COUNCIL COMMITTEE OF THE WHOLE
AGENDA

OCTOBER 11, 2016 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **REQUEST OF FORDHAM & DOMINION BREWING COMPANY - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAGPH (C) - TEMPORARY USES OF THE DOVER CODE/PROPOSED AGREEMENT APPROVING 80 EVENT HOURS OVER 12 MONTHS**

2. **DISPOSAL OF EXCESS PROPERTY - 45 SOUTH STATE STREET - FORMER DOVER PUBLIC LIBRARY**
   (STAFF RECOMMENDS THE FOLLOWING: 1) THE PROPERTIES KNOWN AS 45 SOUTH STATE STREET BE DECLARED EXCESS PROPERTY; AND 2) AUTHORIZE THE CITY MANAGER TO SOLICIT OFFERS FOR THE PROPERTIES USING A COMMERCIAL REAL ESTATE FIRM. ANY AND ALL FINAL OFFERS FOR THE PROPERTIES MUST BE APPROVED BY CITY COUNCIL.)

3. **INCENTIVE PROGRAM FOR CITY EMPLOYEES OPTING NOT TO BE COVERED BY THE CITY'S HEALTH CARE PLAN**
   (STAFF RECOMMENDS AUTHORIZATION TO BRING BACK A FINAL PROPOSAL BASED ON THE DISCUSSION OF AN OPT-OUT INCENTIVE FOR EMPLOYEES WITH RESPECT TO HEALTH CARE COVERAGE)

4. **INITIATE THE PROCESS WHEREBY THE REVIEW OF THE MAYOR AND COUNCIL SALARIES SHALL BE CONDUCTED BY THE COMPENSATION COMMISSION**

5. **DETERMINATION OF REQUIREMENTS IN ADDITION TO BEING ECONOMIC OR BUSINESS ORIENTED AND TERM LENGTH FOR THE NEWLY ADDED MINORITY VOTING MEMBERS OF THE ECONOMIC DEVELOPMENT COMMITTEE**

6. **DISCUSSION OF DUTIES AND ASSIGNMENTS OF CITY PERSONNEL** (DEFERRED DURING THE MEETING OF SEPTEMBER 27, 2016)

7. **ONBOARDING FOR NEW COMMITTEE MEMBERS/COUNCILMAN LEWIS' RECOMMENDATION #5**
   (DURING THE COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING OF SEPTEMBER 27, 2016, THE COMMITTEE DEFERRED CONSIDERATION OF "PROPOSED RECOMMENDATIONS FOR ADVANCING A MORE EFFECTIVE RECRUITMENT PROCESS FOR CITY COMMISSIONS, COMMITTEES AND BOARDS "POINT #5, RELATED TO THE REQUIREMENT OF TRAINING FOR BOARD, COMMITTEE, AND COMMISSION APPOINTEES, UNTIL THE NEXT MEETING OF THE COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE, AND RECOMMENDED THAT THE CITY CLERK'S OFFICE AND THE HUMAN RESOURCES DIRECTOR COME BACK WITH AN EXPLANATION OF THE ONBOARDING PROCESS FOR NEW APPOINTEES)

8. **PROPOSED ORDINANCES**
   A. **#2016-21 AMENDING CHAPTER 2 - ADMINISTRATION, CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, AND CHAPTER 46 - FIRE PREVENTION AND PROTECTION BY REMOVING THE ANNUAL APPOINTMENT OF THE CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL (SPONSORS: HUTCHISON, NEIL, AND ANDERSON)**
   B. **#2016-22 AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES**

9. **PROPOSED CHARTER AMENDMENTS - REMOVAL OF ANNUAL APPOINTMENT REQUIREMENT FOR THE CITY ASSESSOR, CONTROLLER/TREASURER, CITY SOLICITOR, AND DEPUTY CITY SOLICITOR; GENDER LANGUAGE AMENDMENTS; ADMINISTRATIVE AMENDMENTS; AND TYPOGRAPHICAL CORRECTIONS**

10. **ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING**

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

Fordham & Dominion Brewing Company
1284 McD Drive
Dover, DE 19901
September 14, 2016

The Honorable Tim Slavin
15 Loockerman Plaza
Dover, DE 19901

Dear Dover City Council Members,

We are writing to ask you to amend Zoning Code Article 3, Section 22.4 which states:
(c) Temporary uses. Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed five days.

In June of this year, we were contacted by Ms. Ann Marie Townshend in regards to the number of special events we are permitted to hold on our brewery grounds. After meeting with Mayor Christiansen, President Slavin and Mr. Scott, an agreement was reached allowing us 40 hours (5 working days) for the remainder of the year (6 months). As of today, no plans have been made for next year.

With 2017 quickly approaching, we would like an agreement between Fordham and Dominion Brewing Company and the City Of Dover Zoning and Planning to be made in order to avoid a regulation that would be severely damaging to our company as well as our market.

We are not asking to operate without any regulations. We completely understand the city's obligation to the Air Force Base. We are simply looking to implement the same type of agreement made on June 29, 2016 taking a 12 month timeframe into consideration. That said, we are proposing an allowance of 80 event hours over the course of 12 months.

We would kindly appreciate the acceptance of this proposal so that we can continue to operate and market the 2nd largest brewery in the state. Allowing our loyal brand advocates inside our world of craft beer is essential to growing within this industry. Our brewery doesn't stand a chance with the continuous growth and brand interaction from our competitors.

Thank you for your time.

Respectfully,

Ryan Telle

VP Marketing – Fordham and Dominion Brewing Company

Zoning Interpretation & Administrative Policy

Temporary Uses Involving Public Assembly
within the Airport Environs Overlay Zone Accident Potential Zones

Code Section:

Article 3, Section 22 – Airport Environs Overlay Zone (AEOZ) (Relevant Sections)

22.1 *Purpose and intent.* The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The city shall work with the Dover Air Force Base to update the provisions of this section as needed.

(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.

22.4 *Exemptions.* The following uses and structures are exempt from compliance with the provisions of this section:

(a) *Additions to existing one-family dwellings.* Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) *Additions to existing non-residential buildings.*

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) *Temporary uses.* Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed five days.

(d) *Temporary structures.* Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.

(e) *Accessory uses and structures.* Accessory uses and structures incidental to a permitted principal structure or use.

22.6 Land use compatibility table

SLUCM No.	Name	Accident Potential Zones			Noise Zones in DNL dBA			
		CZ	APZ I	APZ II	A 65-69	B 70-74	C 75-79	D 80+
72	Public assembly	N	N	N	Y[1]	N	N	N

Zoning Interpretation:

The question is whether there is a limit on the number of temporary uses or events (Section 22.4 (c)) that include public assembly that a facility within the Accident Potential Zones (CZ, APZ I or APZ II) can hold. Additionally, are public assemblies permitted as accessory in accordance with Section 22.4 (e)?

The determination is that public assemblies are not permitted as accessory uses in the Accident Potential Zones. They may be permitted as temporary uses, but these temporary uses may not exceed five (5) days in a calendar year.

The Analysis:

As stated in the purpose, the City of Dover has adopted the AEOZ to protect public health, safety, and welfare in the area surrounding the Dover Air Force Base by regulating land use and construction within the Accident Potential Zones and Noise Zones. Additionally, the code specifically states that part of the purpose of the zone is to protect the Dover Air Force Base from encroachment of incompatible uses.

The *2008 Comprehensive Plan* identifies the following land use goal as it relates to the Dover Air Force Base:

> *Create a favorable and compatible environment for Dover Air Force Base through a resolute commitment to provide all reasonable planning accommodations to protect the Base.*

Chapter 10 – Economic Development of the *2008 Comprehensive Plan* states:

> *Dover Air Force Base*

The Dover Air Force Base (DAFB) is one of the largest employers in the City, second only to the State of Delaware. Located on approximately 3,900 acres in southeastern Dover, it plays a major role in national military service, and provides a strong consumer base for the City of Dover. The Base's workforce consists of 6,100 military personnel (4,300 active duty, 1,900 reservists and 1,800 civilians). It also supports approximately 5,100 family members. With an economic impact of over $400 million a year in a 50-mile radius, DAFB provides employment and economic benefit to the surrounding community.

The City also protects the Base's mission by restricting development in areas around the facility with the Airport Environs Overlay Zone (AEOZ). This zone restricts development that would be subject to aircraft noise and conflict with the crash hazard zones. When questioned about the City's policy of protecting the Base's mission, 100% of all respondents to the questionnaire agreed that the City should protect the viability of the Base.

Other statements and recommendations within the *2008 Comprehensive Plan* further support the need to support the Dover Air Force Base and protect the Dover Air Force Base from encroachment of incompatible uses.

The Dover Air Force Base 2010 AICUZ Study, on which the zoning provisions of the AEOZ are based, states that land use guidelines for the APZ I and APZ II have been developed with the to protect public safety by limiting people-intensive ues because there is a greater risk in these areas." Based on this, the land use compatibility table found in Article 3, Section 22.6 specifically identifies public assemblies as incompatible uses.

To determine whether a public assembly use would be considered accessory to the permitted use, staff constulted the Merriam-Webster dictionary for the definition of "incidental," which is defined as:

1. *a* : being likely to ensue as a chance or minor consequence <*social obligations incidental to the job*>
   b : minor

2. : occurring merely by chance or without intention or calculation

Public assembly uses are expressly prohibited in the Accident Potential Zones according to Article 3, Section 22.6 Land use compatibility table. Given the definition of incidental, a use must be determined to be of minor consequence to be allowed as an accessory use. Therefore, public assemblies are not permitted as an accessory use within the Accident Potential Zones.

The *Zoning Ordinance,* Article 3, Section 22.4 (c) specifically indicates that a temporary use must not exceed five (5) days. Therefore, the determination of the City Planner is that any one

location will not be permitted to have a temporary use or series of temporary uses for more than five (5) days in a calendar year.

The determination shall be effective and enforced effective July 1, 2016.



Ann Marie Townshend, AICP
Director, Planning & Community Development

City of Dover

August 1, 2016

Dan Louder
Fordham and Dominion Brewery Company
1284 McD Drive
Dover, DE 19901

Dear Mr. Louder:

On June 6, 2016, I sent you a letter regarding the temporary events at the Fordham and Dominion Brewery. Fordham and Dominion Brewery is located within the Airport Environs Overlay Zone – Accident Potential Zone (AEOZ-APZ II), which restricts public assemblies and other people intensive uses. In my letter, I referenced a zoning interpretation and administrative policy that would limit the number of public events at the brewery to five per year. This is based on the *Zoning Ordinance*'s limit of five days for temporary uses.

Mark Dunkle submitted an alternative proposal on behalf of Fordham and Dominion Brewery, and on June 29, 2016, representatives from Fordham and Dominion Brewery met with representatives of the City of Dover. The following individuals were present at that meeting: Mayor Robin Christiansen, Council President Tim Slavin, City Manager Scott Koenig, Deputy City Solicitor William Pepper, Fordham Marketing Director Ryan Telle, and attorney Mark Dunkle.

As I understand, at that meeting that a compromise position was reached that would allow for 40 hours of events (five "8-hour" days) for the remainder of 2016, and that Mayor Christiansen and Council President Slavin would propose ordinance amendments to address the issue of events in this area on a more permanent basis.

I have shared this direction with the Department of Planning and Inspections staff, and to date, they have approved nine hours of events on July 8, August 5, and August 18. They will continue to monitor the total hours as event permit applications are received.

As previously shared with brewery staff by the Fire Marshal's Office, small tours and tastings are permitted as incidental to the brewery use. This number of people to meet this threshold will be governed by the occupant load of the tasting room. As there is no posted occupant load, the Fire Marshal's Office will measure the tasting room and provide an occupant load to be posted. Any event that exceeds this number is subject to a special event permit.

If you have any questions, please contact me at (302) 736-7196.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director, Planning & Community Development

cc: Scott D., Koenig, P.E., ICMA-CM, City Manager
The Honorable Robin R. Christiansen, Mayor
Members of Dover City Council
Mark Dunkle

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: October 5, 2016
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Disposal of Excess Property – 45 South State Street – Old Dover Public Library
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: Scott D. Koenig, P.E., City Manager; Donna Mitchell, CPA, City Controller
EXHIBITS: Procedures for the Sale and Disposition of Real Property; Pages 25 & 30 of the Appraisal Report Dated May 12, 2016
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: List the properties with a Commercial Real Estate firm immediately after the firm is approved by City Council.
RECOMMENDED ACTION: Staff recommends the following: 1) The properties shown in the attached map known as 45 South State Street be declared excess property. 2) Authorize the City Manager to solicit offers for the properties using a Commercial Real Estate firm. Any and all final offers for the properties must be approved by City Council.

BACKGROUND AND ANALYSIS

The City of Dover has received several unsolicited inquiries about the availability of the property located at 45 South State Street. This is the location of the old Dover Public Library. These inquires have been reviewed on a case-by-case basis; however, the property has never been advertised for sale. The most recent appraisal indicated the property (0.8587 acres) had an estimated market value of $1.62 million. A copy of the site map (pages 25 & 30) from the appraisal is attached for reference.

The City Manager is requesting these properties be deemed as excess properties and the City Council authorize the City Manager to dispose of the subject properties using the "Standard Method of Disposition" section d-6 whereby the City obtains the services of a licensed real estate agent to broker a potential sale. Staff is currently reviewing an advertised request for proposals for Commercial Real Estate Services. The preferred real estate firm, once approved by City Council, could be used to market the property and seek potential buyers.

Staff recommends the following: 1) The properties shown in the attached map known as 45 South State Street be declared excess property. 2) Authorize the City Manager to solicit offers for the properties using a Commercial Real Estate firm. Any and all final offers for the properties must be approved by City Council.

- Revised 10/14/5

PROPOSED PROCEDURE

FOR SALE AND DISPOSITION OF REAL PROPERTY

1. PURPOSE

To establish a policy for the City of Dover regulating the sale and disposition of excess lands.

2. LAWS AND POLICIES

City of Dover Code of Ordinances, Chapter 2, Article IV, Section 2-99, authorizes the sale and disposal of excess property.

This policy will standardize the procedure for disposal of excess City owned real property.

3. DETERMINATION

A City Staff member, upon determining that a City owned parcel of land is excess in nature and that the disposal of such land would be beneficial to the City of Dover, will request, through the Legislative and Finance Committee, that the Dover City Council consider disposal of such land.

4. STANDARD METHOD OF DISPOSITION

A. The Legislative and Finance Committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to the Dover City Council, request all pertinent information including, but not limited to, the following:

a-1) determination that subject parcel is not required by any other City department.

a-2) written explanation of why subject parcel is now surplus.

a-3) determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.

a-4) determine if parcel's exact location and size is known and, if not, recommend whether said parcel should be surveyed by the City prior to any sale attempts.

B. Dover City Council, after receiving a positive recommendation from the Legislative and Finance Committee to dispose of a surplus parcel of land, shall, as part of its deliberations:

b-1) determine if disposal of the parcel is in the City's best interests.

b-2) determine if disposal by sale, gift, or some other means would best serve the City's interests.

b-3) determine if the City Planner should be requested to initiate rezoning procedures.

b-4) publicize the pertinent information concerning the surplus parcel and its availability for purchase to the general public at least once a week for two weeks in a local newspaper.

b-5) make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 4, Paragraph B(4) are met, hold a public hearing to receive any other citizen input.

C. Dover City Council, after voting to proceed with the sale of surplus land, shall determine:

c-1) if an unbiased appraisal is needed to establish a minimum acceptable price.

c-2) whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.

c-3) the degree and scope of advertising, with a minimum of exposure being advertisement once a week for two weeks in a newspaper of general circulation within the county.

c-4) whether the circumstances of and surrounding a particular sale may be such that the best interests of the City would be served by listing the property for sale with a licensed real estate agent.

D. City Staff shall, with Council direction:

d-1) arrange for advertisement of the sale

d-2) draft the sale bill setting out a description of the parcel to be sold, time, date, and place of sale or bid opening, the terms and conditions of sale, and the City's reservation of acceptance or rejection of any or all bids received at the time of sale or bid opening.

d-3) order and distribute a sufficient number of sale bills for posting and distribution in the County Courthouse, at the site, and in the general area of the parcel.

d-4) obtain the services of a professional auctioneer if said sale is to be a public auction.

d-5) conduct the sale and submit the results to Dover City Council.

d-6) obtain the services of a licensed real estate agent if sale is to be brokered.

E. Dover City Council, after confirming the sale, shall:

e-1) request the City Solicitor to prepare a deed for execution and to arrange for final settlement with the purchaser at which time the City will deliver the deed, the purchaser will pay all balances due, and the City Solicitor will record said deed, in the Recorder of Deeds Office for Kent county.

F. If any unused parcel of land is too small or irregular in shape to be of any value to anyone other than an abutting owner, it may be sold to such owner at either its fee appraised fair market value, or at its fair market value as established by the City's assessment records, whichever Council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

G. Costs of Conveyance

Unless otherwise specified by Dover City Council, all fees and costs, legal or otherwise, associated with the sale and conveyance of all surplus lands shall be paid by the purchaser.

5. EXCEPTIONS TO STANDARD METHOD OF DISPOSITION

Exception A.

Sale to an abutting owner: When, in the opinion of City Council, a public sale would be detrimental to the lands of an abutter, and/or that a public sale would place the abutter at undue risk; or that the combination of abutter's land and City's land would be substantially greater in value than that of the sum of the parcels considered individually, Dover City Council may direct the City Assessor to have prepared one or more unbiased fee appraisals of the parcel. Thereafter, the subject land will be offered for sale to the said abutter at the appraisal price, plus the appraisal fees, plus the legal costs. In the event the offer is not accepted, a public sale may be ordered.

Examples of detrimental affect might be when the surplus City parcel lies between an abutting property and the street and development of the parcel would obstruct visibility of the abutter's property, of when the surplus parcel is zoned multi-family and abuts a single family parcel.

Exception B.

Trade of lands: A trade of lands may be approved when it is shown beyond doubt that such a trade will be equal to or better than the lands to be traded either on a "square foot for square foot" measure and/or on a "dollar for dollar" measure.

Exception C.

Conveyance of odd shaped and/or unbuildable parcels: City acquisitions for roads, utility usages, etc. may, after such usage is accomplished, leave a small strip of land that is odd shaped and unbuildable. Dover City Council may approve the conveyance of this strip of land to an abutting property owner on request of said owner. The price for these lands shall be at the same cost basis as that paid by the City. If conveyance is made in excess of two years after the date of City acquisition, then the consideration shall either be based on a price established by an unbiased fee appraisal made on the basis of the value added to the abutting property by the acquisition of said lands, or on the City's cost basis for the parcel adjusted for inflation, whichever Dover City Council shall select. All fees, legal or otherwise, associated with the conveyance are to be paid by the purchaser.

Exception D.

Donation of Land to Non-Profit Organizations: If, in the opinion of Dover City Council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City of Dover, Council does reserve unto itself the right to make such donation.

BUILDING PLANS



Zoning: RGO, General Residence & Office Zone
City of Dover Comprehensive Zoning Ordinance,
Legally Non Conforming

The zoning district permits a variant of professional business, governmental, and medical office uses, and residential uses. Industrial and many commercial uses are not permitted. Bulk regulations include:

RGO	
MINIMUM LOT AREA	None
MINIMUM LOT WIDTH	100'
MINIMUM LOT DEPTH	100'
MAXIMUM BUILDING HEIGHT	35'
PARKING	1.0/300 SF
LOT COVERAGE RATIO	85%

The parcel appears to be a legally non conforming use, according to the zoning district classifications with bellow minimum lot frontage. The lot and building are permitted as grandfathered. However, the appraiser is not qualified to render a zoning opinion and it is suggested that the appropriate planning and zoning official be contacted for an official Zoning Certificate.

Site Improvements:

Site improvements include: landscaping, walkways, stormwater drainage, and miscellaneous items. The parking for the building is provided on site.

Land Use Restrictions:

No known unusual easements or encroachments noted on the personal inspection, or in discussions with the property owner. Normal utility and access cross easements noted.

The appraised property consists of three parcels of land: Parcel 33.00 with the library building of 0.29906 acre, the adjacent Parcel 36.00 as a parking lot and open space of 0.48625 acre, and the land known as Budd Street of 0.07309 acre, all for a total of 0.8587 acre.

Budd Street is a city owned right of way which is situated between the library parcel at the north (Parcel 33.00) and the 5 East Reed Street property at the south (Parcel 35.00, another city owned property). A former proposal included an approximately 0.14562 acre portion of parcel 35.00, which is proposed to be subdivided and combined with the library property in order to add parking for zoning district conformity. We assume any purchaser of the appraised property will abandon Budd Street, and include the land area in the overall property area. The parking of 0.14563 acre on Parcel 35.00 contains 28 spaces.

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Human Resources **DATE SUBMITTED**: September 26, 2016
PREPARED BY: Kim Hawkins, SPHR, SHRM-CP, Human Resources Director
SUBJECT: Incentive Program for City Employees Opting Not To Be Covered By The City's Healthcare Plan
REFERENCE: Fiscal Year 2017 Budget Hearings
RELATED PROJECT: N/A
REVIEWED BY: Scott Koenig, P.E., ICMA-CM, City Manager; Donna Mitchell, Controller/Treasurer
EXHIBITS: N/A
EXPENDITURE REQUIRED: FY-2018 ($200 x 12 months x 9 employees) - $ 21,600 (estimated) **AMOUNT BUDGETED**: N/A for FY-2017; needs to be included in the FY-2018 base budget **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIME TIMETABLE: Proposed to be implemented in July 2017.
RECOMMENDED ACTION: Authorize staff to bring back a final proposal based on the discussion of an opt-out incentive for employees with respect to Health Care Coverage.

BACKGROUND AND ANALYSIS

Attorneys from the law firm Young, Conaway, Stargatt and Taylor were consulted on an opt-out arrangement.

During the May 26, 2016 Annual Budget Review held by City Council, it was recommended that staff explore the option of offering a monetary incentive to employees for opting out of the City's health insurance plan.

Currently, there are nine (9) City of Dover employees who are eligible for the city's health insurance plan but have declined (opted out) to enroll in the City's plan. One (1) employee is represented by the FOP, two (2) employees are represented by AFSCME, three (3) employees are represented by DOE and three (3) are Non-bargaining employees. The reasons for opting out of coverage are as follows: 1.) the employee is under the age of 26 and continues to remain on their parent's plan. 2.) the employee is retired military and is enrolled in Tricare. 3.) the employee is retired from the State of Delaware. 4.) the employee did not provide a reason and the reason is therefore unknown.

Any incentive option must be a conditional opt-out system. In a conditional opt-out system, the employee must provide documented proof that they have the minimum essential health care coverage through another source other than coverage in the individual private market for themselves and the "expected tax family". If an incentive payment was to be issued on an unconditional opt-out system, the City would be exposed to violations of the Affordable Care Act (ACA). Specifically, the health insurance the city provides would be deemed unaffordable.

Indicated below in an overview of several other entities in regards to their offering of an incentive:

Organization	Amount				
		Annually	Monthly		
Delaware River and Bay Authority	Single	$1,300	$108.33		
	Subscriber + Child	2,080	173.33		
	Subscriber + Spouse	2,600	216.67		
	Family	3,120	260.00		
Kent County		$100 per month			
Middletown		1/3rd of Employee Premium			
New Castle County - FOP		$250 per month, deposited into a 457			
Wilmington		$180 per month			
Milford	Does not offer an opt-out incentive				
Newark	Does not offer an opt-out incentive				
Seaford	Does not offer an opt-out incentive				
Smyrna	Does not offer an opt-out incentive				

Kent County offers a monetary incentive to retirees as well. The New Castle County Fraternal Order of Police labor unit has the payment deposited into a 457 retirement plan. The City of Dover offers a 457 plan to all full-time employees. Any monies the City contributes to a 457 plan are FICA taxable.

The State of Delaware advised us that the State of Delaware Employment and Eligibility Rules do not preclude the City from offering the payment; however, they advised the City that the 5% risk adjustment fee that we are currently accessed is evaluated at least once every two (2) years to determine how the participating group population is impacting the State's overall experience. To clarify, if healthy individuals exit the plan and Dover's claims experience erodes, this option could have an impact on the overall experience of the participating group population which could result in the State increasing our risk fees.

The City of Dover is a participating group with the State of Delaware Health Insurance Plan. The eligibility rules preclude a City of Dover employee from declining coverage with the City and enrolling on their spouse's plan if the spouse is employed or retired from the State of Delaware.

The conditional opt-out system can immediately be implemented for non-bargaining employees. There is no monies budgeted for this incentive in Fiscal Year 2017. For employees represented by a labor unit, it can be implemented immediately; however, this incentive will need to be negotiated in the future as it is a mandatory subject of collective bargaining. Both AFSCME and IBEW labor agreements expire on June 30, 2017. The FOP and DOE agreements expire on June 30, 2018.

Example of Individual Health Insurance Cost Sharing

		Cost Sharing			
Health Plan	Total Monthly Premium	Employee 15%	City 85%	Employee 20%	City 80%
HMO	$765.56	$114.82	$650.74	$153.10	$612.46
PPO	$836.26	$125.44	$710.82	$167.24	$669.02

Annually, an employee is responsible for $1,377 to $2,000 for individual coverage. The incentive would need to be significant enough to purchase alternative coverage. Each employee electing to opt-out would save the City approximately $7,800 to $8,500 per year at current costs. This estimate is based upon the individual health insurance coverage. In reviewing the health insurance premium, the employee cost difference between Employee and Employee/Spouse and Employee/Child(ren) and Family is $126 - $180 per month depending on plan and cost sharing percentages (15% or 20%).

Below is a chart that provides examples of different monthly allowance and the yearly equivalent amount.

Monthly Allowance	Yearly Allowance
$100	$1,200
$200	$2,400
$300	$3,600
$400	$4,800

Recommendation:

If members of Council decide to offer an opt-out incentive, the following guidelines should be considered.

Effective Date: July 1, 2017. This will allow for proper budgeting.

Monthly Incentive: $200. Payment will be issued the first pay period of each month for the current month.

Administrative Guidelines:

During open enrollment each year, documented proof of minimum essential health care coverage through another source (other than coverage in the individual market) for themselves and expected tax family must be submitted to the Human Resources Department. Shall an employee who receives the opt-out payment fail to submit the required proof by the end of the open enrollment period will automatically be enrolled in the health insurance plan with the lowest premium for single/individual that is offered by the City of Dover. The opt-out arrangement payment will discontinue. The City of Dover shall reserve the right to request proof throughout the plan year. During the plan year, the election to discontinue the opt-out arrangement payment shall only occur as a result of involuntary loss of other coverage. Employees have thirty (30) calendar days from the date of the involuntary loss of coverage to enroll in the City of Dover's health insurance plan. Failure to meet this timeline will result in the employee delaying his or her eligible to enroll in coverage until the next open enrollment period.

DOVER CODE OF ORDINANCES, CHAPTER 2 – ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 1 – GENERALLY

Sec. 2-201. - Compensation and expenses for mayor, council, employees and other elected or appointed officials.

(a) *[Fees established.]* In accordance with section 12 of the Charter, authorizing the council to establish compensation and expenses for the mayor and councilmembers, city employees and other elected or appointed officials, the following fees are hereby established:

(1) *Mayor.* The mayor shall receive an annual salary of $45,000.00. For the period beginning July 27, 2009, and ending July 26, 2010, the mayor shall receive an annual salary of $44,100.00. In addition, the mayor shall receive an expense allotment of up to $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, except pension benefits, and sick and vacation leave.

(2) *Councilmembers generally.* Each councilmember shall receive an annual salary of $7,416.00, to be paid monthly. For the period beginning July 27, 2009, and ending July 26, 2010,each councilmember shall receive an annual salary of $6,674.40, to be paid monthly. The council president shall receive an annual salary of $8,652.00, to be paid monthly. For the period beginning July 27, 2009, and ending July 26, 2010, the council president shall receive an annual salary of $7,786.80, to be paid monthly. Councilmembers shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.

(3) *Board of assessment appeals.* Each appointed member of the board sitting to hear appeals from the municipal assessment shall receive $75.00 per diem reimbursement for expenses for the preparation and attendance at each meeting of the board of assessment appeals.

(4) *Nonemployee election officers.* Each person not a city employee appointed to serve as an election judge for any municipal election shall receive $200.00 for per diem reimbursement for each election attended. Each person chosen to serve as a clerical assistant for any municipal election shall receive $150.00 for per diem reimbursement for each election attended.

(5) *Employee election officers.* Employees of the city appointed to serve as election judges or officials for any municipal election shall receive $150.00 for per diem reimbursement for expenses for each municipal election attended in addition to their regular salary.

(6) *Appointee to council committee.* Each appointed member to any city council committee, not serving an elected term to any city office, shall receive $75.00 for preparation and attendance at each committee meeting to which the member is appointed.

(7) *Employee on council committee.* For any city employee appointed to a council committee shall receive $25.00 for reimbursement for expenses per diem for each meeting attended which is held after 5:00 p.m. on a scheduled workday or at any time on a weekend or city-approved holiday.

(8) *Planning commission.* Each appointed member of the planning commission shall receive $100.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the planning commission.

(9) *Board of adjustment.* Each appointed member of the board of adjustments shall receive $75.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the board of adjustment, to become effective July 1, 2007.

(b) *Compensation commission.* There is hereby created a compensation commission to consider compensation for the mayor, city council, and paid members of city committees and commissions. The compensation commission shall consist of five members, one member appointed by the mayor, one member appointed by the council president, and three members appointed by city council during the annual meeting. Members

shall be city residents who are registered to vote in city elections. Members shall serve two-year terms and cannot be reappointed within the next two years. The controller/treasurer and human resources director shall serve as ex-officio, nonvoting members.

The compensation commission shall meet as needed, with a report due to council six months prior to the regular municipal election, with one public hearing held prior to their submission of the report to council. Upon receiving the resolution of the commission, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three months prior to the elections of the next succeeding mayor and council, and shall take effect only for the next succeeding terms of office of the mayor and council.

(Code 1981, § 2-70; Ord. of 9-14-1987; Ord. of 8-27-1990; Ord. of 11-26-1990, § 1; Ord. of 1-11-1993; Ord. of 6-27-1994; Ord. of 2-24-1997(2); Ord. of 1-10-2000; Ord. of 10-9-2000; Ord. of 1-22-2001; Ord. of 6-24-2002; Ord. of 6-25-2007; Ord. No. 2009-16, 7-27-2009; Ord. No. 2009-23, 10-26-2009; Ord. No. 2009-17, 11-9-2009)

EXCERPT FROM THE MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE MEETING OF SEPTEMBER 13, 2016

The Economic Development Committee met on September 13, 2016 at 4:00 p.m. with Mayor Christiansen presiding. Members present were Mr. Koenig, City Manager; Mrs. Ann Marie Townshend, Director of Planning and Community Development; and Mr. Gregory Moore, President, Downtown Dover Partnership (DDP) Board of Directors. Councilmen Cole and Hare were absent.

Economic Development Committee Transition Discussion

Review Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision
During the Regular City Council Meeting of September 12, 2016, members considered Proposed Resolution No. 2016-09 Formally Establishing the Economic Development Committee. Members amended Line #13 of the Proposed Resolution to include the word "inclusive" following the word "targeted." A motion by Councilman Anderson to add two (2) members that represent minority business interests to the Economic Development Committee failed.

Mayor Christiansen stated that he would like the Economic Development Committee to recommend to Council that two (2) more members be allowed for residents of the community, with a leaning toward business owners. In response to Mr. Koenig, Mayor Christiansen confirmed that these would be two (2) additional voting members.

Mrs. Townshend questioned if the previous proposal was specific that those two (2) members be minorities and questioned if this was also Mayor Christiansen's intent. Responding, Mayor Christiansen confirmed that they would be minority members to reflect inclusion of the entire community in the City's economic development efforts.

Mr. Koenig questioned if it Council would select and appoint these members. Responding, Mayor Christiansen stated that since Council was the creator of this Committee, they would make the appointments. He indicated that notice of the vacancies would be posted on September 27, 2016, following the City Council meeting on September 26, 2016. Mayor Christiansen stated that he would like to close out selection by the first weekend in October.

Mrs. Townshend noted that the Committee was set up to include City staff, elected officials, and representation of the Downtown Dover Partnership (DDP). If two (2) more members were to be added, she questioned if they should specifically be business owners and if they both needed to be minorities. Mrs. Townshend stated that other business owners had not been included at this point and that it seemed less inclusive to add members in this fashion. She believed it was important, if people were to be added, that they have a business interest. Responding, Mayor Christiansen indicated that it would be at the pleasure of the Committee, stating that his suggestion was made to meet the request that had been made by the community and a promise on his part to include the entire community in the City's economic development efforts.

Mr. Moore stated that he thought it was fine to add two (2) members; however, he felt it was important that they have an economic development/business acumen, regardless of their ethnicity or sexual orientation. He wanted people who could contribute and felt that adding people who

cannot contribute would be a disservice to the committee's ability to actuate good decisions. Mayor Christiansen concurred.

Mr. Hudson, Assistant City Manager, stated that he believed that it would not be enough for someone just to have an interest and that they needed to be bringing value to the table. He felt that this would apply to any City committee.

Mrs. Townshend noted that Mayor Christiansen had mentioned residency and questioned if members must live in the City or own a business in the City. Responding, Mayor Christiansen indicated that he did not want members who were non-residents, noting that he would want members to have ties to the economic future of the City.

Mr. Koenig moved to recommend that two (2) minority voting members be added to the Economic Development Committee and that the qualifications and selection be subject to the policy of City Council. The motion was seconded by Mrs. Townshend.

Mr. Koenig indicated that Council would decide how they wanted to post the vacancies and select members. The Committee would not make recommendations on who would be sitting on the Committee, and Mrs. Townshend and Mayor Christiansen concurred. Mr. Koenig stated that Council members could solicit those who are interested, vet their qualifications, and recommend to the full Council who should sit on the Committee.

Mayor Christiansen noted that this would be considered by Council during their regular meeting on September 26, 2016. Vacancies could be posted on September 27, 2016 and candidates could be brought to the Economic Development Committee by the first meeting in October and approved by Council.

Mr. Hudson questioned what applicants would be asked to submit. Responding, Mr. Koenig advised that this would be up to Council, noting that Council was in the middle of a debate regarding how they would solicit interest for committees and what qualifications were needed. Mayor Christiansen indicated that there was a form on the City's website and this would be for Council to handle. He stated that it was the Economic Development Committee's intention to be inclusive and to enjoin everyone in the community in economic development. He stated that the parameters were established.

In response to Mayor Christiansen, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, advised that the motion was to add two (2) minority voting members to the Economic Development Committee with qualifications and selection to be determined by Council.

Mr. Moore stated his understanding that economic development oriented qualifications were required.

Mayor Christiansen questioned if it was members' understanding that new members must be residents and economic development oriented or if they wanted to leave this open. It was

Mr. Koenig's opinion that the criteria would be up to Council. He indicated that he would think that Council would put people that are economic development related on the Economic Development Committee.

Mr. Moore moved to amend the motion to add the criteria that the members be economic development or business oriented, seconded by Mrs. Townshend and unanimously carried.

The motion to recommend adding two (2) minority voting members who are economic development or business oriented to the Economic Development Committee, with qualifications and selection to be determined by Council unanimously carried. *(City Clerk's Office Note: This recommendation is reflected in Council Resolution No. 2016-11Amending Resolution No. 2016-09 Formally Establishing the Economic Development Committee* ***(Attachment #1)****, which will be considered by City Council during their Regular Meeting of September 26, 2016.)*

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2016-11
AMENDING COUNCIL RESOLUTION NO. 2016-09

A RESOLUTION FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, during the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, the Chair of the Utility Committee, a designee of the Downtown Dover Partnership (DDP), ~~and~~ the City Planner**~~;~~, and two (2) minority voting members who are economic development or business oriented with qualifications and selection to be determined by City Council; and**

WHEREAS, a strong and robust local economy is essential to the quality of life of all residents of the City of Dover and its surrounding community. It is vital that the City pursue sound and innovative strategies to promote growth, attract investment, create and protect jobs, and support existing businesses and enterprises; and

WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, inclusive, and effective approach to economic development in the City of Dover.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER HEREBY FORMALLY ESTABLISH THE CITY OF DOVER ECONOMIC DEVELOPMENT COMMITTEE, WHICH SHALL:

1. Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters.

2. Provide monthly reports to City Council.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\DRAFT\RESOLUTION NO. 2016-11 AMENDING RESOLUTION NO. 2016-09 ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE\Resolution No. 2016-11 Amending Res. No. 2016-09 Establishing the Economic Development Committee.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History
09/26/2016 - Introduction - City Council
09/13/2016 - Discussion - Economic Development Committee

Draft

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 25, 2013 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Bonar, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

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

AGENDA ADDITIONS/DELETIONS

Mr. Anderson requested that Item #5A - Legislative, Finance, and Administration Committee Report - March 11, 2013 - Permanent Assignment of Duties Associated with Interim Managerial Plan and Organizational Changes be removed from the Consent Agenda.

Mr. Bonar moved for approval of the consent agenda as amended, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - MARCH 11, 2013

The Legislative, Finance, and Administration Committee met on March 11, 2013 with Chairman Lynn presiding.

Permanent Assignment of Duties Associated with Interim Managerial Plan and Organizational Changes

Mr. Scott Koenig, City Manager, reminded members that in December of 2011, he requested and implemented a number of organizational changes related to several staff vacancies and the changing needs of the City's organization. He noted that since that time, a number of staff positions had been filled while others had been vacated through resignation or retirement.

Mr. Koenig reviewed and requested support of permanent changes to staff assignments, salary and organizational structure, as follows:

Public Works

Under the original Interim Plan, Ms. Sharon Duca, P.E. was elevated to the position of Interim Public Works Director. Since that time, Ms. Duca has been offered and accepted the position of Public Works Director. One of her tasks has been to review the organizational structure of the reformed Public Works Department. In June 2012, the Public Utilities Operations/Construction Manager resigned from his position. Instead of filling this position, which supervised the City's construction crew in addition to other duties, the staff members that formerly reported to the position were placed under the supervision of the Water/Wastewater Maintenance Supervisor, Mr. Ralph McDougall. Originally, their assignments were related mostly to general maintenance items. In February 2013, the construction crew aspect of their duties was re-activated to begin construction of a new water line to support the Garrison Farm Development. New projects will continue to be assigned to this crew under the supervision of Mr. McDougall. Since the construction crew was not formerly the responsibility of the Water/Wastewater Maintenance Supervisor, the

Director of Public Works had requested a review of the position to ensure internal equity in pay with respect to other positions given the new duties. The Water/Wastewater Maintenance Supervisor position is a Labor Grade 122. Human Resources completed an internal review of this position related to other positions within the Department of Public Works. They also reviewed the salary range with respect to a similar position at Kent County. Based upon this review, staff recommended that the salary for this position be increased from $54,576 to $61,000. This is an increase of $6,424 or 11.77%. The effective date of this salary change should be retroactive to February 1, 2013.

Mr. Koenig advised members that currently, there is still one (1) remaining position in the Department of Public Works that is receiving a managerial bonus related to the Interim Plan from December 2011. Due to recent retirements, a formal recommendation will be forthcoming in the next several months regarding this position and others within the department.

Information Technology

Mr. Koenig advised members that upon his appointment as Interim City Manager, he was informed of the capacity that Mr. Andy Siegel was serving in the Information Technology Department. In August 2010, Mr. Siegel was temporarily upgraded to the position of Interim Information Technology Director by the former City Manager. His salary was placed at the entry level value of $76,314 for the grade of the Director's position. Earlier this year, Mr. Koenig decided to offer Mr. Siegel the position of Information Technology Director, thus removing the interim label; however, no adjustment to his salary was made. Upon review of the circumstances, he was made aware that he had made no consideration for the roughly 2.5 years that Mr. Siegel served as the Interim Director. If Mr. Siegel had been credited with 2.5 years of experience in the salary offer for the Director's position, the salary offer would have been $82,059; therefore, he recommended that his salary be increased from $76,314 to $82,059, an increase of $5,745 or 7.53%. He felt that the recommended salary should be retroactive to the date of promotion to the Director's position.

Finance

Since becoming the City Manager, Mr. Koenig advised members that a large bulk of the responsibility of preparing the City's Annual Budget had been shifted to the staff in the Finance Department. This was an effort to reduce duplication of effort and centralize budgeting efforts. With the retirement of the former Senior City Administrator in the City Manager's office, it would have been necessary to hire additional staff to assist with the budget preparation and management. The transfer of the budget preparation function to the Finance Department has made it unnecessary to hire additional staff in the City Manager's office. The Controller personally assumed much of the budget functions in prior years and opted to not accept compensation for these additional duties. Instead, the Controller offered a portion of the proposed managerial bonus to the Financial Reporting and Accounting Manager (Labor Grade 125), Mrs. Tracey Lisiecki, in the amount of $175 per month. This was done on a temporary basis and the bonus ceased in October 2012. The Human Resources Director has reviewed the position based on internal equity within the organization. Staff recommended the salary for this position be increased from $68,835.24 to $71,600. This is an increase of $2,764.76 or 4.01%.

Planning

In 2011 as part of the Interim Plan, the Director of Planning and Community Development, Mrs. Ann Marie Townshend, accepted the managerial responsibilities for the following divisions: Life Safety, Building Inspections, and Economic Development. These areas represented ten (10) positions and were in addition to her regular permanent responsibilities for Planning, Community Development and Code Enforcement. A managerial bonus of $350 per month was implemented to compensate Mrs. Townshend for these additional responsibilities. Her current salary ($91,775) plus the monthly managerial bonus ($350) equates to annual compensation of $95,975.

In June of 2012, the Dover City Council voted to assign the oversight of the Economic Development Office and its three (3) employees to the Mayor. Also in June of 2012, Mr. Zachary Carter elected to retire from the City. Mr. Carter served as the Director of Parks and Recreation. Upon Mr. Carter's retirement, the Library function became a direct report to the City Manager. In addition, discussions between the City Manager and Mrs. Townshend resulted in the temporary assignment of managerial oversight for the Parks and Recreation staff to Mrs. Townshend. Mrs. Townshend has been serving as the Department Head for the Parks and Recreation function since July 1, 2012. Mr. Koenig provided a summary of the Parks and Recreation functions.

Mr. Koenig advised members that the assignment of these duties to Mrs. Townshend has allowed the City to eliminate the Parks and Recreation Director position from the budget. This amounts to an annual salary savings of roughly $81,000 per year. The City also has realized a saving in benefit load over and above the $81,000 in annual salary. Mrs. Townshend has requested consideration of the following annual salary: Current Salary ($91,775) + Current Managerial Bonus ($4,200) + Parks and Recreation Function ($11,340) = $107,315. Based on a business case review, the salary request of $11,340 to continue the managerial oversight of the Parks and Recreation Division is the lowest cost option. The City cannot hire managerial staff for less than $11,340 in salary. In viewing the current organizational structure of the City, the Parks and Recreation function cannot be easily assigned to another manager and the facts support that the assignment to the Director of Planning and Community Development has been a benefit to the City. Since the Director of Planning and Community Development is a Council-appointed position, the City Council must endorse the transfer of the managerial responsibilities as well as the proposed salary. The total increase from $91,775 to $107,315 is $15,540 or 16.93%. Currently, Mrs. Townshend's position is the sixth highest paid position in the City. If the request is approved, the position will become the fourth highest paid position in the City.

Summary

As a follow up to the December 2011 Interim Managerial Plan which saved the City an estimated $215,000 in annual salary, Mr. Koenig requested salary increases for those positions served by specific members of City staff who have taken on additional duties or permanent assignments since the Interim Managerial Plan was placed into action, as follows:

Position	Current	Adjusted	Difference	Percent Increase
Water/Wastewater Supervisor	$54,576	$ 61,000	$ 6,424	11.77
Information Technology Director	$76,314	$ 82,059	$ 5,745	7.53
Fin. Reporting & Acct. Manager	$68,835	$ 71,600	$ 2,765	4.01
Director of Planning & Insp.	$91,775	$107,315	$15,340	16.93

Mr. Koenig indicated that the salary increases total $30,274. Total budgetary impact would be salary plus 40% load, which is roughly $42,383.60. Funding for these increases would need to be covered by unused salary in the current year and would need to be budgeted for in FY-2014.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, read the following statement into the record:

"Thank you for the opportunity to explain my compensation proposal. The details of the proposal are in the packet, so I will not go over each and every detail, but I would like to highlight and clarify a few items.

- *Throughout my seven years with the City of Dover, I have been a devoted employee and have always worked hard to make sure that my efforts and those of my staff are in the best interest of the City. This is my home too, and I am firmly committed to making Dover a great place to live and work.*

- *As outlined in the proposal, there have been added responsibilities to my position over the years that I have enthusiastically accepted, including the addition of economic development responsibilities in 2008, and again in 2011; and the management of the City's Municipal Storm Sewer Permit and reversing the City's non-compliance with the permit.*

- *In December 2011, I was officially assigned oversight of Building Inspections, Licensing and Permitting, and Fire Marshal's Office and compensated with a $350/month bonus, total of $4,200 annually. I had been providing oversight for these areas without added compensation since Mr. Koenig was appointed interim City Manager in June 2011.*

- *In July 2012, I gladly accepted oversight of the Recreation Division following Zach Carter's retirement. I indicated that I did not believe it necessary to delay the responsibilities until compensation could be worked out because I was well aware of the City's fiscal challenges, and I wanted to get a sense of what the demands of the new responsibilities would be.*

- *For the last eight months, I have managed the Recreation Division, working closely with staff to evaluate the business operations, to reverse the declining revenues and to improve our programming – as stated at a recent seminar I attended, to make better best. We have had great success.*

- *We have restructured the City's summer camp program so that it will make money instead of lose money – while making the program better for meeting the needs of working families by adding extended day camp. Our prices are still far less than many other camps, but we will make money instead of lose money on the program.*
- *We have improved our outreach with the schools regarding our programming and seen an increase in participation.*
- *We have adjusted our field rental fee schedule.*
- *I have given staff the support needed to try new ideas and see if they work, including offering birthday party packages at the Pitts Center, and improving partnerships with other sports and recreation providers in the region.*

- *All the while, I have continued working with the business community to modernize and simplify our zoning ordinance; continued our tough approach to code enforcement and addressing vacant and dangerous buildings; worked with the Police Department to develop our proposed Safe Communities program; worked with the Capital School District and DelDOT to address safe pedestrian access to the new High School; worked closely with Planning and Inspection staff to ensure that our business operation remains strong and improved it in a number of areas; and taken on many other projects and issues.*

- *The City does not have to hire a Parks and Recreation Director, which is a savings of a minimum of $72,000 per year plus associated benefits. And our Recreation programs are thriving.*

- *For me personally, this has meant more hours put in to get the job done, including many evenings and weekends.*

- *What is the value of this to the City? The savings of eliminating the department head position (nearly $100,000 when benefits are factored in) combined with the business improvements we are implementing.*

- *My request is for $11,340 annual salary for the Recreation function and $4,200 annual salary (my existing bonus amount) for the oversight of Licensing and Permitting, Fire Marshal's Office, and Building Inspection, for total of $15,540. And yes, technically speaking it is a 16.9% salary increase, but if the bonus is factored in, the increase is 11.8% over my current compensation."*

Responding to Mr. Shevock, Mr. Koenig stated that the salaries for the vacated positions were eliminated from the FY2013 Budget; therefore, there was no unused salary for the Senior City Administrator or the Parks and Recreation Director.

In response to Mr. Hare regarding salary comparisons for the positions, Mr. Koenig stated that the Water/Wastewater Supervisor position was compared to the City of Dover Water Production Supervisor, who is paid slightly higher but the technical requirements differ. He indicated that Kent

County salary ranges were reviewed and were similar to the salary increases that staff recommended. In regard to the IT Director position, he explained that when the employee was assigned to the Interim IT Director position, he was paid the minimum amount; however, if the City had actually recruited to fill the IT Director's position and the employee had been selected within the four (4) to six (6) months, the salary would have been appropriate. He explained that there was a 2½ year lapse between the time the employee began serving as the Interim IT Director and when he was actually offered the permanent Director's position. As a result, this employee acquired 2½ years experience serving as a Director that he was not credited for in the salary calculation. He further explained that if a person had been selected from outside the City's employment to fill the position and that individual had 2½ years of experience serving as an IT Director, the City would credit the individual for this experience as a Director in developing their salary.

Referring to the IT Director, Mr. Hare suggested that the employee be provided a one-time bonus ($5,500-$6,000), noting that his salary was considerably less than $76,000 2½ years ago, and he questioned if his salary would have been set at the higher level if this individual had been selected at that time. Responding, Mr. Koenig stated that in every other instance when an employee is promoted, their years of experience are considered and salaries are offered accordingly. In the case of the IT Director, this did not occur and the recommendation would correct this error.

The Committee recommended approval of staff's recommendation for the permanent assignment of duties as outlined by the City Manager.

During the Council meeting, Mr. Hare reiterated his feeling that action regarding this matter should be deferred until the City's budget was approved and that any increase in compensation should be accomplished through some form of a bonus system until that time.

Mr. Lynn moved for approval of the Committee's recommendation, seconded by Mr. Anderson.

Mr. Anderson indicated that he concurred with Mr. Hare and, therefore, would not support the Committee's recommendation. Mr. Bonar advised members of his concurrence in this regard as well.

The motion to approve the Committee's recommendation for the permanent assignment of duties as outlined by the City Manager failed by a roll call vote of five (5) no (Anderson, Dixon, Perza, Bonar, and Hare), three (3) yes (Lynn, Hutchison, and Leary), and one (1) absent (Williams).

Mr. Lynn suggested that the recommendations of the City Manager be considered individually.

Mr. Anderson moved to reconsider the recommendations of the City Manager individually, seconded by Mr. Perza and carried by a roll call vote of five (5) yes (Anderson, Lynn, Perza, Hutchison, and Leary), three (3) no (Dixon, Bonar, and Hare), and one (1) absent (Williams).

In response to Mr. Perza, Mr. Koenig stated that of the four (4) positions identified in the recommendation, only (1) was currently receiving a bonus. He stated that, under the proposal, all four (4) salaries would be adjusted and there would be no more bonus payments. He explained that

the only bonus paid was to the Planning Director, as a result of her taking on an additional division on December 11, 2012.

Responding to Mr. Hare, Mr. Koenig explained that the proposal was being recommended since it had been demonstrated that the total amount of funding for salaries that would be cut from the budget for these positions would exceed $300,000, plus the overhead load. In addition, it was his feeling that this proposal would resolve a fairness and equity issue that he would prefer to resolve now rather than later during the budget consideration.

Responding to Council President Leary, Mr. Koenig confirmed that 345 full-time employees were proposed for the next fiscal year, compared to an estimated 370 five (5) years ago. He indicated that this recommendation would reduce the employee head count as well as salary and benefit costs. Council President Leary reminded members that one (1) of the positions was formerly occupied by an individual who retired at a salary level of approximately $80,000 plus benefits, and that the individual who assumed those duties had realigned contracts, found internal cost savings, and would be provided an increase of approximately $1,000 per month. Council President Leary noted that the savings from contract re-negotiations and the Human Resources issues more than exceeded the proposed increase in salary over a one (1) year period. As a result, he felt that if the proposal were approved, the City would be ahead $80,000.

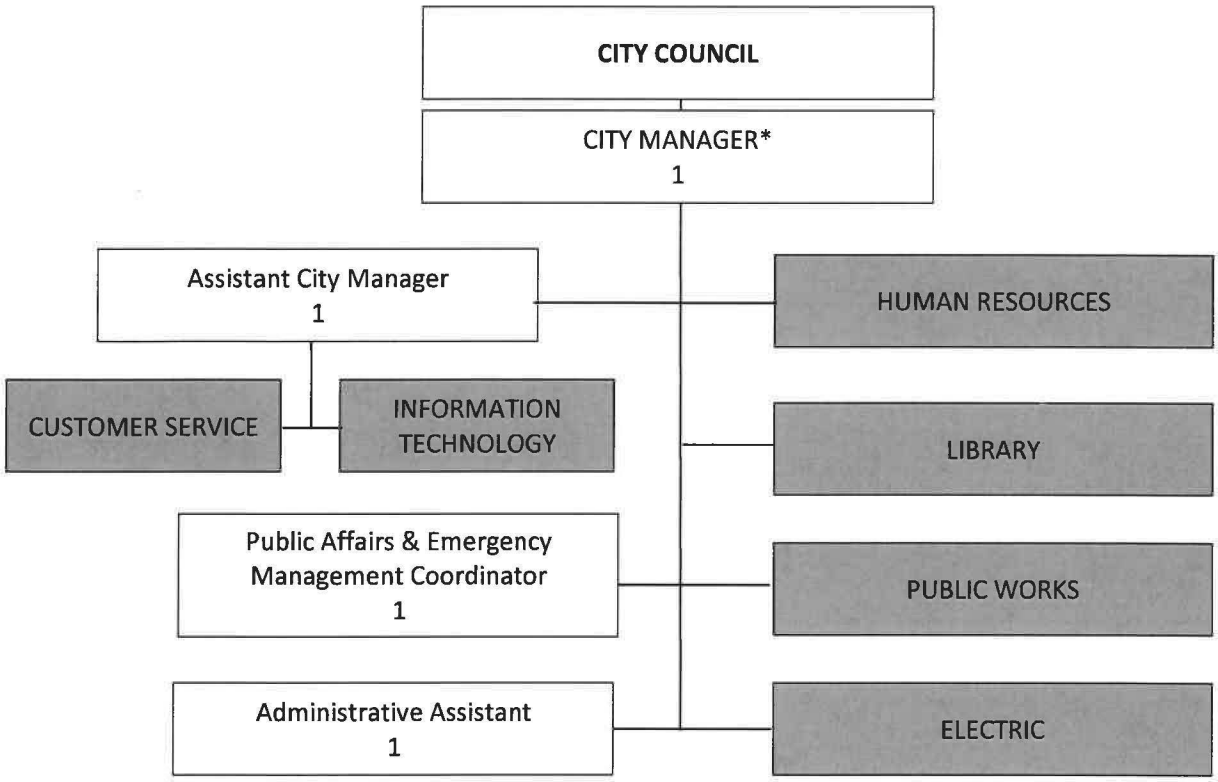
Concurring, Mr. Lynn stated that his support was not offered in an effort to rush to spend money but rather to realize a bargain. He also noted that, as mentioned in the material provided, there were some exemplary issues of employee selflessness. As an example, he stated that there were instances of department heads being given an opportunity for extra earnings and declining in order to protect other employees, and others who had assumed additional department head responsibilities. He reiterated that there was an equity and fairness issue and cautioned members that the City could not afford to lose talent, which had recently occurred in the Electric Department.

Mr. Perza explained that the City sets salaries based on what the City can afford to pay and if an employee were to leave the City's employment, several individuals would be in line to fill the position. Although it was not the City's desire to lose an employee and this would not be the intent if salary increases were not provided, he stated that the City must live within the financial reality of the current economy. After further discussions with the City Manager, he agreed that it would be beneficial for the City to approve staff's recommendation since it would save the City additional funds in the near future, explaining his preference would be to consolidate the positions rather than hire additional people at this time.

Mr. Perza moved for approval of the Committee's recommendation, rather than voting on each recommendation individually, as a result of the additional information provided by the City Manager. The motion was seconded by Mr. Bonar and carried by a roll call vote of five (5) yes (Lynn, Perza, Bonar, Hutchison, and Leary), three (3) no (Anderson, Dixon, and Hare), and one (1) absent (Williams).

City Manager

Fiscal Year 2017 Organization Chart

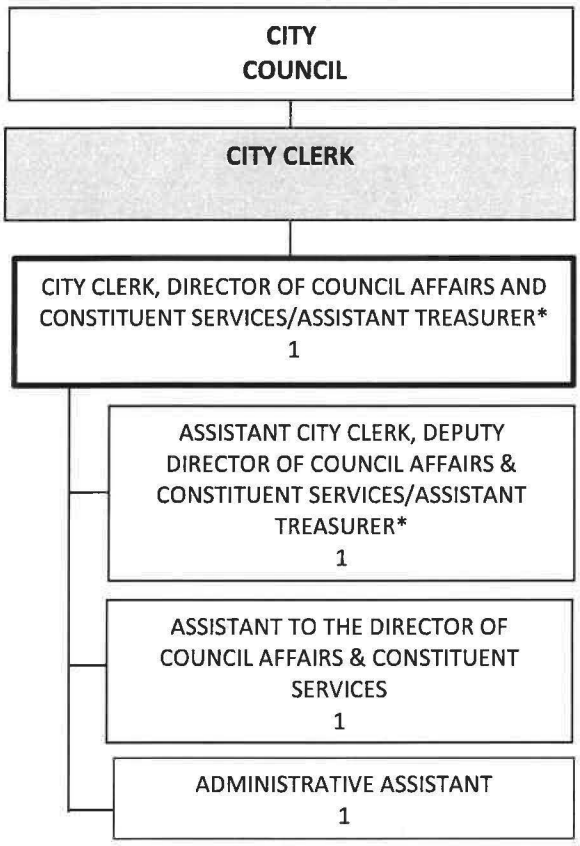


*Appointed by Council

FY 2017 DRAFT ANNUAL OPERATING BUDGET – DOVER, DELAWARE

City Clerk

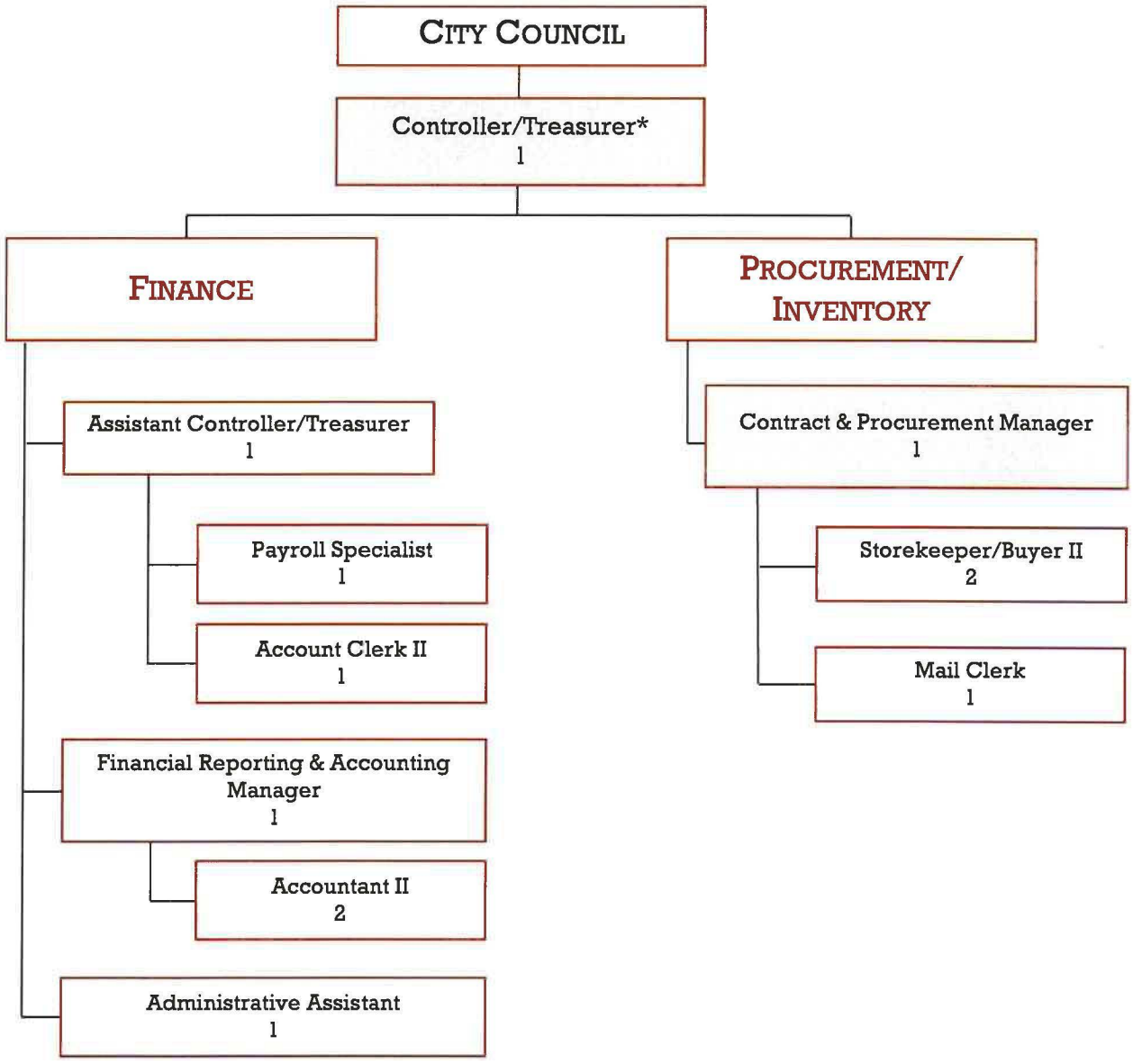
Fiscal Year 2017 Organizational Chart



*Appointed by Council

Finance

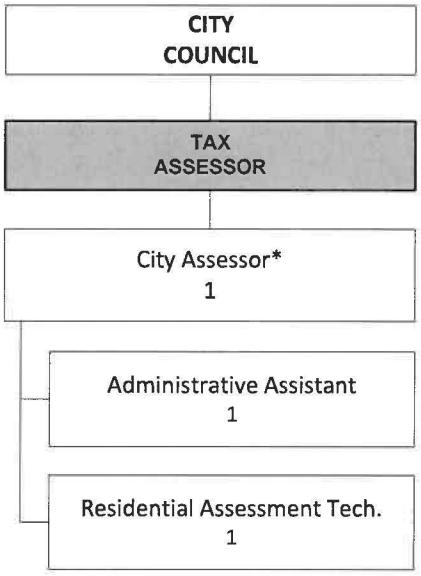
Fiscal Year 2017 Organizational Chart



* Appointed by Council

Tax Assessor

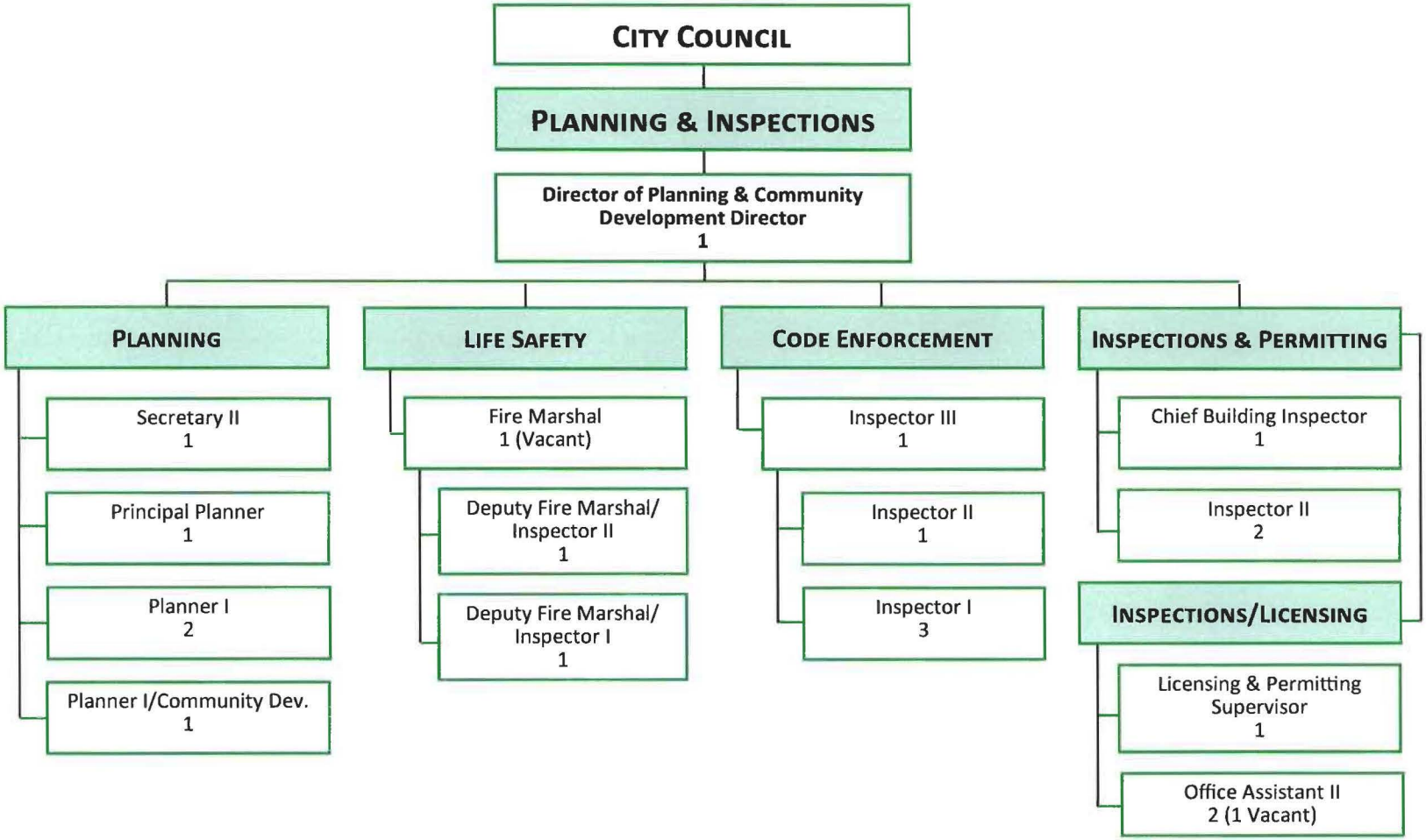
Fiscal Year 2017 Organization Chart



* Appointed by Council

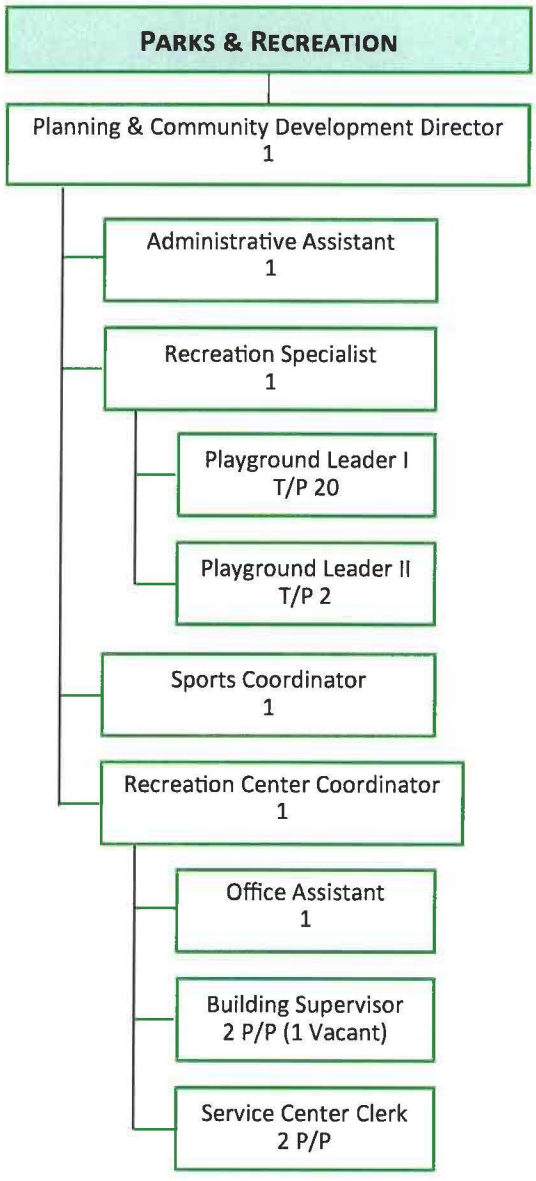
Planning & Inspections

Fiscal Year 2017 Organization Chart



Parks & Recreation

Fiscal Year 2017 Organization Chart



MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

DATE: September 30, 2016

TO: City Council

FROM: Planning Office

SUBJECT: Summary of Orientation Process for Boards and Commissions: Board of Adjustment, Historic District Commission, and Planning Commission

Upon appointment of a new member to the Boards and Commissions directly staff supported by the Planning Office, the Planning Director and/or Principal Planner meets with them to provide an orientation to their new position. This orientation is tailored specifically to the activities of the Board of Adjustment, Historic District Commission, and Planning Commission. The member is provided with information verbally and through key documents and information sources. Information on the following topics is presented:

- Meeting Dates, Time, and Location
- Meeting Format (Member Attendance and Participation, Order of Business, Robert's Rules of Order, Motion Making & Voting process)
- Preparation for Meeting (Delivery and Receipt of Meeting Packet)
- Administration (Membership, Associated Staff Responsibilities, Application Files, FOIA, avoidance of ex parte communication)
- Codes & Regulations: *Land Subdivision Regulations; Zoning Ordinance; Design Standards & Guidelines for the City of Dover Historic District Zone* (Hard copies provided and guidance to review appropriate sections.)
- *Comprehensive Plan 2008* as amended
- City of Dover Zoning Map
- Application Filing & Review Process for Specific Application Types: Variances, Architectural Review Certification, Site Plans, Conditional Uses, Subdivisions, Rezoning, Annexations, etc.
- Associated Reports & Studies such as *Dover Transit Center Neighborhood Plan*, *Restoring Central Dover Plan*, City of Dover Bicycle and Pedestrian Plans
- Review of Information found on City Website www.cityofdover.com
- Education & Training Opportunities: Planning Education Series presented by Institute for Public Administration (IPA) at the University of Delaware; webinars, meetings and conferences through American Planning Association and Delaware APA Chapter; other training opportunities. (Note: Training Costs are paid from Planning Office Budget.)
- Contact Information and How to Reach Staff

City of Dover

Date

Name
Address
City, State Zip

*Dear *:*

*It is a pleasure to inform you that, during their * Meeting of *, City Council accepted your appointment to the Legislative, Finance, and Administration Committee, as recommended by Council President *. This appointment is for a one-year term to fill the *expired/unexpired term of *, and will expire in May of 20**.*

*The Chairman of the Legislative, Finance, and Administration Committee, Councilman *, has scheduled the Committee's regular meetings to be held on the 2nd and 4th Mondays of each month at 6:00 p.m. in the Council Chambers at City Hall, 15 Loockerman Plaza, Dover, DE 19901. Meeting times may vary based on the agenda. The next meeting is scheduled for * at * p.m. Prior to each meeting, you will be sent an e-mail containing a link to the agenda and back-up information for your review. Enclosed please find Chapter 2 - Administration, Article III - Standing Council Committees - Division 2 of the City of Dover Code of Ordinances, which pertains to the Legislative, Finance, and Administration Committee.*

Also enclosed, please find a packet of forms that must be completed and returned to our office so that you may be compensated for meeting attendance. The rate of compensation is $75.00 for each meeting attended. Along with the forms, please bring in your driver's license and your Social Security card or your U. S. passport so that we may provide a copy to the Human Resources Department. Direct deposit is mandatory, so a voided check or documentation from your banking institution will also be required.

On behalf of the Mayor and Members of City Council, may I express their sincere appreciation for your willingness to serve the community in this way. Please do not hesitate to contact my office at 736-7008 or by e-mail to cityclerk@dover.de.us if we can be of any assistance.

Congratulations on your appointment!

Sincerely,

Traci A. McDowell

Traci A. McDowell, MMC
City Clerk

Enclosures
TAM/dak
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City of Dover

Date

Name
Address
City, State Zip

*Dear *:*

*It is a pleasure to inform you that, during their Annual Meeting of *, City Council accepted your appointment to the Parks, Recreation, and Community Enhancement Committee, as recommended by Council President *. This appointment is for a one-year term to fill the *expired/unexpired term of *, and will expire in May of 20**.*

*The Chairman of the Parks, Recreation, and Community Enhancement Committee, Councilman *, has scheduled the Committee's regular meetings to be held on the 2nd Monday of each month at 3:30 p.m. in the Council Chambers at City Hall, 15 Loockerman Plaza, Dover, DE 19901. Meeting times may vary based on the agenda. The next meeting is scheduled for *. Prior to each meeting, you will be sent an e-mail containing a link to the agenda and back-up information for your review. Enclosed please find Chapter 2 - Administration - Article III - Standing Council Committees - Division 3 of the City of Dover Code of Ordinances which pertains to the Parks, Recreation, and Community Enhancement Committee.*

Also enclosed, please find a packet of forms that must be completed and returned to our office so that you may be compensated for meeting attendance. The rate of compensation is $75.00 for each meeting attended. Along with the forms, please bring in your driver's license and your Social Security card or your U. S. passport so that we may provide a copy to the Human Resources Department. Direct deposit is mandatory, so a voided check or documentation from your banking institution will also be required.

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City Clerk

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City of Dover

Date

Name
Address
City, State Zip

*Dear *:*

*It is a pleasure to inform you that, during their * Meeting of *, City Council accepted your appointment to the Safety Advisory and Transportation Committee, as recommended by Council President *. This appointment is for a one-year term to fill the *expired/unexpired term of *, and will expire in May of 20**.*

*The Chairman of the Safety Advisory and Transportation Committee, Councilman *, has scheduled the Committee's regular meetings to be held on the 4th Monday of each month at 4:00 p.m. in the Council Chambers at City Hall, 15 Loockerman Plaza, Dover, DE 19901. Meeting times may vary based on the agenda. The next meeting is scheduled for *. Prior to each meeting, you will be sent an e-mail containing a link to the agenda and back-up information for your review. Enclosed please find Chapter 2 - Administration, Article III - Standing Council Committees, Division 4 of the City of Dover Code of Ordinances, which pertains to the Safety Advisory and Transportation Committee.*

Also enclosed, please find a packet of forms that must be completed and returned to our office so that you may be compensated for meeting attendance. The rate of compensation is $75.00 for each meeting attended. Along with the forms, please bring in your driver's license and your Social Security card or your U. S. passport so that we may provide a copy to the Human Resources Department. Direct deposit is mandatory, so a voided check or documentation from your banking institution will also be required.

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Sincerely,

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Traci A. McDowell, MMC
City Clerk

Enclosures
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City of Dover

Date

Name
Address
City, State Zip

*Dear *:*

*It is a pleasure to inform you that, during their * Meeting of *, City Council accepted your appointment to the Utility Committee, as recommended by Council President *. This appointment is for a one-year term to fill the *expired/unexpired term of *, and will expire in May of 20**.*

*The Chairman of the Utility Committee, Councilman *, has scheduled the Committee's regular meetings to be held on the 2nd and 4th Monday of each month at 6:00 p.m. in the Council Chambers at City Hall, 15 Loockerman Plaza, Dover, DE 19901. Meeting times may vary based on the agenda. The next meeting is scheduled for *. Prior to each meeting, you will be sent an e-mail containing a link to the agenda and back-up information for your review. Enclosed please find Chapter 2 - Administration, Article III - Standing Council Committees, Division 5 of the City of Dover Code of Ordinances, which pertains to the Utility Committee.*

Also enclosed, please find a packet of forms that must be completed and returned to our office so that you may be compensated for meeting attendance. The rate of compensation is $75.00 for each meeting attended. Along with the forms, please bring in your driver's license and your Social Security card or your U. S. passport so that we may provide a copy to the Human Resources Department. Direct deposit is mandatory, so a voided check or documentation from your banking institution will also be required.

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Traci A. McDowell, MMC
City Clerk

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Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards

Council Colleagues,

Per our Council Committee of the Whole Meeting on 8/22/16, I would like to reiterate my recommendations and suggestions to making the recruitment and selection Process for City Boards and Committees more successful.

1. Advertise/publish vacancies via. Local Newspapers, City Website and City Social Media. (To include information on how to apply and the duties of the particular board/commission.) - Kay Sass, Public Relations

2. When applications of Interest are received by the City, provide City Council Members copies of all applications and resumes to personally review before placing on Council Agenda for Appointment. - City Clerk's Office

3. Members currently serving on City Boards/Committees/Commissions wishing to be reappointed and continuing to serve must reapply with an updated resume. - City Clerk's Office

4. A volunteer opportunities posting with all current vacancies be established on the website.

5. New Board/Committee/Commission appointments must agree to go for sponsored training provided by the DLLG or other training fascinators to assist in becoming more familiar and to get a better understanding of the board/committee/commission they will be serving on. This training will strengthen and enhance their role and duty.

ACTION FORM

MEETING DATE: 10/11/16
PROCEEDING: Council Committee of the Whole/Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk, on Behalf of Councilman Hutchison

DATE SUBMITTED: 09/21/2016
SUBJECT: Proposed Ordinance Amendments - Removal of Annual Appointment Requirements for the City Clerk, Building Inspector, and Fire Marshal
RELATED PROJECT: Proposed Charter Amendments to Eliminate the Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor
APPROVALS: City Council
EXHIBITS: Proposed Ordinance #2016-21 amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment; Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment; and Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: First Reading at Council on October 24, 2016 and Final Reading at Council on November 14, 2016.
RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Code of Ordinances.

BACKGROUND AND ANALYSIS

At the request of Councilman Hutchison, staff prepared Proposed Ordinance #2016-21 amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment; Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment; and Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal. These amendments will remove the annual appointment requirement for the City Clerk, Building Inspector, and Fire Marshal.

Additionally, proposed Charter amendments are being considered to eliminate the annual appointment requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor.

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment of the Dover Code be amended by deleting the text indicated in red strikeout, as follows:

Sec. 2-281. - Appointment.

There shall be a city clerk selected by the city council ~~at its annual meeting,~~ and such person shall serve as the clerk of the city council.

(Code 1981, § 2-116; Ord. of 3-12-2001)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment of the Dover Code be amended by deleting the text indicated in red strikeout, as follows:

Sec. 22-31. - Office created; appointment.

There is hereby created the office of building inspector. The building inspector shall be selected by the city council ~~during its annual meeting~~.

(Code 1968, § 2-75; Code 1981, § 5-1)

BE IT FURTHER ORDAINED:

That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal of the Dover Code be amended by deleting the text indicated in red strikeout, as follows:

Sec. 46-124. - Fire marshal.

(a) *Selection*. There shall be a fire marshal, who shall be selected by the city council ~~at its annual meeting~~.

(b) *Fire prevention*. The fire marshal or his/her authorized agent shall enforce this article and any other fire prevention provisions of this Code and any other fire prevention regulations applicable to the city.

(c) *Investigation of fires*. The fire marshal or his/her deputies shall be responsible for the investigation of the origins and causes of fires and explosions within the corporate limits of the city, which involve the loss of life or injury or cause destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion. Upon request of the fire marshal, the city police shall be authorized to assist the fire marshal in the performance of his/her duties. When any fire or explosion is found to be suspicious or criminal in nature or causes serious injury or death, the fire marshal or his/her deputies shall contact the city police and, per the agreement of the fire marshal and chief of police, conduct a joint investigation into the origin and

cause of the fire or explosion.

(d) *Hazardous conditions*. When, in the opinion of the fire marshal or code official, a fire or life safety hazard is of imminent danger to occupants of a building, structure or outdoor event, the fire marshal or code official may order the unsafe condition removed, said building or structure evacuated or outdoor event terminated.

(e) *Right of entry*. The fire marshal or his/her designee is authorized at all reasonable times to enter and examine any building, marine vessel, vehicle, or premises for the purposes of making fire safety inspections. Before entering a private building or dwelling, the fire marshal or his/her designee shall obtain the consent of the occupant thereof or obtain a search warrant authorizing his/her entry for the purpose of inspection, except in those instances where an emergency exists. As used in this section, "emergency" means circumstances which the fire marshal or his/her designee knows or has reason to believe exist, and which reasonably may constitute immediate and grave danger to life or property.

(f) *Implied consent*. Application for, or acceptance of, any license or permit requested or issued pursuant to City Code constitutes agreement and consent by the person making the application or accepting the license or permit to allow the fire marshal or his/her designee to enter the premises at any reasonable time to conduct such inspections as required by this code or deemed necessary by the fire marshal or his/her designee to determine compliance with the requirements for such license or permit.

(g) ~~[~~*Placard-Health hazard and unsafe to enter*.~~]~~ The fire marshal or code official may placard any building damaged by fire or explosion as being a health hazard and unsafe to enter. No one shall enter any building having been placarded by the fire marshal or code official as being a health hazard and unsafe without first contacting the fire marshal.

(h) ~~[~~*Unlawful to enter*.~~]~~ It shall be unlawful to enter any premise, structure, building, or vehicle which has been damaged by fire or explosion for the purpose of removing, altering or tampering with any part of the structure, appliance, or object identified and tagged by the fire marshal as being a possible ignition source or cause of the fire or explosion, without approval of the fire marshal, until the conclusion of the investigation.

(Code 1968, § 2-49; Code 1981, § 7-59; Ord. of 2-9-1998; Ord. No. 2012-05, 9-24-2012)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-21 ANNUAL APPOINTMENT - CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL\Ordinance #2016-21 Annual Appointment - City Clerk, Building Inspector, and Fire Marshal.wpd

SYNOPSIS

The proposed amendments remove the annual appointment requirement for the city clerk, building inspector, and fire marshal.

(SPONSORS: HUTCHISON, NEIL, AND ANDERSON)

Actions History

10/11/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

CITY OF DOVER PROPOSED ORDINANCE #2016-22

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

That Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 54-4. - Smoking regulations.

(a) *Generally*. The Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (secondhand smoke) to a variety of negative health conditions in nonsmokers, which has prompted the council to enact smoking regulations for the health, welfare and safety of residents of the city and to strike a reasonable balance between the rights of smokers and nonsmokers by regulating smoking in certain public places and places of employment.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bar or cocktail lounge area means that part of any restaurant or other establishment, to a depth of 20 feet from such bar, primarily engaged in the business of selling or dispensing alcoholic beverages or other beverages and duly licensed by the state for the same, but secondary to the restaurant or other primary use of the establishment.

Employee means any person who renders or has rendered any service to another for a consideration or its equivalent, under an expressed or implied contract, and who is or was under the control and direction of the latter when rendering the services, including temporary, provisional, casual or part-time employment.

Employer means an individual, partnership, association, corporation, governmental body or agency, or any other entity, for whom or for which one or more persons renders or have rendered any service on a salary, commission or other compensation basis.

Health care facility means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions.

Place of employment means any enclosed area under the control of a public or private employer, which employees normally frequent during the course of employment. A private residence is not considered to be a place of employment for the purpose of this section, nor is a motor vehicle of the employer used by employees in the course of employment.

Public conveyance means any taxicab, mass transit vehicle or school bus, or any vehicle offered to passengers for a fee.

Public meeting includes any meeting or assembly held in any room, auditorium or chamber wherein public, civic or governmental business is conducted and which is open to the public either as

participants or spectators.

Public place includes any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks; educational facilities; health care facilities; day care centers, retirement homes, rest or nursing centers; property owned, occupied or operated by the city or any agency thereof; public transportation facilities; lobbies and reception areas, but not including the offices or work areas not entered by the public in the normal course of business or use of the premises. A private residence is not a public place, but the lobby or common area of a multifamily dwelling is a public place.

Restaurant means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for a consideration and which has seating at tables for 35 or more persons, and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of meals. Any such establishment shall be duly licensed as a restaurant by the city and state.

Retail store means any establishment, the primary purpose of which is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, articles or food for consumption off the premises.

Secondhand smoke means the smoke to which a person may be involuntarily exposed, either through a smoker exhaling the smoke of or from a tobacco product, or through the lighting or burning of any tobacco product.

Smoking includes the lighting, burning, holding or carrying of, or emitting, or inhaling, or exhaling the smoke of, a pipe, cigar or cigarette of any kind or any form of lighted object or device which contains tobacco.

Sports arena means any indoor facility primarily used for sports, cultural or similar events.

Taproom means any establishment which is regulated and licensed as such by the state pursuant to the Delaware Alcoholic Beverage Control Act (4 Del. C. § 101 et seq.), and which is provided with special space and accommodations and operated primarily for the sale by the glass for consumption on the premises of alcoholic beverages with the sale of food as a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Tavern means any business selling spirits, wine or beer by the glass at retail for consumption on the premises, and which is duly licensed and regulated as such pursuant to the Delaware Alcoholic Beverage Control Act, and in which the sale of food is a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Theater means any indoor facility primarily used for the exhibition of any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

(c) *Prohibitions*. Smoking is unlawful **on all city-owned property and** in "public places" as such term is defined in subsection (b) of this section, and in the following public places during the hours in

which they are open to the public:

(1) Art galleries, libraries, museums and similar cultural facilities;
(2) Classrooms and lecture halls;
(3) Restaurants;
(4) Elevators;
(5) Health care facilities;
(6) Public conveyances;
(7) Public meetings;
(8) Retail stores, other than retail tobacco stores, the primary activity of which is the sale or promotion of tobacco and tobacco products and accessories; provided, however, that smoking may be permitted in those areas of enclosed shopping centers or malls that are external to the retail stores and are used by customers as a route of travel from one store to another and consist primarily of walkways and seating arrangements; and further provided that where smoking is permitted, the proprietor shall post a sign to that effect;
(9) Theaters and indoor sports arenas;
(10) Restrooms located in "public places" as such term is defined in subsection (b) of this section, and in the facilities listed in subsections (c)(1), (c)(2), (c)(5), (c)(6), (c)(8), and (c)(9) of this section; and
(11) Places of employment not exempted in 16 Del. C. § 2904.

(d) Violations; penalties; appeals.

(1) Violations. The following acts constitute violations of this section:

a. Smoking **on city-owned property or** in a posted nonsmoking area;
b. Failure to post a "No Smoking" sign as required by this section;
c. Failure to inform any person who violates this section, when such duty to inform arises as set forth in subsection (f) of this section;
d. Willful destruction or defacement of a sign posted as required by this section;
e. Failure to adopt a smoking policy as set forth in subsection (f) of this section.

(2) Penalties. Anyone who violates any provision of this section shall be liable for a fine as provided for in Appendix F-Fees and Fines. Each day such violation continues, shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(3) Appeals. In the event that the enforcement of this section causes undue and extraordinary financial hardship peculiar to any person, then that person shall have the right to appeal this hardship to the council by written request directed to the city clerk. In considering the appeal, the council shall have the power to alter the terms and conditions of this section to meet any peculiar and extraordinary hardship proven by the person as long as such alteration or relief does not detract from the purpose and intent of this section.

(e) Signs. The owner or other person having the authority to manage and control any area designated as a no-smoking area pursuant to this section shall post, or cause to be posted, and prominently display, and shall maintain, no-smoking signs in conspicuous locations within such areas. Such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international

no-smoking symbol and shall cite "Section 54-4 of the city Code." Signs shall be of sufficient number and prominent location to convey the message clearly and legibly to a person of reasonable sensibilities. Signs shall be at least one square foot in size, shall be affixed to the structure of the building and/or shall be so distributed that from any point in the no-smoking area at least one such sign is visible. A combination of fixed or pedestal type signs may be used.

(f) Places of employment.

(1) Written smoking policy. Every employer of 25 or more employees at any one location in the city, if exempted in 16 Del. C. § 2904, shall adopt, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions:

a. Accommodate preferences. A statement providing that the employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of smoking and nonsmoking employees; provided, however, that the employers are not required to incur any expense to make structural or physical modifications to accommodate individual preferences; however, if a satisfactory accommodation cannot be reached, the preferences of nonsmoking employees shall prevail;

b. Offices. Smoking may be permitted in private, enclosed offices, even though such offices may be visited in the normal course of business by nonsmoking employees;

c. Common use. Prohibition of smoking in auditoriums, classrooms, elevators, medical facilities, conference rooms and rooms containing photocopying or other office equipment used in common by employees;

d. Cafeterias, lunchrooms, and lounges. Designation of some portion of the seating capacity of cafeterias, lunchrooms and employee lounges as no-smoking areas; provided, however, that if there are two or more lounges available for employee use, one entire lounge may be designated as a smoking area;

e. Disputes. A procedure to resolve employee disputes and objections arising under the smoking policy; and

f. Retaliation. A statement providing that the employer will not retaliate or take any adverse personnel action against any employee exercising his rights granted under the smoking policy.

(2) Copies of policy to be provided to employees. Employers shall supply a written copy of the smoking policy to all current employees within 30 days of the date of adoption of such policy and shall supply copies of it to all future employees at the time of their entry into employment.

(3) Posting of policy. Employers shall post the smoking policy conspicuously in the place of employment.

(g) Enforcement.

Draft

(1) Authority to restrict in employment and public areas. The owner, proprietor, manager, or other person having the authority to manage and control any public place or place of employment, or a designated agent of such owner or manager, shall inform persons smoking in restricted areas of such places in order to warn them that they are in violation of the law. Any person may file a complaint with the licensing division of the department of planning and inspections or with the police department, alleging a violation of any provision of this section.

(2) Procedures. Upon complaint to the licensing division of the department of planning and inspections or the police department, each department shall have concurrent jurisdiction to enforce the provisions of this section by any of the following actions:

a. Notice. Serving notice requiring the prompt correction by the owner, proprietor, manager or other person having the authority to manage and control any public place or place of employment of any violation of this section;

b. Legal action. Advising the city solicitor of violations of this section in order to maintain an action at law or in equity to enforce the provisions of this section, recover the fines and costs of prosecution, or prevent, enjoin, abate or remove or otherwise cause the correction of any such violation of the provisions of this section;

c. Summons. Issue to any person a citation or summons to appear in the justices of the peace court to answer to a charge of any violation of this section.

(h) Miscellaneous provisions.

(1) Other prohibitions. Nothing in this section shall be construed to permit smoking where it is otherwise prohibited by law or regulation.

(2) Authority of owner. Nothing in this section shall be construed to preclude any owner or other person having the authority to manage and control any public place or place of employment from prohibiting smoking to a greater extent than is provided by this section.

(3) Fire safety. Nothing in this section shall be construed to permit or authorize, or be permitted to result in a fire safety hazard or violation, as may be determined by the fire marshal, by anyone in attempting to comply with the provisions of this section.

(Code 1981, § 14-15; Ord. of 4-8-1991; Ord. of 4-12-1993; Ord. of 9-22-2003; Ord. No. 2009-09, 6-22-2009)

State Law reference- Clean Indoor Air Act, 16 Del. C. § 2901 et seq.

Draft

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations, Subsection (d) - Violations; Penalties; Appeals, Subsection (2) - Penalties of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Chapter 54. - Health and Sanitation

Chapter 54. Health and Sanitation	**Fees and Fines**
Article I. In General	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-4. Smoking regulations	
Subsec. (d) Violations; penalties; appeals	
Subsec. (2) Penalties	Not to exceed $25.00; each day such violation continues shall constitute a separate offense
Article II. Food and Food Handlers	
Sec. 54-52. Fee	
Subsec. (a) Type of establishment	
Mobile food units	$50.00
Push carts	$25.00
For-profit temporary eating places	$25.00
Membership clubs	$50.00
Institutions	$100.00
Subsec. (b) Services provided	
Breakfast service	$15.00
Lunch service	$18.00
Dinner service	$18.00
Salad bar service	$15.00
Hot and cold buffet, including salad bar service	$40.00
Drive through service	$75.00
Delivery service	$20.00
Catering service	$15.00
Takeout service	$20.00
Seating service:	

100—150	$50.00
151—200	$75.00
201 or more	$100.00
Article V. Rat Control	
Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-155. Compliance with notice to ratproof	Unless the work and improvements have been completed by the owner in the time specified in the written notice, which in no event shall be more than 15 days, or within the time to which a written extension may have been granted by the health inspector, then the owner shall be punished by a fine of not less than $25.00, nor more than $1,000.00
Sec. 54-156. Compliance with notice to eradicate rats	Unless eradication measures are undertaken within five days after receipt of the notice, the owner or occupant shall be punished by a fine of not less than $25.00, nor more than $1,000.00

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-22 CH 54 - HEALTH & SANITATION, ART I - IN GEN, SEC 54-4 - SMOKING REGULATIONS\ORDINANCE #2016-22 CH 54 - HEALTH & SANITATION, ART I - IN GEN, SEC. 54-4 - SMOKING REGULATIONS.wpd

SYNOPSIS

The proposed ordinance would implement a smoke-free policy on all City-owned property.

Actions History

10/11/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

TITLE 16

Health and Safety

Regulatory Provisions Concerning Public Health

CHAPTER 29. CLEAN INDOOR AIR ACT

§ 2901 Legislative intent.

The General Assembly finds that it is in the best interest of the people of this State to protect nonsmokers from involuntary exposure to environmental tobacco smoke and emissions produced by electronic smoking devices in most indoor areas open to the public, public meetings, foods service establishments and places of employment.

The General Assembly recognizes that a balance should be struck between the health concerns of nonconsumers of tobacco products and the need to minimize unwarranted governmental intrusion into and regulation of private spheres of conduct and choice with respect to the use or nonuse of tobacco products in certain designated public areas and in private places. Therefore, the General Assembly declares that the purpose of this act is to preserve and improve the health, comfort and environment of the people of this State by limiting exposure to tobacco smoke and emissions produced by electronic smoking devices.

69 Del. Laws, c. 287, § 1; 80 Del. Laws, c. 81, § 1.;

§ 2902 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Auditorium" means the part of a public building where an audience sits and any corridors, hallways or lobbies adjacent thereto.

(2) "Bar" means any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages. An establishment which has been licensed by the Delaware Alcoholic Beverage Control Commission as a "taproom or tavern" as that term is defined in Title 4 shall be considered a "bar" for purposes of the application of the provisions of this chapter.

(3) "Electronic smoking device" means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(4) "Employer" means any person, partnership, association, corporation or nonprofit entity that employs 1 or more persons, including the legislative, executive and judicial branches of state government; any county, city, town, village or any other political subdivision of the State, public improvement or special district, public authority, commission, agency or public benefit corporation; or any other separate corporate instrumentality or unit of state or local government.

(5) "Environmental tobacco smoke" (ETS) or "secondhand smoke" is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to ETS is also frequently referred to as "passive smoking" or "involuntary smoking."

(6) "Food service establishment" means any indoor area open to the public or portion thereof in which the principal business is the sale of food for on-premises consumption including, but not limited to, restaurants, cafeterias, coffee shops, diners, sandwich shops or short order cafes. A food service establishment shall not include the bar area of such establishment. An establishment which has been licensed by the Delaware Alcoholic Beverage Control Commission as a "restaurant" as that term is defined in Title 4 shall be considered a "food service establishment" for purposes of the application of the provisions of this chapter.

(7) "Indoor area open to the public" means any indoor area or portion thereof generally accessible to the public.

(8) "Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services but that is not generally accessible to the public.

(9) "Public building" means any building owned or operated by the State, including the legislative, executive and judicial branches of state government; any county, city, town, village or any other political subdivision of the State, public improvement or special district, public authority, commission, agency or public benefit corporation; or any other separate corporate instrumentality or unit of state or local government.

(10) "Public meeting" means all meetings open to the public pursuant to the laws of Delaware and its political subdivisions.

(11) "Smoke-free work area" means an indoor area in a place of employment where no smoking occurs.

(12) "Smoking" means:

a. The burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco; or

b. The use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

(13) "Tobacco business" means a sole proprietorship, corporation, partnership or other enterprise engaged primarily in the sale, manufacture or promotion of tobacco, tobacco products and accessories either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

(14) "Vapor establishment" means a business that:

a. Generates at least 80% of its revenue from the sale of electronic smoking devices and substances for use within electronic smoking devices; and

b. Does not share indoor common space with other businesses unless there are doors from the vapor establishment to the indoor common space that remain closed other than for ingress and egress.

(15) "Work area" means an area in a place of employment where 1 or more employees are routinely assigned and perform services for their employer.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, §§ 1, 2, 3, 4, 5, 6; 80 Del. Laws, c. 81, § 2.;

§ 2903 Smoking restrictions.

Except as is provided in § 2904 of this title, and in order to reduce the levels of exposure to environmental tobacco smoke and emissions produced by electronic smoking devices, smoking shall not be permitted and no person shall smoke in any indoor enclosed area to which the general public is invited or in which the general public is permitted, including, but not limited to:

(1) Public meetings;

(2) Elevators;

(3) Government owned and/or operated means of mass transportation including buses, vans, trains, taxicabs and limousines;

(4) Grocery stores;

(5) Gymnasiums;

(6) Jury waiting and deliberation rooms;

(7) Courtrooms;

(8) Child day care facilities;

(9) Health-care facilities including hospitals, health care clinics, doctor's offices or other health-care-related facilities;

(10) Any workplace not exempted;

(11) Restrooms, lobbies, reception areas, hallways and other common-use areas;

(12) Restaurants as licensed by the Division of Public Health or defined by Title 4;

(13) Gaming facilities that are open to the public;

(14) Any indoor sports arena;

(15) Lobbies, hallways and other common areas in apartment buildings, condominiums and other multiple-unit residential facilities;

(16) Lobbies, hallways and other common areas in hotels and motels, and in no less than 75% of the sleeping quarters within a hotel or motel that are rented to guests;

(17) Bowling alleys;

(18) Billiard or pool halls;

(19) Retirement facilities and nursing homes not including any private residence;

(20) Public buildings;

(21) Auditoria;

(22) Theaters;

(23) Museums;

(24) Libraries;

(25) Public and nonpublic schools;

(26) Other educational and vocational institutions.

(27) Establishments defined as a motorsports speedway, tavern or taproom by Title 4.

69 Del. Laws, c. 287, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 316, § 1; 73 Del. Laws, c. 275, § 7; 80 Del. Laws, c. 81, § 3.;

§ 2904 Smoking restrictions inapplicable.

This chapter shall not apply to:

(1) Private homes, private residences and private automobiles; provided, however, it shall only apply when such homes, residences or vehicles are being used for child care or day care or when the private vehicle is being used for the public transportation of children or as part of health care or day care transportation;

(2) Any indoor area where private social functions are being held when seating arrangements are under the control of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;

(3) Limousines under private hire;

(4) A hotel or motel room rented to 1 or more guests; provided that the total percentage of such hotel or motel rooms does not exceed 25%;

(5) Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a volunteer ambulance or volunteer rescue company; provided, however, that the fund raising activity or function takes place upon property owned or leased by the volunteer fire, rescue or ambulance company; and

(6) Any fund raising activity or function sponsored by a fraternal benefit society as defined by § 6201 of Title 18; provided, however, that the fund raising activity or function takes place upon property owned or leased by said organization.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, § 8.;

§ 2905 Posting of signs.

"Warning: Smoking Permitted" signs shall be prominently posted and properly maintained where smoking is permitted pursuant to § 2904(2) and (4) of this title. Such signs shall be posted and maintained by the owner, operator, manager or other person having control of such area. The letters on such signs shall be at least 1 inch in height.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, § 9.;

§ 2906 Implementation; rules and regulations.

(a) The Department of Labor shall adopt rules and regulations as are necessary and reasonable to implement the provisions of this chapter as they apply to employers, employees, places of employment and the work place.

(b) The Department of Health and Social Services shall adopt rules and regulations as are necessary and reasonable to implement remaining provisions of this chapter not affecting employers, employees and the work place.

(c) The Department of Health and Social Services and the Department of Labor may upon request waive the provisions of this chapter if they determine there are compelling reasons to do so, and such waiver will not significantly affect the health and comfort of nonconsumers of tobacco products.

(d) The Department of Health and Social Services and the Department of Labor shall file annual reports by January 15 to the General Assembly outlining their enforcement efforts for the prior year and the results of those efforts. The first report shall be due 1 year after the effective date of the legislation.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, § 10.;

§ 2907 Administrative penalties.

(a) Any person who violates any provision of this chapter or any rule or regulation promulgated pursuant thereto shall be subject to an administrative penalty of $100 for a first violation and not less than $250 for each subsequent violation.

(b) Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Labor pursuant to this chapter, or because the employee has caused to be instituted or is about to cause to be instituted any proceedings under this chapter, or testified or is about to testify in any such proceedings, shall be deemed in violation of this chapter and shall be subject to a civil penalty of not less than $2,000 nor more than $10,000 for each violation.

69 Del. Laws, c. 287, § 1; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 460, § 4; 73 Del. Laws, c. 275, §§ 11, 12.;

§ 2908 Vapor establishments.

(a) Vapor establishments are permitted to have emissions produced by electronic smoking devices within their places of business.

(b) Any vapor establishment permitted to have emissions produced by electronic smoking devices in such vapor establishment pursuant to this section, and which permits such emissions, shall prohibit anyone under the age of 18 from entering and shall display a sign at all entrances stating that no one under the age of 18 is allowed in such vapor establishment.

80 Del. Laws, c. 81, § 5.;

CITY OF DOVER

SMOKING POLICY

I. Purpose

In response to the growing medical and scientific evidence of the detrimental effects of smoking on personal health and work performance, in recognition of the strong desire of City employees to work in a smoke-free environment and in response to public law, specifically Section 14-15 of the City Code relating to smoking regulations, the City of Dover, in a positive effort to provide a healthy and safe work environment for all of its employees, establishes this smoking policy.

II. Policy

Effective June 1, 1991, smoking will be prohibited in all city-owned or operated facilities or in any portion of any facility leased or occupied by the City except in designated smoking areas established pursuant to this policy.

III. Non-Smoking Employee Rights

This policy is an attempt to reach reasonable accommodations, as far as possible, between the preferences of smoking and non-smoking employees. However, if a satisfactory accommodation cannot be reached, the preferences of non-smoking employees shall prevail.

IV. Conflict Resolution

Employee disputes and objections arising out of the smoking policy shall be resolved by means of the City of Dover grievance procedure as outlined in the Employee Handbook.

V. Protection

The City of Dover will not retaliate or take any adverse personnel action against any employee exercising his or her rights granted under this smoking policy.

VI. Procedure

A. No smoking will be permitted in any city-owned or occupied building or facility except in the designated areas. The following have been designated as smoking areas for City of Dover employees. These designated areas will be reviewed in six months.

1. Electric Administration Building--No smoking is allowed in the Electric Administration Building except in the Dispatch Center on weekdays between 5:00 p.m. - 7:00 a.m. and on weekends from 5:00 p.m. Friday - 7:00 a.m. Monday provided, however, that should a non-smoking employee be assigned to the Dispatch Center during the allowable smoking hours, then no smoking shall be allowed in the Dispatch Center. Such assignment includes employees called in to work during times of emergencies.

4. Electric Power Plant--A designated smoking area painted on the second floor in the open Plant area adjacent to the windows enclosing the Control Room.

5. Any building not listed above does not have a designated smoking area.

B. Smoking will not be permitted in any city vehicle when there is a non-smoker present.

C. The sale of cigarettes will be prohibited on city property whether or not enclosed.

D. Employees cannot authorize exceptions to A-C.

VII. Enforcement

All employees are expected to obey the policy as outlined herein. Employees who violate the policy shall be appropriately counseled. Repeated violations shall be cause for disciplinary action in accordance with the City of Dover Personnel Policy.

VIII. Education

In a positive effort to assist employees in complying with this policy, the City of Dover will offer smoking cessation classes.

A. Smoking cessation classes will be made available to all employees & spouses upon the implementation of this policy, and annually thereafter.

IX. Incentives

A. Incentive awards will be given to any employee who provides proof that he/she has quit smoking:

1. cold turkey for 90 days;
2. for a consecutive 6 month period;
3. for a consecutive one year period.

State of Delaware
Tobacco-Free Workplace Policy

The State of Delaware is dedicated to providing a healthy and productive work environment for employees, clients, visitors, and contractors. The goal of the Tobacco-Free Workplace Policy is to improve the health of employees and Delaware citizens by promoting tobacco use cessation. Tobacco use remains the number one underlying cause of premature death and disability in Delaware and the nation. In Delaware, about 1,200 deaths each year result from cigarette smoking with more than 440,000 deaths from smoking-related illnesses in the United States, according to the U.S. Centers for Disease Control and Prevention. Smoking can cause several types of cancer, heart disease, stroke and lung diseases. These diseases are the leading killers in the United States. Use of smokeless tobacco, cigars, pipes and other tobacco products also lead to disease and death. On average, direct medical expenses and lost productivity resulting from tobacco related diseases and death total a staggering $722.8 million a year in Delaware.

Tobacco- Free Policy

The use of tobacco products is prohibited within the boundaries of all state workplaces including all buildings, facilities, indoor and outdoor spaces and the surrounding grounds owned by the State. This policy applies to parking lots, walkways, State vehicles and private vehicles parked or operated on State workplace property. This policy does not include public roads or sidewalks.

For the purposes of this policy, tobacco is defined as any type of tobacco product including, but not limited to: cigarettes, cigars, cigarillos, electronic cigarettes, pipes, bidis, hookahs, smokeless, spit tobacco or snuff.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. Everyone is responsible for respectfully following and helping to enforce the policy.

Violations of this policy may be subject to discipline, up to and including dismissal, based on the standards set forth in the Merit Rules, collective bargaining agreements, or other applicable laws or policies.

Effective Date

The policy requires State of Delaware workplaces to be tobacco free by January 1, 2013.

Tobacco Use Cessation Programs

The State of Delaware is committed to providing support to all employees who wish to stop using tobacco products and ensuring to the extent possible that employees have access to a variety of resources and assistance, including group counseling and for employees enrolled in a State of Delaware Group Health Plan, no charge tobacco cessation prescription medications, health coaching, and more through the Dela*WELL* Health Management Program at https://delawell.alerehealth.com or 1-866-674-9103.

Clients, visitors, and contractors are encouraged to contact the Delaware Quitline for tobacco cessation information at 1-866-409-1858

Delaware tobacco use statistics available at Center for Disease Control.
Available: http://www.cdc.gov/tobacco/data_statistics/index.htm
(May 10, 2012)

This policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

December 6, 2012

ACTION FORM

MEETING DATE: 10/11/16
PROCEEDING: Council Committee of the Whole/Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk, on Behalf of Councilman Hutchison

DATE SUBMITTED: 09/21/2016
SUBJECT: Proposed Charter Amendments - Removal of Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor; Gender Language Amendments; Administrative Amendments; and Typographical Corrections
RELATED PROJECT: Proposed Ordinance #2016-21 removing the annual appointment requirement for the City Clerk, Building Inspector, and Fire Marshal. Subsequent proposed ordinance amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 4 - Controller/Treasurer, Section 2-261 - Appointment.
APPROVALS: City Council/General Assembly
EXHIBITS: City of Dover - Proposed Charter Amendments in Full Context (10/11/2016)
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Charter Amendments will require adoption of a Resolution requesting the General Assembly to approve the amendments. The Resolution will be presented to City Council on 10/24/16 and, upon adoption, the amendments will be forwarded to local legislators for submission.
RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Charter and adoption by City Council of the subsequent Resolution requesting the General Assembly to amend the Charter.

BACKGROUND AND ANALYSIS

At the request of Councilman Hutchison, staff prepared proposed Charter amendments to remove the annual appointment requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor. Additional corrections were made to section headings, gender language, and typographical errors and transitional language is being proposed for deletion.

Additionally, proposed ordinance amendments are being considered to remove the annual appointment requirement for the City Clerk, Building Inspector, and Fire Marshal.

CITY OF DOVER - PROPOSED CHARTER AMENDMENTS IN FULL CONTEXT

INTRODUCED AT 10/11/2016 CCW/LF&A MEETING

PREAMBLE

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self government and to provide for an honest and accountable council manager government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. 77 Del. Laws, c. 130, § 1

ARTICLE I. POWERS OF THE CITY

~~Section~~ Sec. 1.01. Powers of the City.

In addition to the powers specifically enumerated by statutes in Title 22 of the Delaware Code and elsewhere, the City of Dover shall assume and have all powers which under the Constitution of the State it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.02. Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.03. Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or of the United States in the performance of any activity which one or more of such entities has the authority to undertake. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.04. Municipal corporation continued; boundaries.

The municipal corporation of the State of Delaware, known as "the City of Dover" shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office in and for Kent County and State of Delaware as presently existing and as hereinafter amended. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.05. Procedure to extend boundaries.

The City may, from time to time, extend its boundaries in accordance with Title 22, Chapter 1, Section 101 (22 Del. C. § 101) through the following annexation processes:

(1) In the case where annexation is petitioned by all owners of all property considered for annexation, no election shall be required.

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For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

(2) In the case where annexation is not petitioned by all owners of all property considered for annexation, such annexation shall be subject to an election, as follows:

(a) In order to extend the boundaries of The City of Dover the council shall adopt a resolution proposing the inclusion of all property considered for annexation within the limits of The City of Dover and calling for a special election to be held not less than thirty (30) nor more than sixty (60) days after the adoption of the resolution, in accordance with Title 22, Chapter 1, Section 101, Delaware Code. The resolution shall contain a description of all property considered for annexation, the date of the election, and the place or places of said election. The resolution shall be published in at least two (2) issues of a newspaper of general circulation within the City of Dover at least two (2) weeks prior to the day of said election.

(b) The annexation election shall be held by the city's election officers. Each owner of the property considered for annexation shall be entitled to one (1) vote. Owners of real estate in common shall be entitled to one (1) vote each. Life tenants shall be entitled to one (1) vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one (1) vote, the same as private persons.

More than one (1) annexation election may be held on the same day; however, the elections shall be separate.

The Council of the City of Dover shall provide the ballots and shall bear the cost of holding such annexation elections. The ballots shall briefly indicate the property proposed for annexation and shall provide two (2) boxes on the ballot beside which shall appear the words "FOR inclusion within The City of Dover," and "AGAINST inclusion within The City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.

For the annexation election, the polls shall open at 11:00 a.m. to and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs first. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an annexation election are in favor of the inclusion of that property, the council may thereupon adopt a resolution annexing said property and including same within the limits of The City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the clerk of council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part

of The City of Dover.

If a majority of the votes cast in an annexation election shall be against the inclusion of that property within the limits of The City of Dover, the proposed annexation of said property shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal for annexation to the eligible voters for said property, or any portion thereof, under the authority of this section and in accordance with the provisions thereof. 77 Del. Laws, c. 130, § 2; 79 Del. Laws, c. 106, § 1;

Sec. 2. Status, general corporate powers, specific provisions for condemnation of property.

The inhabitants of the City of Dover within the boundaries defined in Section 1.04 of this Charter, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "The City of Dover," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the Council must follow applicable State Law. 77 Del. Laws, c. 130, § 3

Sec. 3. Employee pension, benefit and retirement systems authorized.

The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "The City of Dover." The said "The City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an ordinance or resolution duly adopted by the Council of The City of Dover as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the treasury of the said "The City of Dover," or by requiring contributions payable from time to time by the employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of employment and continuing employment.

The city council shall have power to enact ordinances for a pension or retirement system for the police of the City of Dover, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances made and provided in that behalf and the laws of the State of Delaware.

~~**Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the**~~

~~transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax. 77 Del. Laws, c. 130, § 4~~

(Move to Section 49B - Realty Transfer Tax)

ARTICLE II. MAYOR AND COUNCIL

~~Section~~ Sec. 4. General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. 77 Del. Laws, c. 130, § 5

Sec. 5. Council to be legislative body; size; districts; terms of mayor and ~~councilmen~~ council members; qualifications.

The council shall be the legislative body of the city and composed of nine (9) members nominated and elected as herein provided.

The city shall be divided into four (4) election districts, the boundaries of which shall be established by council so that they are nearly equal in population based on the latest federal decennial census information. The district boundaries established for municipal elections shall be used for the next regular municipal election and shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware.

~~At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three years, commencing on the second Monday in May following his/her election and continuing for a term of three years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified.~~

~~Thereafter, Commencing with the regular municipal election to be held in April of 2015, the~~ The term of mayor shall be for a period of four years commencing on the second Monday in May following his/her election and continuing for a term of four years until the second Monday in May, or until his/her successor has been duly elected and qualified.

~~At the regular municipal election held in April of 2012, four councilmen shall be elected by district voting from each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for three years, commencing on the second Monday in May following their election and continuing for a term of three years until the second Monday in May 2015, or until their successors have been duly elected and qualified.~~

~~At the Regular Municipal Election Held in April of 2013, Five Councilmen Shall Be Elected, Four by District Voting Being from the Districts and One At-large. The Term of the Councilmen Elected at the April 2013 Regular Municipal Election Shall Be for a Period of Four Years, Commencing on the Second Monday in May Following Their Election and Continuing for a Period of Four Years until the Second Monday in May, or until Their Successors Have Been Duly Elected and Qualified.~~

~~Thereafter, commencing with the regular municipal election to be held in April of 2013, the~~ The terms of the ~~councilmen~~ council members shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a term of four years until the second Monday in May, or until their successors have been duly elected and qualified. The mayor and at-large ~~councilman~~ council member shall be elected at alternating biennial regular municipal elections.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

(1) A citizen of the United States and of the State of Delaware;

(2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two (2) years immediately preceding the day of the election;

(3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large ~~councilman~~ council member or mayor;

(4) Eighteen (18) years of age or older; and

(5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office, city office, or city employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission). 77 Del. Laws, c. 130, § 6; 78 Del. Laws, c. 2, § 1; 78 Del. Laws, c. 213, § 1; 79 Del. Laws, c. 105, § 1;

~~Section~~ Sec. 6. **Municipal election; dates, time, and place of elections.**

Regular municipal elections shall be held ~~biennally~~ biennially on the third Tuesday in April. All other municipal elections that may be held shall be known as special municipal elections. At each such municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud. At alternating biennial regular municipal elections held on the third Tuesday in April, five ~~councilmen~~ council members shall be elected for a term of four years, four of whom shall be elected by district voting from each of the districts as designated by council and one of whom shall be elected by at large voting by all voters of the city, as provided in section 5 of this Charter. At the next biennial regular municipal election held on the third Tuesday in April, four ~~councilmen~~ council members shall be elected by district voting from each of the districts as designated by council for a term of four years, and a mayor shall be elected by at large voting by all ~~the~~ voters of the city for a term of four

years, as provided in section 5 of this Charter. 77 Del. Laws, c. 130, § 7; 78 Del. Laws, c. 213, § 2;

Sec. 7. Nomination petitions for candidates for council and mayor.

The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than ten (10) nor more than twenty-five (25) electors of the city, filed with the clerk of council on or before 4:30 p.m. on the second Friday of February ~~bienially~~ **biennially** for candidates for council and on or before 4:30 p.m. on the last working day in January ~~bienially~~ **biennially** for candidates for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:30 p.m. on the next working day thereafter which is not a legal holiday.

Whenever a petition nominating a person for the office of mayor or ~~councilman~~ **council member** shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular biennial municipal election as a candidate for the office for which they were nominated, provided they possess the qualifications prescribed by this Charter for a candidate for such office.

No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.

The signers of a nominating petition for a member of the council must be ~~electors~~ **registered voters** of the city residing in the city election district in which the nominee resides; but the signers ~~to the~~ **of a** nominating petition for the mayor and for the at-large ~~councilman~~ **council member** may be **registered voters of the** city ~~electors~~ residing in the city at-large.

There must be attached to each nominating petition an affidavit of the circulator thereof, stating the number of signers and that each signature appended thereto was made in their presence, and is the genuine signature of the person whose name it purports to be, and that all of said signers are entitled to vote at the regular municipal election referred to; and, in the case of a petition nominating a candidate for ~~councilman~~ **council member** running from a particular district and to be elected by district voting, that the circulator of the petition verily believes that each signer of said petition is a resident of the same city election district in which the nominee resides.

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nominating petition shall be substantially as follows:

We, the undersigned, ~~electors~~ **registered voters** of The City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of ~~Councilman~~ **Council member** (or for the office of Mayor as the case may be) to be voted for at the regular municipal election to be held in the said City, on the _____ day of _____ in the year _____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.

Name _____

Street ~~and Number~~ **address** _____

(Space for Signatures)

STATE OF DELAWARE

KENT COUNTY

SS.

_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence, and are the signatures of the persons whose names they purport to be, and that they verily believes the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for ~~**councilman**~~ **council member** to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.

(Signed) _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____

_____Justice of the Peace (or Notary Public)

77 Del. Laws, c. 130, § 8; 78 Del. Laws, c. 213, § 3;

Sec. 8. Election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

There is hereby created the election board which shall be a non-elected body to oversee the municipal elections, as well as to serve as an advisory board to Council on such matters as voter registration, municipal elections, election rules and regulations, and polling locations for City elections. The board shall be composed of five (5) members, serving three (3) year~~s~~ terms, to be appointed by the Mayor and confirmed by council at the Annual Meeting, or as necessary to fill vacancies as they occur. One member shall be appointed from each district into which the city has been divided for election purposes, and one member shall be appointed on an at large basis. The City Clerk shall serve as a liaison member of the board. Upon expiration of the term of appointment, a member shall serve until his/her successor has been duly appointed. If a vacancy occurs during the term of any member of the election board, a person residing in the same numbered district shall be appointed to fill the remainder of said term. Members serve without salary, but shall be paid a per diem allowance as specified by City ordinances.

To be eligible for appointment to the election board, each prospective member shall be a citizen of the United States, a registered voter within the City, and have resided within the geographical boundaries of the City for one year preceding the appointment. The Mayor and members of Council, their parents, spouse, or children, shall not be eligible for appointment to the election board.

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election

at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large ~~councilman~~ **council member** who receives the highest number of votes cast for that office shall be declared to be elected at-large ~~councilman~~ **council member**; and the candidates for the offices of ~~councilmen~~ **council member** from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for ~~councilmen~~ **council member** of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections. 77 Del. Laws, c. 130, § 9, 10

Sec. 9. Meetings of mayor and council--Generally.

At 7:30 p.m. on the second Monday in May ~~following a regular municipal election~~, the mayor and council shall meet at the usual place for holding council meetings and ~~the~~ newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except ~~scheduled~~ executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their

members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. **The** Council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message ~~**and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval**~~.

In the event of absence of the council president, then the senior member of council in terms of length of service as a ~~**councilman**~~ **council member** shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a ~~**councilman**~~ **council member** , then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his/her period of unavailability or absence.

Sec. 10. Meetings of Mayor and Council--Procedure.

Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A ~~**councilman**~~ **council member** shall abstain from voting on a matter that he/she feels would involve the consideration of his/her own official conduct, on a matter in which he/she has a financial interest, in a matter in which he**/she** has a conflict of interest or in accordance with a policy adopted by council.

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for

ordinances generally except that:

(1) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price. 77 Del. Laws, c. 130, § 11

Sec. 11. Council to be judge of election results and qualification of members; power to fix procedure.

The council shall be the judge of the election results and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The holding over members shall constitute the council for the purpose of determining election contests. The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior.

~~Section~~ Sec. **12. Compensation; Expenses-Mayor, council members, and other elected or appointed officials.**

The city council shall determine the annual salary and emoluments of the mayor, council members, and other elected or appointed officials by ordinance, but no ordinance increasing the salary of the mayor or city council members shall become effective until the date of commencement of the terms of the mayor or council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. 77 Del. Laws, c. 130, § 12

~~Section~~ Sec. **13. Vacancies; Forfeiture of Office; Filling of Vacancies**

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,

(2) Violates any express prohibition of this charter,

(3) Is convicted of a crime involving moral turpitude, or

(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six months in duration, the office shall remain vacant. If such vacancy should be

in excess of six months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than 30 days from the date of the vacancy, but said special election to be held no later than 60 days after the date of the vacancy. If council fails to call for a special Election, the special Election shall be called by the Election Board. 77 Del. Laws, c. 130, § 13

Sec. 14. Duties of mayor.

The mayor shall be the executive and chief official of the city. The Mayor shall have the powers and perform the duties conferred and imposed by this Charter and ordinances of the city. The mayor shall preside at the annual meeting of the council and at all quarterly town meetings. The council president shall preside at all other meetings of the council. The mayor shall have no vote on council matters of any nature whatsoever. The mayor is an ex officio member of all committees, but shall have no vote.

Sec. 15. Council President/Vice-mayor, duties of.

At each annual meeting, the council shall elect one of their number as council president who shall also serve as vice-mayor. During a vacancy in the office of mayor or during the absence or disability of the mayor, the vice-mayor shall have all the powers and duties of the mayor, except as hereinafter provided. The council president and vice-mayor shall retain his/her right to vote as ~~councilman~~ **a council member** at all times although he/she may be acting as the mayor, unless the mayor's absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties, which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as ~~councilman~~ **a council member** until further action is taken by council.

~~Section~~ Sec. **16. City Clerk**

The city council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or ordinance or by the council or by state law. 77 Del. Laws, c. 130, § 14

Sec. 17. Controller/treasurer

~~At the annual meeting the~~ **The** council shall ~~elect~~ **appoint** a controller/treasurer to hold office until ~~the next annual meeting of the council, or until~~ his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The Controller/treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council. 77 Del. Laws, c. 130, § 15

Sec. 18. Ordinances authorized; maximum penalty for violation.

The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of~~,~~ fines and

penalties for the violation of any such ordinance; as penalties will be provided by the Dover Code of Ordinances and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated. 77 Del. Laws, c. 130, § 16

Sec. 19. Power of council to define and abate nuisances.

The council shall have power to define nuisances and cause their abatement. The operation of any instrument, device, or machine of any kind whatsoever, that shall cause electrical interference with radio or television reception within the limits of the city shall, at the option of the council, be deemed to be a nuisance.

Sec. 20. Power of council to provide for fire protection measures.

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.

Sec. 21. Power of council to adopt zoning ordinances.

The council may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein, buildings and structures according to their construction and the nature and extent of their use.

Sec. 22. Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe his/her powers and duties.

Sec. 23. Power of council to create city planning commission; members generally.

The council may create a city planning commission for the development, improvement, and beautification of the city, and prescribe its powers and duties. No member of the planning commission may hold at the same time, any elected city office.

Members of any planning commission created by the city shall consist of two (2) members from each council district and one member serving at large.

All members of the planning commission must be residents of the City of Dover.

Each appointed member of the commission shall receive per diem reimbursement for expenses to be paid ~~quarterly~~ **monthly** for preparation and attendance at each meeting of the planning commission attended in an amount to be set by council.

Sec. 24. Power of council to franchise or license public utilities and common carriers.

The council shall have the right to grant or refuse franchises or licenses to public utilities and common carriers and fix the terms and conditions thereof and to regulate their use of the streets, lanes, alleys, rights-of-way, and air space or airways of the city.

Sec. 25. Power of council to operate light, power or water plant.

The council shall have power to operate a light, power and water plant for the city, and to do all things necessary for its maintenance and operation. The council may at their option transmit electric current and or water from its said plant to places or properties outside of the city limits upon such terms, charges and conditions as they shall determine.

The council shall have power to adopt ordinances, rules and regulations in regard to the use for public or private purposes of electric current distributed and or water furnished by the city and the amount to be paid by the users thereof, and fix fines and penalties for any willful or negligent injury or damage to its water and light plant, and to any objectionable use in connection with its light and water system, and to any interference with or obstruction of the said system.

Sec. 26. Power of council with reference to sewers.

The council shall have superintendence and supervision of the sewers and the sewer system of the city. They shall have power to install any or additional sewers in the city. The council may by condemnation proceedings take for sewer purposes, private land, or the right to use private land under the surface thereof, for the laying of sewer mains. The proceedings by condemnation under this section shall be the same as prescribed by Section 27 of this Charter with regard to the laying out of new streets, and the resolutions referred to in said section shall be modified to cover the case contemplated by this present section.

The council shall have power to make all ordinances, rules and regulations regarding the sewers and sewer system of the city and the use thereof, and may fix fines and penalties for the violation of the provisions of such ordinances. The council may require any property in the city to be connected with the water and sewer mains and to compel the owner of such property to pay the cost of such connection and the tapping fee or charge therefore. The connecting with the water or sewer mains and the tapping thereof shall be under the regulation and control of the council.

The council may extend the sewer system of the city to places outside of the city limits upon such terms, charges and conditions as it shall determine.

The council is hereby authorized to impose a charge or rent for the use of the sewer system of the city, both within and without the limits of the city, and in addition to the connection or tapping charges.

Sec. 27. Power of council to layout, locate, abandon, etc., streets, sidewalks, etc.

Draft

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.

The word 'street' shall be deemed and held to comprehend and include sidewalks, lanes and alleys.

Sec. 28. Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket.

The council shall have power to pave or repave, or to cause to be paved, or repaved, the streets and sidewalks of the city, or any part or portion thereof, with such material or materials as it shall determine.

The power hereby conferred shall be exercised in the following manner, to wit:

SIDEWALKS

A. The city council, at such time as it shall determine that the condition or conditions of a particular street or streets, or portion thereof, requires that sidewalks be laid, or that the sidewalks then existing, if there be sidewalks laid, should be improved, or upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of the said city, asking that the sidewalks abutting on said street or streets, be improved, or that sidewalks be laid where there are none at the time of the filing of the petition, may direct the property owner or owners to lay or replace sidewalks with such material or materials, as, in the judgment of the said Council of the City of Dover, may seem best under the circumstances.

It shall be the duty of the city manager to give at least fifteen (15) days notice in writing to the owner or owners of the property affected by the action of the said council. Said notices shall be served in the manner following: A copy thereof shall be delivered personally to the owner or owners of said property, or a copy thereof shall be left with the tenant in possession of the property, or a copy thereof shall be sent by registered mail to the last known post office address of the owner or owners of the said property or properties so affected. Service of such notice by either of said methods shall be sufficient to bind the owner or owners under the provisions of this Charter.

It shall be the duty of the owner or owners, after notice shall have been given in either of the ways above designated, to forthwith cause the said sidewalks to be laid or the improvement or alterations thereof to be made, as directed in said notice.

Upon the failure of the owner or owners to lay or cause to be laid or improved or altered, the sidewalks or portion thereof, according to the direction of said notice, it shall be the duty of the City Manager to cause the said sidewalks to be laid or altered or improved, as the case may be, according to the terms of such notice.

STREETS

B. The council shall adopt an ordinance or resolution stating, in effect, that on a named day and at a named hour and place, the council will meet to consider the question of paving or repaving, with specified material or materials, the named street in front of the property of named owners, and, of assessing the cost thereof against the owners. Said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the city. The council shall hold a meeting in accordance with said ordinance or resolution and shall hear thereat the named owners of property and other residents of the city appearing on the questions presented in said ordinance or resolution.

After such hearing, the council shall decide, either at said meeting or at a subsequent meeting, whether or not to proceed with the paving or repaving specified in said ordinance or resolution; provided, however, that the council shall not proceed with such improvement if, at or prior to the hearing aforesaid, the council shall be presented with a written objection thereto signed by a majority of the owners of real property in front of which such paving or repaving was contemplated. The provisions of this subsection, relating to the paving or repaving of streets, shall be deemed to apply to and include curbs and gutters.

SPECIAL ASSESSMENTS

C. The city shall have the authority to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement, and to provide for the payment of all, or any part of, the cost of the work, service or improvement out of the proceeds of such special assessments.

When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

The council shall also have the authority to enact ordinances which provide for the levy and collection of assessments against property owners for the cost of installation of sanitary sewers, storm sewers, water mains, streets, sidewalks, street lights, curbs, gutters and other public improvements.

Such ordinances shall prescribe:

(1) The basis to determine the amount which shall be assessed upon the properties abutting the public work or improvement;

(2) What portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage;

(3) Payment provisions providing for payment in installments, except that assessments for current services or service connections shall be payable within one year; and

(4) Rules under which individual appeals shall be heard.

All special assessments and all water and sewer service charges shall be liens and shall be entered in the municipal lien docket as liens.

The council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and~~,~~ assessments for current services shall be payable within one year.

MUNICIPAL LIEN DOCKET

D. A docket known as the "City of Dover Municipal Lien Docket" shall be prepared and maintained by the city manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and the words "satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del.C. section 2901, et seq.

Sec. 29. Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate traffic.

The streets, sidewalks, lanes and alleys in the city shall be under the supervision, management and control of the council, and the council may prescribe the grades thereof and adopt ordinances regulating the use thereof and the traffic thereon.

Sec. 30. Power of council to provide for disposal of garbage and sewage.

The council shall have power to provide for the incineration or other sanitary disposal of litter, debris, refuse, garbage and sewage.

Sec. 31. Power of council to regulate parking and provide parking lots.

The council shall have power to adopt ordinances regulating the parking of automobiles and motor vehicles within the city, and may lease or purchase land to be used for parking purposes.

Sec. 32. Council to determine salaries of city appointees and employees

The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and Collective Bargaining Agreements as amended.

ARTICLE III. CITY MANAGER

Sec. 33. The city manager generally.

The council shall appoint a city manager who shall be the chief administrative officer of the city. The City Manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

Sec. 34. Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his/her charge, and to that end, except as otherwise provided herein, he/she shall have the power to appoint and remove all employees in the administrative service of the affairs of the city under his/her charge. All such appointment shall be without definite term.

~~Section~~ Sec. 35. Appointments and Removals.

Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. The city administrative officers and employees can be assured of due process in accordance with Title 19 of the Delaware Code. 77 Del. Laws, c. 130, § 17

~~Section~~ Sec. 36. Interference with Administration.

Except for the purpose of inquiries, and investigations by council under Section 39, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. 77 Del. Laws, c. 130, § 18

Sec. 37. Duties of the manager.

It shall be the duty of the city manager to supervise the administration of the affairs of the city under his/her charge; to make such recommendations to the council concerning the affairs of the city as may seem to him/her desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the council.

Sec. 38. Right of manager to sit in council meetings.

The city manager and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council, but shall have no vote therein.

~~Section~~ Sec. 39. Investigations

The city council may make investigations into the affairs of the city and the conduct of any city department, office, officer, employee, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a Class A misdemeanor punishable by existing State Law. 77 Del. Laws, c. 130, § 19

Sec. 40. Other functions of city manager.

The city manager shall have charge of the light and water plant operated by the city, and of the light and water and sewer systems of the city. The City Manager shall have charge of the supervision of the streets, gutters, curbs and sidewalks of the city and of all work relating thereto. The City Manager shall have charge of the administration of all provisions of this Charter and ordinances and regulations of the council relating to affairs of the city, when not otherwise provided for by this Charter or by any ordinance or resolution of the council. The City Manager shall ex officio be the collector of taxes for the city. It shall be his/her duty to collect all water rents and fees for the tapping of water mains and sewers, all charges for electric current and all city revenue from any source whatsoever. The City Manager shall pay over to the Controller/treasurer at least monthly~~, and oftener if required by council,~~ all moneys received or collected by him/her and by any employee under him/her.

The City Manager shall keep a full and strict account of all moneys received and all transfers made by him/her to the Controller/treasurer and such accounts shall be at all times open to inspection by the council. The City Manager shall make such reports and at such times as the council shall direct. 77 Del. Laws, c. 130, § 20

Sec 41. This Section has been intentionally left blank.

ARTICLE IV. FINANCIAL AFFAIRS

Sec. 42. Signing of warrants.

The Controller/treasurer shall pay out no money except upon warrant signed by the city manager and countersigned by the mayor.

The mayor and the city manager shall sign no warrants on the Controller/treasurer except pursuant to appropriations or resolutions theretofore made by the council.

The Controller/treasurer shall keep a true and detailed account of all moneys received and of all moneys paid out by him/her. The Controller/treasurer shall preserve all vouchers for moneys paid by him/her. His/her books and accounts shall at all times be open to inspection by the council or the mayor or the city manager.

The Controller/treasurer shall make such reports and at such times as the council may direct.

The Controller/treasurer shall be required to give bond in such amount and in such form and with such surety as the council shall determine or approve. 77 Del. Laws, c. 130, § 20

Sec. 43. Fiscal year.

Draft

The fiscal year of the city shall begin the first day of July and shall end with the next succeeding thirtieth day of June.

Sec. 44. Annual budget.

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council~~,~~ a budget~~,~~ presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Sec. 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.

No claim against the city shall be paid except on an order on the Controller/treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall issue no warrant for payment, unless he/she finds that the claim is proper and in proper form and correctly computed. 77 Del. Laws, c. 130, § 20

Sec. 46. Annual audit.

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the Controller/treasurer audited by a certified accountant.

Draft

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year. 77 Del. Laws, c. 130, § 20

~~Section~~ Sec. 47. General assessment; levy on utility property.

The City shall cause to be made a true, just, and impartial valuation and assessment of all real property within the city, locating each parcel of real property by street and number or other description. The assessor or assessors shall be appointed by **a majority vote of** the Council ~~**at its annual meeting by majority vote thereof**~~. Before entering upon the duties of office, an assessor shall be sworn or affirmed by the Mayor to perform the duties of the assessor's office with fidelity and without favor or partiality.

Whenever Council shall direct, as set forth in Chapter 102 - taxation, article I - in general, Section 102-1 - valuation and assessment, of the Dover Code of Ordinances, all real property in the City of Dover shall be reassessed by an outside mass appraisal company or a consortium of appraisers chosen by Council. The mass appraisal company or consortium of appraisers shall be licensed to conduct business in the State of Delaware and the City of Dover and shall employ appraisers who are licensed by the Delaware Division of Professional Regulation. This assessment shall be in lieu of the valuation and assessment made by the assessor or assessors appointed by Council as described herein above and in lieu of the assessor's duties described herein above.

The assessor or assessors shall include supplemental assessments made annually for the purposes of (1) adding property not included in the last assessment or (2) increasing or decreasing the assessment value of property which was included in the last annual assessment.

The annual assessment date for all real property shall be January 1st of each year. The assessment of all property shall be at its true value in money as of the assessment date. True value in money shall be the fair market value.

The general assessment shall be set down by the assessor or assessors in two (2) or more copies, as the Council shall direct, and shall be delivered to the Council as soon as made. The Council shall, on the first day of April of each year, cause a copy of the general assessment to be posted in two (2) public places in the city for ten (10) days. The assessor shall notify the public of an appeal deadline of thirty (30) days from the date of general assessment posting.

The Council may direct that appeals from any assessment be heard by a committee, known as the Board of Assessment Appeals, of not less than three (3) members appointed by the Council. The Board of Assessment Appeals shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings.

Notice of the place and time that the Board of Assessment Appeals will sit to hear appeals shall be posted with the general assessment in two (2) public places for a period of ten (10) days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the Board of Assessment Appeals shall be published in at least one issue of a newspaper published in the city.

The assessment as revised and adjusted by the Board of Assessment Appeals or Superior Court shall be the basis for the levy and collection of taxes for the city.

The Council shall have the right to levy and collect taxes on gas mains, telephone, telegraph, communications systems, or trolley poles or other erection of like character within the limits of the city, together with the wires thereon strung; and to this end the Council may at any time direct the same to be included in or added to the general assessment.

Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder. 77 Del. Laws, c. 130, § 21; 78 Del. Laws, c. 217, § 1;

Sec. 48. Maximum budget.

The council shall in the month of June of each year determine the amount of money to be raised for the city for general purposes for the next fiscal year not exceeding two (2) percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by the city for interest, sinking fund and redemption of the bonds of the city. A reasonable sum for delinquencies, discounts and costs of collection may be added by the council to the amounts aforesaid. The amounts determined as aforesaid together with any additional sum or sums authorized to be levied and collected, as in this section hereinafter provided, shall be levied and collected by the council on the property and persons assessed as aforesaid and in accordance with such assessment and according to a rate established by the council.

Sec. 49. Payment and collection of taxes; errors and delinquents in assessments.

All taxes shall be paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a one and one-half percent (1.5% (18% per annum) for every month or fraction of a month after the 31st day of July that said taxes remain unpaid.

It shall be the duty of the collector of taxes to proceed forthwith to collect all taxes unpaid by the first day of October in the calendar year that they were assessed and in the collection of said taxes he/she shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of §8705, Title 9 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter.

Sec. 49A. Assessment, payment, and collection of taxes for new construction.

In the event that the mayor and council of the City of Dover desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so provided that: At the beginning of each quarter of each year, there shall be an increase in the valuation and assessment of all newly constructed real property within the city, locating each parcel of real property by street and number or other description. Property shall be deemed to be newly constructed when the city permits occupancy and use (Certificate of Occupancy) or when new construction is being used or occupied for its intended purpose. The said valuation and assessment shall be made by an assessor or assessors who shall be ~~elected~~ **appointed** by council in accordance with the provisions set forth in Section 47 of this Charter.

The aforementioned assessment shall be during the months of January, April, July, and October of each year. Any new construction with an added value of $25,000 or less shall not be realized until the next annual assessment roll. The property owner may appeal any assessment for new construction in accordance with Section 47 of this Charter.

The aforementioned assessment shall be deemed a general assessment for all property with new construction.

The council may direct appeals from any general assessment for new construction in accordance with Section 47 of this Charter.

Nothing in this section contained shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this section or any tax levied thereunder.

All taxes shall be paid to the collector of taxes. Said taxes shall be paid within thirty (30) days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half (1½) percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of 9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter. 77 Del. Laws, c. 130, § 22

Sec. 49B. Realty Transfer Tax

Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of ~~Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code~~ [30 Del.C. §5401 and §5403] shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax. 77 Del. Laws, c. 130, § 4
(Moved from Sec. 3. - Employee pension, benefit and retirement systems authorized.)

Sec. 50. Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one (1) percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The indebtedness created under this section shall be evidenced by the bond, or note, of the city, and the faith and credit of the city shall be deemed to be pledged thereby.

(b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and credit of The City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of The City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these purposes the mayor and council shall have full power and authority to issue bonds of the said "The City of Dover."

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to 5 percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the mayor and council deem advisable.

The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of The City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor and council, and all such bonds shall be signed by the mayor and the treasurer of The City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the mayor and treasurer and a facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the signatures of the said mayor and treasurer in their own handwriting and of the affixing of the corporate seal itself.

Said bonds of The City of Dover shall be exempt from all state, county and municipal taxes.

The mayor and council of The City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

(c) Bonds may be authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, for the following purposes:

(i) To finance capital projects, including, but not limited to, public storm sewers, water mains, sewer mains, streets and public buildings provided that no more than 1/4 of one percent (.25%) of taxable assessed value of real property of aggregate principal amount of general obligation bonds may be issued at any one time pursuant to this clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of general obligation bonds outstanding at any one time to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

(ii) to refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return: and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption.

(d) Except for bonds issued pursuant to subsection (c) hereof, all bonds issued under the provisions of subsection (b) shall first be approved by a referendum vote of the qualified voters (as herein defined) of The City of Dover.

Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three (3) consecutive weeks in at least one newspaper circulated in The City of Dover, Delaware. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election "qualified voter" shall mean every natural person who is a resident or a nonresident taxable of the city, of the age of eighteen (18) years or upwards. Each qualified voter shall be eligible to vote and shall have one vote.

The City Assessor or his/her designee shall attend the election with the last city assessment and tax payment records for the inspection of the election officers. The referendum election shall be held at such date as the mayor and council shall designate. The referendum election shall be held at such suitable place in said city as the mayor and council shall designate in said published notice. The polls shall be open from 7:00 a.m. (local time), and shall close at 8:00 p.m. (local time). The judge of the election shall, in the case of a tie vote on the bond issue cast the deciding vote, otherwise judge of

the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two (2) of the election officers and delivered to the mayor, or to the clerk of council immediately after the total vote count has been certified.

The mayor and council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were for the bond issue bonds herein provided for may be issued and sold as provided in subsection (b), but if at such referendum election the majority of the votes cast were against the bond issue, then no bonds shall be issued nor shall any money be borrowed pursuant to the resolution submitted to the referendum.

(e) In addition to the power otherwise granted in this section, the mayor and council may issue special assessment revenue bonds to finance those public projects for which the city may levy and collect special assessments pursuant to Section 28 of this Charter. Such bonds shall not obligate the faith and credit of the city, but shall be payable solely from the proceeds of the special assessments which are pledged to the payment thereof. Such bonds shall be authorized without a referendum vote by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor.

(f) After authorization of the sale of bonds as provided in this section and in anticipation of the sale and issuance of said bonds, the mayor and council may borrow money and issue notes of the city for the purpose and to the extent of the amount of bonds authorized to be sold, less the amount of any bonds theretofore issued under such authority. The said borrowing shall be authorized by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, and the note or notes thereby authorized shall be signed by the mayor and treasurer of the city. When issued and signed in accordance with this subsection (f), the faith and credit of the city shall be deemed to be pledged for the repayment of all said notes, except those issued pursuant to subsection (e) hereof.

The note or notes issued in anticipation of a bond issue may be renewed from time to time, but the proceeds of the sale of such bonds shall, to the extent necessary, be first used to pay and retire such notes. Said notes may be redeemed at par and accrued interest at any time prior to their maturity if the right so to do shall have been reserved.

(g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant to subsection (c)(ii) shall be treated as no longer outstanding; and (ii) bonded indebtedness, principal amount of bonds and bonds outstanding shall be determined without regard to original issue discount.

77 Del. Laws, c. 130, § 23; 78 Del. Laws, c. 225, § 1;

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 51. Trees.

Trees being among the chief beauties of the city, and their preservation requiring that they be treated with

special care and intelligence, the city manager is empowered to appropriate annually an amount of money adequate for their care and preservation. The City Manager may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts provided that they do not exceed the appropriation made by the council.

Sec. 52. This section intentionally left blank.

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.

Each member of the police force shall be vested with all the power and authority within the city limits and within one mile outside of said limits, (and, in the case of the pursuit of an offender, without limit) of a constable of Kent County.

Sec. 54. City solicitor.

~~**At the annual meeting the**~~ **The** council shall ~~**elect**~~ **appoint** a city solicitor ~~**for the term of one year or**~~ **to hold office** until his/her successor has been duly chosen and qualified.

The city solicitor may be removed during his/her term by a vote of three-fourths of the members elected to the council.

The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five (5) years. The City solicitor shall be the chief legal adviser of and attorney for the city. It shall be his/her duty, either personally or by such assistants as they may designate, to attend meetings of the council; to give advice in writing, when so requested, to the council or the city manager; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him/her by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his/her approval of the form and correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition to the duties imposed upon the solicitor by this Charter or required of him/her by ordinance or resolution of the council he/she shall perform any duties imposed upon the chief legal officers of municipalities by law.

~~**At the annual meeting the**~~ **The** council shall ~~**elect**~~ **appoint** a deputy city solicitor ~~**for the term of one year or**~~ **to hold office** until his/her successor has been duly chosen and qualified. The deputy city solicitor shall be an attorney-at-law entitled to practice law in the State of Delaware, and shall serve in such manner as shall be determined by the city solicitor to be necessary and proper.

Sec. 55. Printed copies of ordinances and resolutions to be proper evidence.

Printed copies of the ordinances and resolutions of the City Council of Dover, published by authority of the council, shall be admitted as evidence thereof in all courts, and in pleading it shall not be necessary to recite or draw them out at large.

Sec. 56. Repeal of prior acts.

All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

Sec. 57. Severability.

If any part of this Charter, as it may from time to time be amended, are held to be unconstitutional, such holding shall not be deemed to invalidate the remaining portions of this Charter or amendments thereto."

Approved March 23, 1931.

36 Del. Laws, c. 158; 37 Del. Laws, c. 150; 37 Del. Laws, c. 151; 37 Del. Laws, c. 152; 38 Del. Laws, c. 99; 40 Del. Laws, c. 159; 46 Del. Laws, c. 1; 46 Del. Laws, c. 275; 46 Del. Laws, c. 283; 47 Del. Laws, c. 219; 47 Del. Laws, c. 313; 47 Del. Laws, c. 314; 47 Del. Laws, c. 330; 48 Del. Laws, c. 323; 48 Del. Laws, c. 334; 48 Del. Laws, c. 336; 49 Del. Laws, c. 314; 49 Del. Laws, c. 318; 51 Del. Laws, c. 92; 51 Del. Laws, c. 93; 52 Del. Laws, c. 112; 52 Del. Laws, c. 136; 54 Del. Laws, c. 96; 54 Del. Laws, c. 165; 56 Del. Laws, c. 49; 59 Del. Laws, c. 98; 59 Del. Laws, c. 165; 60 Del. Laws, c. 301; 60 Del. Laws, c. 311; 60 Del. Laws, c. 456; 61 Del. Laws, c. 147; 62 Del. Laws, c. 100; 64 Del. Laws, c. 5; 64 Del. Laws, c. 143; 65 Del. Laws, c. 28; 65 Del. Laws, c. 479; 66 Del. Laws, c. 63; 66 Del. Laws, c. 180; 66 Del. Laws, c. 361; 66 Del. Laws, c. 365; 67 Del. Laws, c. 7; 68 Del. Laws, c. 16; 68 Del. Laws, c. 18; 68 Del. Laws, c. 20; 68 Del. Laws, c. 339; 69 Del. Laws, c. 9; 69 Del. Laws, c. 31; 71 Del. Laws, c. 64; 72 Del. Laws, c. 277; 73 Del. Laws, c. 114; 73 Del. Laws, c. 284; 75 Del. Laws, c. 175; 76 Del. Laws, c. 119; 77 Del. Laws, c. 130; 78 Del. Laws, c. 213; 78 Del. Laws, c. 217; 78 Del. Laws, c. 225, § 1; 79 Del. Laws, c. 105, § 1; 79 Del. Laws, c. 106, § 1;

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