Street, then continuing in a northerly direction along the westerly right-of-way line of West Street to the point of intersection of the westerly side of the right-of-way of West Street and the northerly property line of lands now or formerly of Dover Rent-All, Inc., then continuing in a westerly direction along said property line to the point of intersection of said property line and the lands of Conrail Railroad, then proceeding in a northerly direction along the easterly right-of-way line of Conrail Railroad in a northerly direction to the point of intersection of the centerline of West North Street and then westerly along the centerline of West North Street to a point of intersection with an extension of the westerly property line of lands now

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or of late of Michael Nash, being the site of the former Diamond Ice Company, then proceeding in a northerly direction along the westerly property line of the Nash property and in a line extending to the intersection of the southerly property line of lands now or of late Paul T. and Aiko Moore, and then northwesterly and then northerly along the southern and western property line of the Moore property and extending north to an intersection with the centerline of Lincoln Street, and then easterly along the centerline of Lincoln Street to a point of intersection of an extension of the westerly property line of lands now or formerly of Frank Moore et al., and then northerly along the western property of Frank Moore et al. and extending to a point of intersection with the centerline of Forest Street, then easterly along the centerline of Forest Street to a point of intersection with an extension of the westerly property of the lands now or formerly of the Salvation Army, and then northerly and easterly along the western and north property line of the Salvation Army property to the point of intersection with lands now or of late Conrail Railroad, then northerly along the westerly property line of Conrail Railroad and extending to a point of intersection with the centerline of West Division Street, and then easterly along the centerline of East Division Street to the intersection of the easterly right-of-way line of Conrail Railroad, and then northerly along the easterly right-of-way line of Conrail Railroad to the intersection of the right-of-way of Conrail Railroad and the northerly property line of lands now or of late of Southern States Cooperative, Inc., then proceeding in an easterly direction a distance of 52.76 feet to the northeasterly corner of the lands now or of late of Southern States Cooperative, Inc., then proceeding in a southerly direction along the easterly property line of lands now or of late of Southern States Cooperative, Inc., to the point of intersection of said property and the centerline of Cecil Street, then proceeding in an easterly direction along the centerline of Cecil Street to the point of beginning, being the point of intersection of the centerline of Cecil and North State Streets.

NOTE: This amendment deletes Section 2, Reserved, (which read: Section 2. Reserved. Editor's note - An ordinance adopted Jan. 10, 2000, repealed section 2 which pertained to the eligibility period and derived from an ordinance adopted March 13, 1995, and an ordinance adopted Jan. 11, 1999.) and re-orders the definitions alphabetically.

BE IT FURTHER ORDAINED:

That Appendix C - Downtown Redevelopment, Article III - Eligibility, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout, as follows:

~~**Section 1. Issuance of building permit.**~~

~~**Issuance of a city building permit for an eligible project must be obtained during the eligibility period.**~~

NOTE: The eligibility period expired on December 31, 1999 and was repealed by an ordinance adopted January 10, 2000.

Section ~~2~~ **1**. ~~[~~Development incentive eligibility.~~]~~

In order to be eligible for development incentives, the owner of an eligible project must agree to contribute ten percent of the total value of the incentives received to the Downtown Dover Partnership for reinvestment in downtown Dover.

Draft

Section ~~3~~ **2**. ~~[~~Development incentive ineligibility.~~]~~

An otherwise eligible project shall be ineligible for development incentives if:

(a) An application for ~~[~~a~~]~~ building permit for the project ~~[~~was~~]~~ filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; **or**

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for development incentives is received~~.~~**; or**

(d) The subject property is exempt from City of Dover real estate taxes; or

(e) The beneficiary of the incentives is delinquent on any of the obligations listed in Section 1-13(b).

Section 3. Revocation of Eligibility

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

BE IT FURTHER ORDAINED:

That Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout, as follows:

Section 1. Eligible project.

Eligible project shall mean the renovation and establishment of a business in an existing commercial or industrial building or tenant space which:

(a) Is a minimum of 5,000 square feet of floor area; **and**

(b) The fair market value of the materials to be used in and the labor to be performed on the project exceeds the sum of $15,000.00; **and**

(c) Is for commercial, industrial, or office use; **and**

(d) The establishment of a new business is proposed; and

(e) Conforms to the intent of this ordinance.

Construction or renovation of accessory buildings as defined in Appendix B - Zoning, Article 12 - Definitions, of the Dover Code of Ordinances shall not be eligible for redevelopment incentives.

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Construction or renovation which constitutes ordinary replacement or routine maintenance shall not qualify as an eligible project. Construction of new buildings shall not qualify as an eligible project.

Section 2. Redevelopment incentive ineligibility.

An otherwise eligible project shall be ineligible for redevelopment incentives if:

(a) An application for a building permit for the project was filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; **or**

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for redevelopment incentives is received; **or**

(d) Construction or renovation commenced prior to the issuance of a building permit by the city of Dover; **or**

~~**(e) Applications for incentives provided in this ordinance shall be subject to the provisions of Chapter 1 - General Provisions, Section 1-13 - Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings.**~~

(e) The subject property is exempt from City of Dover real estate taxes; or

(f) The beneficiary of the incentives is delinquent on any of the obligations listed in Section 1-13(b).

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

Section 3. Revocation of eligibility.

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

ADOPTED: *

Draft

SYNOPSIS

The proposed ordinance would amend the Downtown Redevelopment incentives, the Commercial and Industrial Building Redevelopment incentives, and the Tax Abatement incentives to require compliance with Section 1-13 - Clean Hands, and provide for revocation of the incentives for beneficiaries who are delinquent on obligations to the City. It would also make tax exempt properties ineligible for the incentives.

(SPONSORS: Hutchison and Koenig)

Actions History
02/10/2014 - Scheduled for Final Reading
01/27/2014 - First Reading Held
01/13/2014 - Introduced at Legislative, Finance, and Administration Committee

Draft

Excerpted Portions - February 10, 2014 City Council Meeting Minutes

FINAL READING - PROPOSED ORDINANCE #2014-01

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of January 27, 2014.

Mr. Hare moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried.

Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility

Mr. Scott Koenig, City Manager, reminded members that the proposed ordinance would amend the Downtown Redevelopment incentives, the Commercial and Industrial Building Redevelopment incentives, and the Tax Abatement incentives to require compliance with Section 1-13 - Clean Hands, and provide for revocation of the incentives for beneficiaries who are delinquent on obligations to the City. In addition, it would make tax exempt properties ineligible for the incentives.

By motion of Mr. Slavin, seconded by Mr. Hare, and carried by a unanimous roll call vote (Anderson and Bonar absent), Ordinance #2014-01 was adopted, as follows:

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

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-111 - Purpose, be amended to read as follows:

In the opinion of city council, the abatement of city real estate taxes for certain qualifying industries and businesses defined herein best promotes the public welfare by providing incentives for them to expand or locate in the city, thereby creating new employment opportunities for the citizens of the city and ultimately strengthening the city's tax base.

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, be amended by adding a new Section 102-118 - Revocation of Eligibility, to read as follows:

Sec. 102-118 - Revocation of Eligibility

The beneficiary of the incentives provided by this Article must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

BE IT FURTHER ORDAINED:

That Appendix C - Downtown Redevelopment, Article II - Definitions, be amended by deleting it in its entirety and inserting in lieu thereof the following:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Section 1. Beneficiary of the incentives.

The *beneficiary of the incentives* shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

Section 2. Downtown Dover Partnership.

The *Downtown Dover Partnership* shall be established for the purpose of fostering redevelopment within the target area.

Section 3. Eligible project.

Eligible project shall mean a new construction or renovation which:

(a) Is located within the target area; and

(b) The fair market value of the materials to be used in and the labor to be performed on the project exceeds the sum of $15,000.00; and

(c) Is for commercial, office, or a residential use; and

(d) Conforms to the intent of this ordinance.

In order for a residential use to be an eligible project, the object of the construction or renovation must be a dwelling unit as defined in article 12 of the City of Dover zoning ordinance [appendix B]. Construction or renovation of accessory buildings as defined in article 12 of the City of Dover zoning ordinance [appendix B] shall not be eligible for development incentives. Construction or renovation which constitutes ordinary replacement or routine maintenance shall not qualify as an eligible project.

Section 4. Target area.

Target area shall mean that part of the city more particularly described as follows:

Beginning at a point at the intersection of the centerlines of Cecil and North State Streets, then continuing on the centerline of North State Street in a southerly direction to the intersection of the centerline of State Street and an extension of the centerline of Delaware Avenue, then continuing on the centerline and an extension of the centerline of Delaware Avenue in an easterly direction to the point of intersection of an extension of the centerline of Delaware Avenue and the St. Jones River, then following the centerline of the St. Jones River in a southerly direction to the point of intersection of the centerline of the St. Jones River and the southerly property line of lands now or formerly of the Catholic Diocese of Wilmington, being the site of Holy Cross Roman Catholic Church, then proceeding in a westerly direction along said property line to the easterly right-of-way line of South State Street (U.S. Route 13-A), then crossing the right-of-way line of South State Street in a westerly direction and joining the centerline of Hope Street and proceeding in a westerly direction to the centerlines of Hope Street and South Governors Avenue, then proceeding in a southerly direction along the centerline of South Governors Avenue to the point of intersection of the centerlines of South Governors Avenue and Dover Street, then proceeding in a westerly direction along the centerline of Dover Street to the point of intersection of the centerlines of Dover Street and Westview Terrace, then continuing in a northerly direction on the centerline of Westview Terrace to the point of intersection of the centerline of Westview Terrace and New Burton Road, then proceeding in a northeasterly direction on the centerline of New Burton Road to the point of intersection of New Burton Road and West Street, then continuing in a northerly direction along the westerly right-of-way line of West Street to the point of intersection of the westerly side of the right-of-way of West Street and the northerly property line of lands now or formerly of Dover Rent-All, Inc., then continuing in a westerly direction along said property line to the point of intersection of said property line and the lands of Conrail Railroad, then proceeding in a northerly direction along the easterly right-of-way line of Conrail Railroad in a northerly direction to the point of intersection of the centerline of West North Street and then westerly along the centerline of West North Street to a point of intersection with an extension of the westerly property line of lands now or of late of Michael Nash, being the site of the former Diamond Ice Company, then proceeding in a northerly direction along the westerly property line of the Nash property and in a line extending to the intersection of the southerly property line of lands now or of late Paul T. and Aiko Moore, and then northwesterly and then northerly along the southern and western property line of the Moore property and extending north to an intersection with the centerline of Lincoln Street, and then easterly along the centerline of Lincoln Street to a point of intersection of an extension of the westerly property line of lands now or formerly of Frank Moore et al., and then northerly along the western property of Frank Moore et al. and extending to a point of intersection with the centerline of Forest Street, then easterly along the centerline of Forest Street to a point of intersection with an extension of the westerly property of the lands now or formerly of the Salvation Army, and then northerly and

easterly along the western and north property line of the Salvation Army property to the point of intersection with lands now or of late Conrail Railroad, then northerly along the westerly property line of Conrail Railroad and extending to a point of intersection with the centerline of West Division Street, and then easterly along the centerline of East Division Street to the intersection of the easterly right-of-way line of Conrail Railroad, and then northerly along the easterly right-of-way line of Conrail Railroad to the intersection of the right-of-way of Conrail Railroad and the northerly property line of lands now or of late of Southern States Cooperative, Inc., then proceeding in an easterly direction a distance of 52.76 feet to the northeasterly corner of the lands now or of late of Southern States Cooperative, Inc., then proceeding in a southerly direction along the easterly property line of lands now or of late of Southern States Cooperative, Inc., to the point of intersection of said property and the centerline of Cecil Street, then proceeding in an easterly direction along the centerline of Cecil Street to the point of beginning, being the point of intersection of the centerline of Cecil and North State Streets.

BE IT FURTHER ORDAINED:

That Appendix C - Downtown Redevelopment, Article III - Eligibility, be amended to read as follows:

Section 1. Development incentive eligibility.

In order to be eligible for development incentives, the owner of an eligible project must agree to contribute ten percent of the total value of the incentives received to the Downtown Dover Partnership for reinvestment in downtown Dover.

Section 2. Development incentive ineligibility.

An otherwise eligible project shall be ineligible for development incentives if:

(a) An application for a building permit for the project was filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; or

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for development incentives is received; or

(d) The subject property is exempt from City of Dover real estate taxes; or

(e) The beneficiary of the incentives is delinquent on any of the obligations listed in Section 1-13(b).

Section 3. Revocation of Eligibility

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

BE IT FURTHER ORDAINED:

That Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility, be amended to read as follows:

Section 1. Eligible project.

Eligible project shall mean the renovation and establishment of a business in an existing commercial or industrial building or tenant space which:

(a) Is a minimum of 5,000 square feet of floor area; and

(b) The fair market value of the materials to be used in and the labor to be performed on the project exceeds the sum of $15,000.00; and

(c) Is for commercial, industrial, or office use; and

(d) The establishment of a new business is proposed; and

(e) Conforms to the intent of this ordinance.

Construction or renovation of accessory buildings as defined in Appendix B - Zoning, Article 12 - Definitions, of the Dover Code of Ordinances shall not be eligible for redevelopment incentives. Construction or renovation which constitutes ordinary replacement or routine maintenance shall not qualify as an eligible project. Construction of new buildings shall not qualify as an eligible project.

Section 2. Redevelopment incentive ineligibility.

An otherwise eligible project shall be ineligible for redevelopment incentives if:

(a) An application for a building permit for the project was filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; or

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for redevelopment incentives is received; or

(d) Construction or renovation commenced prior to the issuance of a building permit by the city of Dover; or

(e) The subject property is exempt from City of Dover real estate taxes; or

(f) The beneficiary of the incentives is delinquent on any of the obligations listed in Section 1-13(b).

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

Section 3. Revocation of eligibility.

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the City. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any of the obligations listed in Section 1-13(b), the city manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

For the purposes of this section, the beneficiary of the incentives shall include the person or artificial entity that receives the incentive and the owner of one-half or greater interest in an artificial entity that receives the incentive.

ADOPTED: FEBRUARY 10, 2014

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