COUNCIL COMMITTEE OF THE WHOLE
AGENDA

NOVEMBER 15, 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.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **PROPOSED ORDINANCE #2016-25 AMENDING APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES AND ARTICLE 12 - DEFINITIONS (SPONSORS: SLAVIN AND COLE)**

2. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM QUARTERLY UPDATE (JULY, AUGUST, AND SEPTEMBER)**
   (COMMITTEE ACTION NOT REQUIRED)

3. **ADJOURNMENT OF PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE MEETING**

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **QUARTERLY REVIEW OF UTILITY RELATED CAPITAL INVESTMENT PLAN (CIP) (ELECTRIC AND WATER/WASTEWATER)** (JULY, AUGUST, AND SEPTEMBER)
   (COMMITTEE ACTION NOT REQUIRED)

2. **UPDATES**
   (COMMITTEE ACTION NOT REQUIRED ON THE BELOW ITEMS)
   A. **GREEN ENERGY FUNDING AND PROGRAMMING**
   B. **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT**

3. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **CUSTOMER SERVICE STAFFING PLAN**
   (STAFF RECOMMENDS APPROVAL OF THE REVISED STAFFING PLAN FOR THE CUSTOMER SERVICES DEPARTMENT. THE WAGES AND SALARY BUDGET FOR THE DEPARTMENT WILL BE INCREASED BY $97,500 FOR THE REMAINDER OF FY-2017. BUDGET ADJUSTMENTS WILL BE MADE AT THE APPROPRIATE TIME.)

2. **STUDY OF CITY'S CURRENT RECRUITMENT/HIRING PROCESSES** (REQUEST OF COUNCILMAN LEWIS) (DEFERRED BY THE COMMITTEE DURING THE MEETING OF OCTOBER 25, 2016)

3. **PROPOSED ORDINANCES**
   A. **#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 (SPONSORS: HUTCHISON, NEIL, AND ANDERSON)** (DEFERRED BY THE COMMITTEE DURING THE MEETING OF OCTOBER 25, 2016)
   B. **#2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES (SPONSORS: RESOLUTION NO. 2016-05)**
   C. **#2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES (SPONSORS: HUTCHISON AND HOSFELT)**
      (STAFF RECOMMENDS ADOPTION OF PROPOSED ORDINANCE #2016-27)

4. **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** (DEFERRED BY THE COMMITTEE DURING THE MEETING OF OCTOBER 25, 2016)

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

ADJOURNMENT OF THE COUNCIL COMMITTEE OF THE WHOLE MEETING

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COMMITTEE-AGENDAS\2016\11-15-2016 CCW AGENDA.WPD

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.

CITY OF DOVER PROPOSED ORDINANCE #2016-25

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

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

ARTICLE 6. - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES

Section 1. - Permitted accessory parking.

1.1 *Off-street parking spaces*. Off-street parking spaces, open or enclosed, are permitted accessory to any use. One commercial vehicle may be parked on a lot in any residence zone only if less than one ton in carrying capacity.

1.2 *Trailers and boats*. The long-term use of a recreational vehicle as a residence by any person or persons is prohibited in all zones. A boat with its trailer or a utility trailer, under 31 feet body length or an unoccupied recreational vehicle, may be parked within a garage or anywhere behind the setback line if screened from adjacent lots. However, none of the vehicles shall be parked in a required side yard if alley parking adjacent to the lot is available.

1.3 *Driveways*. No driveway shall provide access to a lot located in another zone, which lot is used for any use prohibited in the zone in which such driveway is located.

1.4 The minimum width of a residential driveway shall be nine feet.

(Ord. of 9-12-1983; Ord. of 1-10-1996; Ord. of 11-13-2007; Ord. No. 2016-16 , 8-8-2016)

Section 2. - Permitted accessory loading berths.

2.1 Off-street loading berths, open or enclosed, are permitted accessory to any use, except residences for one or two families. However, no off-street loading berth shall be located in a front yard.

Section 3. - Required off-street parking spaces.

3.1 *Schedule of requirements*. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article 4-Zoning Bulk and Parking Regulations, or as specified below for each use in any zone, whichever is greater.

(a) *Exceptions*.

i. Where Article 3-District Regulations, specifies a minimum parking requirement, this parking requirement shall prevail.

ii. For existing buildings within the C-2 zoning district, the requirements of Article 4, Section 4.14-[C-1, C-1A, C-2, C-2A zoned], bulk and parking regulations governing the C-2 zoning district shall prevail.

Draft

For:	At Least One Parking Space For Each
Places of worship	Two hundred (200) square feet of floor area, but not less than one (1) space for each four (4) seats, where provided
Libraries	Three hundred (300) square feet of floor area
Medical offices—All types	Three hundred (300) square feet of floor area
Nursery school or kindergarten	Adult attendant, plus one for every 20 children
Elementary or junior high school	Eight (8) seats in main auditorium/cafeteria or gymnasium
High school, technical school, college or university	Five (5) seats in main auditorium/cafeteria or gymnasium; if none, see Article 4—Zoning, Bulk and Parking Regulations
Hospitals or sanitariums	Three beds
Apartments	Two (2) per dwelling unit and one (1) for every two hundred (200) square feet of office space and 0.25 per dwelling unit for visitor space
Roominghouses	Guestroom
Dormitories	Three (3) beds
Eating and drinking places	Four (4) seats plus one (1) for every three (3) bar seats
Funeral homes	Two (2) employees, plus five (5) spaces for each chapel
Hotels and motels	Guestroom, plus one (1) for every 200 square feet of office space, banquet hall, or meeting areas
Athletic fields, baseball, football or boxing stadiums and arenas; race tracks	Three (3) seats
Golf courses	Per employee and four (4) parking spaces for each hole
Golf or baseball driving range	One-half (½) stall
Airports	Per employee and for each two (2) airplanes in storage

3.2 *Areas computed as parking spaces*. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than a corner lot as provided in article 5, section 1.3.

3.3 *Location and ownership of required accessory parking facilities*. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided all spaces therein are located within 150 feet walking distance of such lot. In all cases, such parking spaces shall conform to the regulations of the district in which they are accessory and shall be subject to deed restriction, filed with the city clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

(a) Throughout the existence of such use to which they are accessory; or
(b) Until such spaces are provided elsewhere.

3.4 Size of spaces. The minimum parking space dimensions shall be at least nine (9) feet in width and at least 18 feet in length. Disabled accessible spaces shall meet ADA requirements.

3.5 Access. Unobstructed access to and from a street shall be provided. Each drive lane shall have at least ten feet of width so that one-way drives have at least ten feet of width and that two-directional drives have two lanes of ten feet each. Unless otherwise specified within this section, access shall be provided by at least one two-directional drive lane or two one-directional drive lanes.

3.6 Drainage and surfacing.

(a) All open permanent parking areas and access drives shall be properly drained and all such areas shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.

(b) All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The planning commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3).

3.7 *Joint facilities*. Required parking spaces, open or enclosed, may be provided in spaces designed to serve, jointly, two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

3.8 *Combined spaces*. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.

(a) *Campus Parking Plan*. When a new building or building addition is made to a campus involving multiple buildings under common ownership where one or more of the uses will be generating demand for parking when the other use or uses are not in operation, the applicant shall present a campus parking plan as a part of the site development plan that includes an analysis of the parking needs based on the provisions of section 3.8 of this article.

3.9 *Adjustments to parking requirements*. The planning commission may reduce, in an amount not to exceed 50 percent, the number of parking spaces required when, in the opinion of the commission, it has been demonstrated that the use is adequately served by transportation and parking alternatives, including but not limited to:

(a) Site plan proposals within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the amount of off-street parking normally required, due to the availability of mass transit, municipal parking and existing pedestrian amenities.

(b) Designated off-street parking reserved for car pools, van pools, and bicycle parking facilities, in accordance with the following schedule:

(1) Each carpool space shall be equivalent to three standard parking spaces.
(2) Each vanpool space shall be equivalent to five standard parking spaces.
(3) Every group of five bicycle parking spaces shall be equivalent to one standard parking space.

Draft

(c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of Transportation.

(d) Cash-in-lieu of parking contributions toward the capital construction or improvement of municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be in a monetary amount equivalent to the estimated cost of construction for the number of standard surface parking spaces for which the reduction is sought. To take advantage of this option, the developer shall submit to the city engineer a cost estimate for the parking requested to be waived. The city engineer shall examine the estimate for accuracy in current prevailing costs of construction at the time of proposal and shall report to the planning commission his/her findings.

(e) Proposals involving superior urban design which contribute to an enhanced pedestrian environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-way connections with existing sidewalk systems and community facilities, park benches and other street furniture, mass transit connections and shelters, and landscaping and shade tree plantings.

In all areas, except the downtown redevelopment target area, the development plans shall have an area of open space designated where parking could be constructed equal to the number being reduced and the plan shall bear a note which explains that the petitioner, in accepting a parking reduction, agrees to construct such additional parking as is otherwise required under the provisions of the zoning ordinance [this appendix], if the planning commission, after a hearing, determines that the reasons for granting said reduction no longer exist. In all such instances where the planning commission determines that the reasons for granting a reduction no longer exist, the owner of record for the subject property for which a reduction was previously granted must construct the parking required to meet the regulations of the city during the next construction season.

3.10 *Bicycle parking*. Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. The planning commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

3.11 *Maximum number of parking spaces*. The maximum number of parking spaces shall not exceed 25 percent over the number of parking spaces required by the code.

(Ord. of 12-14-1992(2); Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 4-23-2007(4) ; Ord. No. 2009-12, 9-14-2009; Ord. No. 2009-30, 3-8-2010; Ord. No. 2011-29, 1-9-2012; Ord. No. 2011-29, 1-9-2012)

Section 4. - Required off-street loading berths.

4.1 ~~[~~*Uses for which required*.~~]~~ Accessory off-street loading berths shall be provided for any lot or any use specified herein. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purposes of such requirements. Loading berths shall be designed and located so as not to impede fire lane access or the safe and efficient vehicular and pedestrian circulation and shall be in accordance with the following:

4.11 *Dimensions*. One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading berth area shall be 14 feet.

4.12 *Maneuvering space*. Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

4.13 *Location*. Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths are not permitted between the street and building, except where a property fronts on three or more streets. This [sub]section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.

4.14 *Obstructions*. All loading berths and maneuvering spaces shall be accessible at all times.

4.15 *Fire exit or emergency access*. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

4.16 *Maximum number of loading berths required*. For buildings up to 150,000 square feet, a maximum of three loading berths will be required. Additional loading berths are permitted if needed by the property owner or occupant.

4.2 *Loading berths required*. Off-street loading berths will be required for the following uses:

4.21 For a public library, museum, art gallery, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with [a] floor area of 10,000 square feet, one berth, [and] for each additional 25,000 square feet or fraction thereof, one additional berth.

4.22 For buildings with professional, governmental, or business offices, or laboratory establishments with [a] floor area of 10,000 to 25,000 square feet, one berth, [and] for each additional 25,000 square feet or fraction thereof, one additional berth.

4.23 For buildings with retail sales and service establishments, one berth for 8,000 square feet to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.

4.24 For funeral directors, one berth for each chapel. (Such berths shall be at least ten feet wide, 20 feet long, and 7½ feet high, in lieu of the standard dimensions found in [sub]section 4.11 above.)

Draft

4.25 For hotels, one berth for each 25,000 square feet of floor area, or fraction thereof.

4.26 For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning establishments and laundries, one berth for 5,000 to 10,000 square feet of floor area in such uses, and one additional berth for each additional 10,000 square feet of floor area or fraction thereof so used.

4.27 For manufacturing, wholesale, or storage uses in the M or IPM zone, and for buildings in excess of 150,000 square feet in any zone, sufficient off-street loading berths shall be provided. Staff will determine the sufficiency of the loading berths after reviewing written documentation from the applicant through the site plan review process.

4.3 *Joint facilities*. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve, jointly, two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

4.4 *Planning commission waiver*. The planning commission may waive required loading berths in the following instances:

1) On an improved lot, when it can be demonstrated that retrofitting the site for loading berth(s) is impractical or impossible;

2) When the applicant can demonstrate that the intended use is such that no deliveries by large vehicles is expected, now or in the future;

3) When the applicant can demonstrate that the requirements of this ordinance are far in excess of [the] actual needs on the site;

4) In the downtown redevelopment target area, where on-street loading areas are provided nearby.

In all cases, except in the downtown redevelopment target area, land for at least one standard sized loading berth meeting all requirements of this ordinance must be reserved. The city planner may direct that this loading berth be constructed by the owner of record due to any change in use for the site, or if the department of planning and inspections determines that large vehicles are loading and unloading on the site, creating the need for the loading berth.

(Ord. of 9-13-1999)

Section 5. - Supplementary regulations for parking and loading facilities.

5.1 *Access near street corners*. No entrance or exit for any accessory off-street parking area with over ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of any two street lines.

5.2 *On lots divided by zone boundaries*. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be

located in a residence zone, unless the use to which they are accessory is permitted in such zone, or by special permission of the board of adjustment.

5.3 *Supplementary parking regulations for multiple dwellings*. No parking space shall be located in any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof, which wall contains legal windows (other than legal bathroom or kitchen windows) with a sill height of less than eight feet above the level of the said parking space is prohibited. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no gasoline, oil, grease, or other supplies shall be stored or sold in any such lot or in any garage on such lot.

5.4 *Supplementary regulations for any parking lots adjacent to residential lots*.

5.41 Whenever space is provided for the parking of ten or more vehicles in the open, such spaces shall be individually identified by means of pavement markings.

5.42 Reserved.

5.43 Wherever a parking lot is located across the street from other land in any residence zone, it shall be screened from the view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, [and] such hedge [is] to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.

5.44 Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.

5.5 *Parking for motorsports racing*. During any ten-day period prior to or two-day period following an auto racing event the following provisions shall apply:

5.51 Automobile parking.

a. Property located within a residential zone may be used for fee-based parking of motor vehicles. Fee-based parking shall not include parking of commercial vehicles for use by commercial vendors and sales representatives.

b. Unimproved surfaces may be used for automobile parking. Such areas shall be reviewed by the fire marshal to ensure adequate emergency access. No stormwater management areas or other preserved open space shall be used for automobile parking.

c. Automobile parking shall in no case obstruct fire lanes, parking lot drive aisles, emergency access, fire protection equipment, or cross access easements between properties.

5.52 *Recreational vehicle parking*. Recreational vehicle parking shall be permitted within all zones subject to the following requirements:

Draft

a. No more than three recreational vehicles shall be parked on a residential lot.

b. Property owners wishing to provide parking for more than five recreational vehicles shall apply for a permit from the licensing and permitting division a minimum of 60 days prior to the race event. Fees for the permit will be charged in accordance with appendix F. Prior to issuance of a permit, the property owner or his agent must submit a legible diagram of the camping area to the licensing and permitting division. The diagram shall show recreational vehicle parking location, emergency access, drive aisles, entrance and exit, number of proposed recreational vehicles to be parked, location of power lines, and location of restroom facilities.

c. Recreational vehicles shall not be parked within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from recreational vehicles shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.

d. Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle.

e. Recreational vehicle parking areas shall have drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather.

f. Any changes to the layout of recreational vehicle parking areas shall be required to be submitted to the licensing and permitting division at least 30 days prior to the race event.

g. The Fire Marshal's Office may grant an exception to any provision of section 5.52 if it can be demonstrated that equivalent means of public safety and fire protection is being provided.

h. The fire marshal's office shall develop policy guidance on the implementation of this section.

Section 6. - Tractor Trailer Parking

6.1 Parking of tractor trailers, or any part of a tractor trailer, is prohibited in all residential zones, and in the following nonresidential zones: CPO, C-1, C-1A, C-2, C-2A, SC-1.

6.2 Parking of tractor trailers within the C-3, C-4, IO, SC-2 and SC-3 zones is permitted only in areas designated as loading zones or loading areas.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the following definition in its correct alphabetical order:

Draft

Tractor trailer: A large truck with a long trailer attached to the back of it.

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-25 APDX B-ZONING, ART 6-OFF-STREET PARKING\Proposed Ordinance #2016-25 Appendix B, Art 6 - Off-Street Parking - Tractor Trailer Parking.wpd

SYNOPSIS

The proposed amendment would prohibit the parking of tractor trailers, or any part of a tractor trailer, in all residential zones and in certain nonresidential zones. It would also limit the parking of tractor trailers to designated loading zones or areas in non-residential zones.

(SPONSORS: SLAVIN AND COLE)

Actions History

11/15/2016 - Scheduled for Introduction - CCW/SA&T

Draft

CDBG Quarterly Report
July, August and September 2016

CDBG FY16 Projects
Sub-recipient agreement were signed on September 1st, and the following projects are underway.

Homeownership Assistance Program
CDBG funds will be used to provide homeownership assistance to first-time homebuyers who purchase affordable housing in the City of Dover.

Dover Interfaith Mission for Housing
CDBG funds will be used to provide operations cost for the shelter.

Connections Community Support Program
CDBG funds will be used to provide rapid re-housing/rental assistance services for homeless households and those that are at risk of becoming homeless in the City.

Milford Housing Homeowner Rehabilitation/Emergency Home Repair Programs
CDBG funds will be used to rehabilitate existing owner occupied housing in the City that is in violation of the City's Housing Code and complete emergency home repairs to eliminate housing conditions that threaten the health and safety of low income homeowners.

Habitat for Humanity
CDBG funds will be used to rehabilitate a vacant property to sell to a low income family and provide affordable housing in the City of Dover.

Neighborhood Stabilization Program (NSP)
Settlement assistance was provided for six (6) families who purchased affordable housing in the City of Dover and were able to assist in stabilizing our neighborhoods by purchasing properties that have been vacant for at least 90 days or foreclosed. The following properties were purchased providing NSP settlement assistance:

40 Spruance Road	**155 Periwinkle Drive**	**1231 Harrison Drive**
310 Crickle Creek Lane	**12 Bacon Court**	**108 American Ave**

Status of FY-16 Program Funds Spent - Fiscal Year 7/1/16- 6/30/17

2015 Grant Projects	Project Details	Total Grant	Funds Expended	Unencumbered Balance
Homeownership Assistance Program	Funds will be utilized for settlement assistance for properties purchased in the City	$50,000	$0	$50,000
Connections	Funds will be utilized for rapid re-housing/rental assistance for low income persons	$7,208	$0	$7,208
Dover Interfaith Mission for Housing	Funds will be used for operation cost	$22,000	$5,577	$16,423
Milford Housing Development Corp	Funds will be utilized for emergency home repairs. Project underway	$55,000	$0	$55,000
Milford Housing Development Corp	Funds will be utilized for rehabbing owner occupied homes. Project underway	$25,000	$0	$25,000
Habitat for Humanity	Funds will be utilized to rehab a single family home for a low income family	$30,000	$0	$30,000
Total		$189,208	$5,577	$183,631

City of Dover
Capital Investment Plan
Project Tracking Report
Quarterly Report as of September 30, 2016

Points to Remember -

* Original Project Budget = Original Total Project Budget initially included in approved annual budget.
* Latest Project Budget = Revised Total Project Budget included in most recent approved annual budget or one of the following: bond resolution, revolving fund loan agreement, Council approved budget amendment, or City Manager approved amendment as per the Budget Amendment Procedure.
* Current Fiscal Year - Revised Fiscal Year Budget = Current Year approved project budgets plus carry forward balances of unspent budgets in the prior fiscal year. Project Carry Forward balances will be submitted to City Council for amendment in January 2010. Can also be amended with City Manager approval per the Budget Amendment Procedure.
* Water Quality, Inflow/Infiltration, Distribution Upgrades and New Development projects are budgeted as a blanket project and once individual projects are identified and estimated they are created using an allocation of the overall budgeted amount.
* Status and Comments provided by City Manager.

Current Year Budget Funding Sources	General	Community Transportation	Water & Wastewater	Electric	Total CIP
Budget Balance	$ 914,200	$ 372,900	$ 3,107,200	$ 2,499,100	$ 6,893,400
General Billings for Reimbursement of Expense	105,000	-	-	900,000	1,005,000
Debt Financing	-	-	3,284,000	-	3,284,000
State Community Transportation Funds	-	500,000	-	-	500,000
Transfer from WW Impact Fee Reserve	-	-	402,000	-	402,000
Transfer from General Fund	1,859,400	-	-	-	1,859,400
Transfer from Operating Funds	-	-	2,000,000	2,731,200	4,731,200
Transfer from Parkland Reserve	80,000	-	-	-	80,000
Grant Receipt	-	-	-	5,000	5,000
Interest Income	5,000	-	20,000	40,000	65,000
Total Funding Sources (Unaudited)	$ 2,963,600	$ 872,900	$ 8,813,200	$ 6,175,300	$ 18,825,000

City of Dover
General Fund - Major CIP Projects
Quarterly Report as of September 30, 2016

				TOTAL PROJECT - PAST, CURRENT & FUTURE BU					Hide	CURRENT FISCAL YEAR						
	Project Code	Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Previous Years Expenses	Project Budget Balance	% Budget Spent	Original Fiscal Year Budget	Revised Fiscal Year Budget	Fiscal YTD Expenses	Budget Balance	% Budget Spent	Status	Comments
1			**FY 2015**													
2	ST1504		Old PW2 Site Improvements	$ 535,000	$ 603,500	$ 544,322	$ 496,848	$ 59,178	90.2%	$ 106,700	$ 106,700	$ 47,474	$ 59,226	44.5%	In Process	Design work ongoing 75% level
3			**Totals - FY 2015**	$ 535,000	$ 603,500	$ 544,322	$ 496,848	$ 59,178	90.2%	$ 106,700	$ 106,700	$ 47,474	$ 59,226	44.5%		
4																
5			**FY 2016**													
6	ST1601		FY16 Street and Alley Program	$ 1,000,000	$ 933,100	$ 466,377	$ 457,665	$ 466,723	50.0%	$ 475,400	$ 475,400	$ 8,712	$ 466,688	1.8%	Complete	Final invoices to be paid
7	ST1603		Valve Replacement - Silver Lake Dam	60,000	97,600	3,651	3,651	93,949	0.0%	80,900	93,900	-	93,900	0.0%	Complete	Final invoices to be paid
8	ST1604		Salt Storage Barn (originally proj ST1303)	50,000	75,000	12,562	12,562	62,438	16.7%	62,400	62,400	-	62,400	0.0%	In Process	Project out for advertisement
9	CT1669		Persimmon Park Place Drainage Study	24,600	24,600	21,096	13,745	3,505	85.8%	10,900	10,900	7,351	3,550	67.4%	In Process	95% submittal under review
10			**Totals - FY 2016**	$ 1,134,600	$ 1,130,300	$ 503,686	$ 487,623	$ 626,614	44.6%	$ 629,600	$ 642,600	$ 16,063	$ 626,537	2.5%		
11																
12			**FY 2017**													
13	---		Vehicles & Equipment	$ 695,200	$ 878,100	$ -	$ -	$ 878,100	0.0%	$ 695,200	$ 878,100	$ -	$ 878,100	0.0%	In Process	
14	FR1700	R	Annual Contribution for Ladder 1	145,700	145,700	145,614	-	86	99.9%	145,700	145,700	145,614	86	99.9%		
15	PR1701		Dover Park - Master Plan	50,000	50,000	-	-	50,000	0.0%	50,000	50,000	-	50,000	0.0%		
16	PR1702		Schutte Park Land Improvements	100,000	100,000	-	-	100,000	0.0%	100,000	100,000	-	100,000	0.0%		
17	PR1704		Small Park Improvements	15,000	15,000	-	-	15,000	0.0%	15,000	15,000	-	15,000	0.0%		
18	PD1701		Video Storage Array	12,500	12,500	-	-	12,500	0.0%	12,500	12,500	-	12,500	0.0%		
19	ST1701	R	FY17 Street and Alley Program	900,000	812,000	-	-	812,000	0.0%	900,000	812,000	-	812,000	0.0%	In Process	Proj awarded, awaiting paperwork
20	ST1702		Misc Emerg Street/Stormwater Repairs	-	75,000	51,172		23,828	68.2%	-	75,000	51,172	23,828	68.2%	In Process	Project open and ongoing
21	ST1703		Silver Lake Dam Improvements	126,000	126,000	-	-	126,000	0.0%	126,000	126,000	-	126,000	0.0%	In Process	Design to begin by 11/15
22			**Totals - FY 2017**	$ 2,044,400	$ 2,214,300	$ 196,785	$ -	$ 2,017,515	8.9%	$ 2,044,400	$ 2,214,300	$ 196,785	$ 2,017,515	8.9%		
23																
24			**Grand Totals**	$ 3,714,000	$ 3,948,100	$ 1,244,793	$ 984,471	$ 2,703,307	31.5%	$ 2,780,700	$ 2,963,600	$ 260,322	$ 2,703,278	8.8%		

Legend

M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
G = Grant funded project
B/L = To be financed through bonds or commercial loan.

City of Dover
Community Transportation - Major CIP Projects
Quarterly Report as of September 30, 2016

				TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR						
	Project Code	Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Original Fiscal Year Budget	Revised Fiscal Year Budget	Fiscal YTD Expenses	Budget Balance	% Budget Spent	Status	Comments
1			**FY 2014 & Prior**												
2	ST0232		Pat Lynn Drive/D.H.S. Storm Drain Pipe	$ 155,200	$ 190,300	$ 184,778	$ 5,522	97.1%	$ 5,500	$ 5,500	$ -	$ 5,500	0.0%		
3	TE0601		Lincoln Park Center	900,000	602,400	523,277	79,123	86.9%	79,100	79,100	-	79,100	0.0%		
4	CT0708		E Water Street Brick	65,000	80,700	1,000	79,700	1.2%	65,000	80,700	-	80,700	0.0%	In Process	Project to begin on 10/31
5			**Totals - FY 2014 & Prior**	$ 1,120,200	$ 873,400	$ 709,055	$ 164,345	81.2%	$ 149,600	$ 165,300	$ -	$ 165,300	0.0%		
6															
7			**FY 2016**												
8	CT1627		FY16 Paving Projects - Boggs Drive	$ 247,400	$ 247,400	$ 139,762	$ 107,638	56.5%	$ 107,600	$ 107,600	$ -	$ 107,600	0.0%	In Process	Contract awarded, awaiting paperwork
9	CT1681		Pedestrian Enhancement-Mallard Pond Pathway	50,000	100,000	-	100,000	0.0%	50,000	100,000	-	100,000	0.0%	In Process	
10			**Totals - FY 2016**	$ 297,400	$ 347,400	$ 139,762	$ 207,638	40.2%	$ 157,600	$ 207,600	$ -	$ 207,600	0.0%		
11															
12			**FY 2017**												
13	CT1714		Paving Project - Paper Alley	$ 15,000	$ 15,000	$ -	$ 15,000	0.0%	$ 15,000	$ 15,000	$ -	$ 15,000	0.0%	In Process	Contract awarded, awaiting paperwork
14	CTxxxx		Unapplied CT Projects (placeholder)	500,000	485,000	-	485,000	0.0%	500,000	485,000	-	485,000	0.0%		
15			**Totals - FY 2017**	$ 515,000	$ 500,000	$ -	$ 500,000	0.0%	$ 515,000	$ 500,000	$ -	$ 500,000	0.0%		
16															
17			**Grand Totals**	$ 1,932,600	$ 1,720,800	$ 848,817	$ 871,983	49.3%	$ 822,200	$ 872,900	$ -	$ 872,900	0.0%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
C = Project funded by combination of CT Funds and General Fund

City of Dover
Electric Improvement & Extension Fund - Major CIP Projects
Quarterly Report as of September 30, 2016

				TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR						
	Project Code	Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Year Budget	Revised Fiscal Year Budget	Fiscal YTD Expenses	Budget Balance	% Budget Spent	Status	Comments
1			**FY 2014**												
2	EG1407		Metering System Upgrades	$ 150,000	$ 80,000	$ 44,184	$ 35,816	55.2%	$ 80,000	$ 80,000	$ 44,184	$ 35,816	55.2%	In Process	Need additional funds
3	EE1415	R	Metering Infrastructure	150,000	150,000	-	150,000	0.0%	150,000	150,000	-	150,000	0.0%	In Process	
4	EG1416	M	VanSant Capacity Increase	1,500,000	1,000,000	734,139	265,861	73.4%	270,900	270,900	4,991	265,909	1.8%	In Process	Air compressor for inlet fogging system installed
5			**Totals - FY 2014**	$ 1,800,000	$ 1,230,000	$ 778,323	$ 451,677	63.3%	$ 500,900	$ 500,900	$ 49,175	$ 451,725	9.8%		
6															
7			**FY 2015**												
8	EE1500		69 kV Rebuild - Horsepond Road	$ 393,500	$ 330,500	$ 81,998	$ 248,502	24.8%	$ 250,600	$ 250,600	$ 2,088	$ 248,512	0.8%	In Process	
9	EE1509	T	West Dover Connector	250,000	250,000	108,563	141,437	43.4%	-	141,400	-	141,400	0.0%	In Process	
10	EE1513	M	Town Point Distribution Feeders	600,000	861,400	561,963	299,437	65.2%	350,000	350,000	50,485	299,515	14.4%	In Process	Phase 2 about 60% complete
11			**Totals - FY 2015**	$ 1,243,500	$ 1,441,900	$ 752,524	$ 689,376	52.2%	$ 600,600	$ 742,000	$ 52,573	$ 689,427	7.1%		
12															
13			**FY 2016**												
14	EG1612		Van Sant Exhaust Plenum Replacement	$ 469,000	$ 469,000	$ 422,659	$ 46,341	90.1%	$ 46,300	$ 46,300	$ -	$ 46,300	0.0%	In Process	Received quotes from Bremco, UAET and a no bid from NAES.
15	EG1613		McKee Unit 3 Stack Repairs	485,000	292,600	2,624	289,976	0.9%	225,000	290,000	-	290,000	0.0%	In Process	Project to be completed Nov 4th. Change order for $66k approved by CM
16	EE1607		Horsepond URD - Distribution Feeders	67,000	112,000	49,450	62,550	44.2%	62,500	62,500	-	62,500	0.0%	In Process	
17	EE1617		Oak Grove Trailer Park - Dist Upgrade	77,400	77,400	889	76,511	1.1%	77,400	77,400	889	76,511	1.1%	In Process	
18	EE1627		Dover East Estates - Dist Upgrade	125,500	125,500	-	125,500	0.0%	125,500	125,500	-	125,500	0.0%	In Process	
19	EE1629	T	Tall Pine Condos	-	43,000	14,403	28,597	33.5%	-	43,000	14,403	28,597	33.5%	In Process	
20	EE1644	T	Retreat Pump Station	-	7,300	-	7,300	0.0%	-	7,300	-	7,300	0.0%	In Process	
21	EE1648	T	Blue Hen Apartments	23,900	23,900	9,211	14,689	38.5%	23,900	23,900	9,211	14,689	38.5%	In Process	
22	EE1652	T/G	S New Street Lighting	-	70,000	44,802	25,198	64.0%	-	60,100	34,950	25,150	58.2%	Complete	
23	EE1657	T	Creekstone 2	-	11,900	-	11,900	0.0%	-	11,900	-	11,900	0.0%	In Process	
24			**Totals - FY 2016**	$ 1,247,800	$ 1,232,600	$ 544,038	$ 688,562	44.1%	$ 560,600	$ 747,900	$ 59,453	$ 688,447	7.9%		
25															
26			**FY 2017**												
27	---	R	Vehicles & Equipment	$ 165,800	$ 217,600	$ 21,624	$ 195,976	9.9%	$ 165,800	$ 217,600	$ 21,624	$ 195,976	9.9%	In Process	Waiting on contract specifications
28	---	R	New Developments	1,500,000	1,040,300	-	1,040,300	0.0%	1,500,000	1,040,300	-	1,040,300	0.0%	In Process	
29	EE1700		SCADA Master Hardware Replacement	150,000	150,000	-	150,000	0.0%	150,000	150,000	-	150,000	0.0%	In Process	
30	EE1701	T	Islamic Society	-	16,800	5,810	10,990	34.6%	-	16,800	5,810	10,990	34.6%	In Process	
31	EE1702	T	PW Rolling Acres Pump Station	-	7,400	-	7,400	0.0%	-	7,400	-	7,400	0.0%	On Hold	
32	EE1703	T	Chesapeake - Dover Campus	-	51,000	3,431	47,569	6.7%	-	51,000	3,431	47,569	6.7%	In Process	
33	EE1704	T	Eden Hill Comm - Building 5	-	19,000	-	19,000	0.0%	-	19,000	-	19,000	0.0%	In Process	
34	EE1705	T	The Grand - Building 4	-	26,800	-	26,800	0.0%	-	26,800	-	26,800	0.0%	In Process	Transformer swapped out, minor work remaining
35	EE1706	T	Hirsh Industries Inc	-	15,000	-	15,000	0.0%	-	15,000	-	15,000	0.0%	Complete	Invoices totaling $11,188 paid in October
36	EE1707		LED Lighting Upgrades	17,500	17,500	-	17,500	0.0%	17,500	17,500	-	17,500	0.0%	In Process	
37	EE1708	R	Ampacity Standardization	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	25,000	0.0%	In Process	
38	EE1709		Substation Relay Upgrade	125,000	125,000	1,616	123,384	1.3%	125,000	125,000	1,616	123,384	1.3%	In Process	
39	EE1710		Public Works Wetland Project	450,000	450,000	-	450,000	0.0%	450,000	450,000	-	450,000	0.0%	On Hold	
40	EE1711	R	Transmission Line Maintenance Program	75,000	75,000	-	75,000	0.0%	75,000	75,000	-	75,000	0.0%	In Process	
41	EE1712	R	Lighting Project	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	50,000	0.0%	In Process	
42	EE1713	R	Fault Indicators	10,000	10,000	1,110	8,890	11.1%	10,000	10,000	1,110	8,890	11.1%	In Process	
43	EE1714		UPS System Replacement	25,000	25,000	-	25,000	0.0%	25,000	25,000	-	25,000	0.0%	In Process	
44	EE1715	R	Distribution Capacitors and Controls	50,000	50,000	817	49,183	1.6%	50,000	50,000	817	49,183	1.6%	In Process	
45	EE1716	T	Whatcoat Community Center	-	7,200	2,656	4,544	36.9%	-	7,200	2,656	4,544	36.9%	In Process	
46	EE1717	T	Dover Christian Church	-	7,900	-	7,900	0.0%	-	7,900	-	7,900	0.0%	In Process	
47	EE1719	T	Stover Boulevard Lights	-	21,000	-	21,000	0.0%	-	21,000	-	21,000	0.0%	In Process	
48	EG1701		Van Sant Unit 11 Major Inspection	400,000	400,000	5,840	394,160	1.5%	400,000	400,000	5,840	394,160	1.5%	In Process	Awaiting quote from GE. Establish list of parts needed and bid out to other vendors.
49	EG1702	R	McKee Run Unit 3 Boiler Systems	382,000	382,000	-	382,000	0.0%	382,000	382,000		382,000	0.0%	In Process	
50	EG1703	R	McKee Run Bldg Equipment Replacement	59,000	59,000	-	59,000	0.0%	59,000	59,000	-	59,000	0.0%	In Process	
51	EG1704		McKee Run Hydrogen Purity Analyzer	96,000	96,000	-	96,000	0.0%	96,000	96,000	-	96,000	0.0%	In Process	
52	EG1707	R	McKee Run Auxiliary System Components	128,000	128,000	15,437	112,563	12.1%	128,000	128,000	15,437	112,563	12.1%	In Process	
53	EG1709		Unit 3 Cooling Water Line Repairs	469,000	469,000	-	469,000	0.0%	469,000	469,000	-	469,000	0.0%	In Process	
54	EG1710	R	Plant Syst Safety & Compl Improvements	112,000	112,000	3,053	108,947	2.7%	112,000	112,000	3,053	108,947	2.7%	In Process	
55	EG1711	R	Preservation of Structures	131,000	131,000	-	131,000	0.0%	131,000	131,000	-	131,000	0.0%	In Process	
56															
57			**Totals - FY 2017**	$ 4,420,300	$ 4,184,500	$ 61,393	$ 4,123,107	1.5%	$ 4,420,300	$ 4,184,500	$ 61,393	$ 4,123,107	1.5%		
58															
59			**Grand Totals**	$ 8,711,600	$ 8,089,000	$ 2,136,278	$ 5,952,722	26.4%	$ 6,082,400	$ 6,175,300	$ 222,594	$ 5,952,706	3.6%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is re-budgeted to start over each fiscal year.
B = Bonded Project
S = State fully or partially reimbursed project
T = Transfer from blanket New Development original budget
G = Grant funded project

City of Dover
Water/Wastewater Improvement & Extension Fund - Major CIP Projects
Quarterly Report as of September 30, 2016

				TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR						
	Project Code	Type	Description	Original Project Budget	Latest Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Original Fiscal Year Budget	Revised Fiscal Year Budget	Fiscal YTD Expenses	Budget Balance	% Budget Spent	Status	Comments
1			**FY 2008**												
2	WD0804	M	1.0 MG Elevated Water Storage	$ 4,196,600	$ 2,556,000	$ 87,827	$ 2,468,173	3.4%	$ 2,468,200	$ 2,468,200	$ -	$ 2,468,200	0.0%	In Process	Awaiting approval of proposed Memorandum of Understanding from owner
3			**Totals - FY 2008**	$ 4,196,600	$ 2,556,000	$ 87,827	$ 2,468,173	3.4%	$ 2,468,200	$ 2,468,200	$ -	$ 2,468,200	0.0%		
4															
5			**FY 2013**												
6	WW1303		Westover PS	$ 768,800	$ 1,403,900	$ 859,327	$ 544,573	61.2%	$ 593,000	$ 593,000	$ 48,437	$ 544,563	8.2%	In Process	Construction ongoing
7			**Totals - FY 2014**	$ 768,800	$ 1,403,900	$ 859,327	$ 544,573	61.2%	$ 593,000	$ 593,000	$ 48,437	$ 544,563	8.2%		
8															
9			**FY 2015**												
10	WW1503		Hazlettville Road Interceptor	$ 755,000	$ 774,100	$ 373,397	$ 400,704	48.2%	$ -	$ 618,900	$ 218,185	$ 400,715	35.3%	In Process	Proj substantially complete, awaiting final punch list
11	WW1507		Retreat Pump Station Replacement	412,500	483,900	36,331	447,569	7.5%	447,500	447,500	-	447,500	0.0%	In Process	Project underway, construction ongoing
12			**Totals - FY 2015**	$ 1,167,500	$ 1,258,000	$ 409,727	$ 848,273	32.6%	$ 447,500	$ 1,066,400	$ 218,185	$ 848,215	20.5%		
13															
14			**FY 2016**												
15	WD1609	M	WTP Process Improvements	$ 284,400	$ 1,446,100	$ 310,615	$ 1,135,485	21.5%	$ 1,200,000	$ 1,200,000	$ 64,562	$ 1,135,438	5.4%	In Process	Design work continuing
16	WW1603		Rolling Acres PS Replacement	52,000	424,000	38,292	385,708	9.0%	372,000	396,100	10,399	385,701	2.6%	In Process	Proj to be coordinated with Procurement for advertising
17	WW1605		Delaware Avenue Sanitary Sewer Ext	25,000	25,000	-	25,000	0.0%	-	25,000	-	25,000	0.0%	In Process	Proj to be submitted to Council on November 14th
18			**Totals - FY 2016**	$ 361,400	$ 1,895,100	$ 348,907	$ 1,546,193	18.4%	$ 1,572,000	$ 1,621,100	$ 74,961	$ 1,546,139	4.6%		
19															
20			**FY 2017**												
21	---	R	Vehicles & Equipment	$ 222,600	$ 268,700	$ 46,055	$ 222,645	17.1%	$ 222,600	$ 268,700	$ 46,055	$ 222,645	17.1%	In Process	
22	WD1700/ WW1700	R	Meter Replacement Project	400,000	400,000	21,841	378,159	5.5%	400,000	400,000	21,841	378,159	5.5%	In Process	Meters have been ordered. Staff replacing large meters as time allows
23	WD1701	R	Wellhead Redevelopment	85,000	85,000	-	85,000	0.0%	85,000	85,000	-	85,000	0.0%	In Process	Staff coordinating with contractor on wells to be evaluated
24	WD1704		New Fence - Well #6	-	40,000	-	40,000	0.0%	-	40,000	-	40,000	0.0%	In Process	Proj awarded, staff to coordinate installation with DelDOT project
25	WD1705	R	Future Well Installation	100,000	100,000	-	100,000	0.0%	100,000	100,000	-	100,000	0.0%	In Process	Design is underway for new well
26	WD1706	R	SCADA Equipment Tech Upgrade	88,000	88,000	-	88,000	0.0%	88,000	88,000	-	88,000	0.0%	In Process	Materials scheduled to be ordered soon.
27	WQ1702	R	Water Quality Improvements	720,800	577,800	-	577,800	0.0%	720,800	577,800	-	577,800	0.0%	In Process	New Street awarded, awaiting paperwork to start
28	WQ1701		Bradford Street Survey	-	28,000	-	28,000	0.0%	-	28,000	-	28,000	0.0%	In Process	Survey is complete, awaiting revisions from consultant
29	WQ1703		Misc Emerg Water Repairs	-	75,000	8,042	66,958	10.7%	-	75,000	8,042	66,958	10.7%	In Process	Project open and ongoing
30	WW1702		Misc Emerg Sanitary Sewer Repairs	75,000	75,000	9,192	65,808	12.3%	75,000	75,000	9,192	65,808	12.3%	In Process	Project open and ongoing
31	WW1703		Lepore Road Sanitary Sewer Upgrade	50,000	50,000	-	50,000	0.0%	50,000	50,000	-	50,000	0.0%	In Process	Design is underway, awaiting 75% design submittal
32	WW1704		Delaware Tech PS Replacement	52,000	52,000	-	52,000	0.0%	52,000	52,000	-	52,000	0.0%	In Process	Design is underway, consultant to complete survey
33	WW1705		Silver Lake PS Replacement	52,000	52,000	-	52,000	0.0%	52,000	52,000	-	52,000	0.0%	In Process	Design is underway, consultant to complete survey
34	WW1706		Walker Woods PS Replacement	52,000	52,000	-	52,000	0.0%	52,000	52,000	-	52,000	0.0%	In Process	Design is underway, consultant to complete survey
35	II1700	R	Inflow/Infiltration Removal	1,121,000	785,500	-	785,500	0.0%	1,121,000	785,500	-	785,500	0.0%	In Process	Other projects under review by DelDOT
36	II1701		North Street Gravity Sewer Repair	-	335,500	-	335,500	0.0%	-	335,500	-	335,500	0.0%	In Process	Project to begin on November 1st
37			**Totals - FY 2017**	$ 3,018,400	$ 3,064,500	$ 85,129	$ 2,979,371	2.8%	$ 3,018,400	$ 3,064,500	$ 85,129	$ 2,979,371	2.8%		
38															
39			**Grand Totals**	$ 9,512,700	$ 10,177,500	$ 1,790,918	$ 8,386,582	17.6%	$ 8,099,100	$ 8,813,200	$ 426,712	$ 8,386,488	4.8%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is budgeted to start over each fiscal year. No carry forward.
SL = State Loan Project - construction phase is financed
I = Impact Fee (partially) financed project
T = Transfer from blanket WQ or I&I original budget

Dover GREEN ENERGY SUMMARY AS OF		10/28/2016
Total Collected Green Energy Funds Ever	$	1,342,061.52
DEMEC Admin Fee Paid	$	87,400.04
State Annual Admin Fee Total Paid	$	26,675.07
Grants Paid	$	538,563.25
*Grants/Fees Reserved and Amounts Owed	$	8,458.75
Dover Library Green Building Improvements Cost	$	1,500,000.00
Dover Library Reimbursements paid to Dover to date	$	495,908.32
Energy Depot Program Costs Paid	$	67,054.55
Efficiency Program Incentives Paid	$	37,268.34
Solar Electric Power Association (SEPA) Dues Paid	$	6,476.41
Dover GEF Account Balance minus Grants/Fees Owed	**$**	**74,256.80**
Funds Necessary for Dov. Lib. Payment due June 1	$	98,500.00
Funds Necessary for Library June 1 Payment	$	24,243.20

*Grants are paid in a manner to ensure sufficient funds for the June 1 Lib. payment are collected

Dover Green Energy Funds As October 28, 2016 Monthly Deposits and Payments		
Starting Balance	$	116,365.07
Deposit*	$	69,164.99
Outgoing Payments		
DEMEC Admin Fee*	$	6,916.50
State 2016 Admin Fee	$	-
New Reservations/Fees	$	2,472.50
Grants Paid	$	-
Energy Depot	$	3,384.26
Library Reimbursement	$	98,500.00
SEPA Dues	$	-
Dover GEF Account Balance	**$**	**74,256.80**

*Deposits during this period represent through September 2016

COMPLETED PROJECTS ONLY DNREC FEE OWED

Status	Applicant	Type	Grant Reservation Request	Review Fee
COMPLETED PROJECTS ONLY DNREC FEE OWED	Michael J Kopp	Geo-Res	Paid	$ 37.50
COMPLETED PROJECTS ONLY DNREC FEE OWED	Frank Daniels	Geo-Res	Paid	$ 26.25
COMPLETED PROJECTS ONLY DNREC FEE OWED	Perrry T. Boulter	Geo-Res	Paid	$ 225.00
		Total		**$ 288.75**

RESERVED BUT INCOMPLETE PROJECTS

Status	Applicant	Type	Grant Reservation Request	Review Fee
RESERVED BUT INCOMPLETE PROJECTS	Ms. Lee Herrera	Res-Geo	$ 2,300.00	$ 172.50
RESERVED BUT INCOMPLETE PROJECTS	John Crowley	Res-Geo	$ 3,000.00	$ 225.00
RESERVED BUT INCOMPLETE PROJECTS	Lloyd Schmid	Res-Geo	$ 2,300.00	$ 172.50
		Total	**$ 7,600.00**	**$ 570.00**

ENERGY DEPOT FEES - (quarterly)

Paid	Fee Period	Amount
3/3/2008	Start-up Fees	$ 5,872.50
4/15/2008	Start-up Fees	$ 1,957.50
4/15/2008	Mar, Apr, May 2008	$ 1,692.13
7/22/2008	June, July, Aug 2008	$ 1,692.13
10/10/2008	Sept, Oct, Nov 2008	$ 1,692.13
1/2/2009	Dec 08, Jan, Feb 2009	$ 1,692.13
4/3/2008	Mar, Apr, May 2009	$ 1,692.13
7/1/2009	June, July, Aug 2009	$ 1,692.13
9/11/2009	Sept, Oct, Nov 2009	$ 1,692.13
1/4/2010	Dec 09, Jan, Feb 2010	$ 1,692.13
3/29/2010	Mar, Apr, May 2010	$ 1,692.13
6/30/2010	June, July, Aug 2010	$ 1,692.13
10/4/2010	Sept, Oct, Nov 2010	$ 1,692.13
1/3/2011	Dec 2010, Jan, Feb 2011	$ 1,692.13
4/5/2011	Mar, Apr, May 2011	$ 1,692.13

7/8/2011	June, July, Aug 2011	$	1,692.13
10/4/2011	Sept, Oct, Nov 2011	$	1,692.13
1/3/2012	Dec 2011; Jan, Feb 2012	$	1,692.13
4/5/2012	Mar, Apr, May 2012	$	1,692.13
7/2/2012	June, July, Aug 2012	$	1,692.13
9/25/2012	Sept, Oct, Nov 2012	$	1,692.13
11/30/2012	Dec 12, Jan, Feb 2013	$	1,692.13
2/25/2013	Mar, Apr, May 2013	$	1,692.13
7/22/2013	June, July, Aug 2013	$	1,692.13
8/26/2013	Sept, Oct, Nov 2013	$	1,692.13
12/3/2013	Dec 13. Jan, Feb 2014	$	1,692.13
3/4/2014	Mar, Apr, May 2014	$	1,692.13
6/4/2014	June, July, Aug 2014	$	1,692.13
9/4/2014	Sept, Oct, Nov 2014	$	1,692.13
12/1/2014	Dec 14, Jan, Feb 2015	$	1,692.13
3/9/2015	Mar, Apr, May 2014	$	1,692.13
6/11/2015	June, July, Aug 2015	$	1,692.13
9/1/2015	Sept, Oct, Nov 2015	$	1,692.13
12/11/2015	Dec 15. Jan, Feb 2016	$	1,692.13
3/1/2016	Mar, Apr, May 2016	$	1,692.13
6/1/2016	June, July, Aug 2016	$	1,692.13
9/1/2016	Sept, Oct, Nov 2016	$	1,692.13
	Total	**$**	**67,054.55**

Solar Energy Professionals Association (SEPA) - (2015 and Forward participation is through AMP at no additional charge)

Paid	Membership Fee	Amount	
3/19/2012	2012 Annual Membership	$	2,158.81
1/31/2013	2013 Annual Membership	$	2,158.80
1/27/2014	2014 Annual Membership	$	2,158.80
	Total	**$**	**6,476.41**

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: November 4, 2016
PREPARED BY: Kirby A. Hudson, Assistant City Manager & Scott D. Koenig, P.E., City Manager
SUBJECT: Customer Service Staffing Plan
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott D. Koenig, P.E., City Manager
EXHIBITS: Exhibit #1 – Customer Service Needs Assessment; Exhibit #2 – Proposed Customer Service Organizational Chart; Exhibit #3 – Wage & Benefit Analysis for the Modified Staffing Plan
EXPENDITURE REQUIRED: $195,000 (Annualized) **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: FY-2016 Carry Forward Balances
TIME TIMETABLE: Begin recruitment immediately after Council approval. Employees to begin as soon as possible after January 1, 2017.
RECOMMENDED ACTION: Staff recommends the approval of the revised staffing plan for the Customer Services Department. The wages and salary budget for the department will be increased by $97,500 for the remainder of FY-2017. Budget adjustments will be made at the appropriate time.

BACKGROUND AND ANALYSIS

The Customer Services Department provides support for more than 23,000 utility accounts as well as other functions to support City operations. In recent budgets, staffing levels have been reduced to meet general budget targets. In addition, there have been several key retirements in the past year. Increased customer interactions and inquiries are reducing customer satisfaction to unacceptable levels. We are continuously experience long phone waiting times as well as long lines for service in the lobby area. All of these issues are creating customer dissatisfaction as well as high levels of stress on the remaining staff. Several members of Council have expressed concerns over the issues described above. Staff was requested to prepare an optimal staffing plan for consideration. An internal Needs Assessments (NA) was conducted and the resulting requests are included in Exhibit #1.

In summary, staff is requesting an increase of five (5) full-time employees. This increase will be partially offset by the reduction of part-time employees from four (4) to two (2). Staff will be added to the following areas: Billing & Collection (1); Customer Services (2); Cashiers (1); and Meter Reading (1). **The annualized cost for the proposed increase in staffing levels for this department is approximately $195,000 in FY-2017 dollars.**

For the remainder of FY-2017, it is estimated that a budget increase of **$97,500** ($195,000 X 6/12) would be necessary to cover the anticipated costs of the proposed changes. The increase in funds can be covered through a budget amendment from the anticipated carry forward balances as follows:

Electric Fund:	$ 97,500 x .625 = $ 60,937.50
Water/WW Fund:	$ 97,500 x .201 = $ 19,597.50
General Fund:	$ 97,500 x .174 = $ 16,965.00

Currently, the Electric Fund has an FY-2016 favorability of approximately $7.5 million. The Water/WW Fund has an FY-2016 favorability of approximately $374,000. The General Fund has an FY-2016 favorability of approximately $930,000 (a portion of which has been committed to other budgetary items). These funds can be used to fund the proposed staffing plan provided Council authorizes the changes.

Customer Service Department Staffing Needs Assessment 9/21/2016

Current budgeted staffing levels are: 17 Full-Time and 4 Part-Time staff dispersed among the Customer Service, Cashier, Billing and Collections, Metering and Management segments. There are currently 6 vacancies in the department.

Segment	Full-Time	Part-Time	Total
Management & Assistant	2	0	2
Billing & Collections	3	1	4
Customer Services	5	3	8
Cashiers	3	0	3
Meter Reading	4	0	4
Total	17	4	21

A change request is illustrated below and on the attached organization chart. This request will increase the total head count from (21) to (24) staffers. The change will add (3) additional Full-Time staff and reclassify (2) Part-Time positions to Full-Time status.

Segment	Full-Time	Part-Time	Total
Management & Assistant	2	0	2
Billing & Collections	4	0	4
Customer Services	7	2	9
Cashiers	4	0	4
Meter Reading	5	0	5
Total	22	2	24

Additional staffing requirements will allow the Customer Service Department the ability to:

- **Adhere strictly to the January 1, 2016 policy changes** which will allow the department to aggressively pursue disconnections and collections of debts.
  - Additional Field Service Technician will be needed for connects and disconnects. (estimated at 75-100 per day during peak times)
  - Additional Cashiers and Customer Service Representatives are needed to handle the influx of telephone calls and people traffic.
  - Allowing for the Collections position to become Full-Time will **aid in the department's ability to aggressively collect bad debts.**
- Part-Time Customer Service Representatives will be utilized in a **dedicated call center** capacity to **reduce Customer hold times.**
- The Customer Services Department currently has a large back log of unused sick and vacation time. **Allowing for additional staff will aid personnel in their ability to take time off without detriment to the department's needs.**
- **Allow for department succession planning.** [Metering (2), Customer Services (2), Admin (1)]
- What will we do in down time?
  - Customer Services Representatives will **continue to work on department projects including but not limited to essential community services such as:**
    (Please note that many of the services below require manual processes and are not automated.)
    - Catholic Charities – LIHEAP (heating and cooling program)
      - Current servicing approximately 1,000 accounts per season.
    - First State Community Action – H.E.L.P program and partnership
    - Crisis Intervention Programs (examples)
      - Delaware Health and Social Services
      - Connections
    - Security Deposit Assistance Programs
  - Metering Department will **aid in interdepartmental assistance** with the Water Meter Change out program.
  - Billing and Collections can assist the Electric Administration Department with their street lights research as well as assist the Key Accounts Person with reporting requirements.

submitted for review 9/22/16 / pmm

FY 2017 ANNUAL OPERATING BUDGET – DOVER, DELAWARE

Proposed Changes

Customer Service

Fiscal Year 2017 Organization Chart

Position title change from Account Clerk III to Billing Supervisor.

Part-Time position transitioned to F/T
Customer Service – 1
Billing (Collections) – 1
Total (2)

Additional F/T staff
Customer Service – 1
Cashiers – 1
Metering – 1
Total (3)

Check Figures =
17 + 5 = 22 Full-Time
4 - 2 = 2 Part-Time
Total Head Count
24

Overall Department Count Change
22 Full-Time
2 Part-Time
Changed from
Management & Assist.
2 Full-Time
Customer Service
5 Full-Time
3 Part-Time
Billing & Collections
3 Full-Time
1 Part-Time
Cashier
3 Full-Time
Meter Reading
4 Full-Time
Total
17 Full-Time
4 Part-Time
= 21

CITY MANAGER

ASSISTANT CITY MANAGER

CUSTOMER SERVICE

Customer Service Director
1

Count
2 F/T

Office Assistant
1

BILLING / COLLECTIONS

Count
4 F/T

Billing Supervisor – Full-Time
1

Account Clerk II – Full-Time
2

Account Clerk II – Full-Time
1

CUSTOMER SERVICES

Count
7 F/T
2 P/T

Customer Services Supervisor – Full-Time
1

Account Clerk I – (3) Full-Time
Account Clerk II – (3) Full-Time
(1)

Account Clerk II – Part-Time (Call Center)
2

CASHIERS

Count
4 F/T

Account Clerk III – Full-Time
1

Account Clerk II – Full-Time
3

METER READING

Count
5 F/T

Field Service Representative III – Full-Time
1

Field Service Representative II – Full-Time
4

Cost of Adding and Modifying Headcount in Customer Service and Metering

October 2016

Prepared by Kim Hawkins

			Collections		Customer Service		Customer Service	Cashier	Metering	
			Converting from PT to FT		Converting from PT to FT		New Position	New Position	New Position	
			Budget		Budget					
Wages and Benefits	**Rates**	**Rates for Metering**	Part-time	Full-time	Part-time	Full-time	Full-time	Full-time	Full-time	
Hourly Rate				$13.40		$13.40	$13.40	$13.40	$13.40	
Yearly Wages			$20,300.00	$27,872.00	$20,300.00	$27,872.00	$27,872.00	$27,872.00	$27,872.00	
FICA	7.65%	7.65%	1,550.95	2,132.21	1,550.95	2,132.21	2,132.21	2,132.21	2,132.21	
Health Insurance -PPO Employee & Child(ren) 20% cost sharing	$12,358.46	$12,358.46		12,358.46		12,358.46	12,358.46	12,358.46	12,358.46	
Vision	$39.60	$39.60		39.60		39.60	39.60	39.60	39.60	
Life	0.000155	0.000155		51.84		51.84	51.84	51.84	51.84	
AD & D	0.00003	0.00003		10.03		10.03	10.03	10.03	10.03	
STD	0.44	0.44		165.09		165.09	165.09	165.09	165.09	
Workers Compensation	0.00324	0.0504	65.77	90.31	65.77	90.31	90.31	90.31	1,404.75	
Pension	8.00%	8.00%		2,229.76		2,229.76	2,229.76	2,229.76	2,229.76	
OPEB	9.70%	3.80%		2,703.58		2,703.58	2,703.58	2,703.58	1,059.14	
			$21,916.72	$47,652.88	$21,916.72	$47,652.88	$47,652.88	$47,652.88	$47,322.88	
Net Increase				$25,736.16		$25,736.16	$47,652.88	$47,652.88	$47,322.88	$194,100.96

Employment Recruitment Procedures

1. The hiring department must complete the Permission to Recruit form and the Hiring Justification questionnaire for each vacant or new position they wish to recruit. If the position was a new position approved through the budget process, only the Permission to Recruit form is required. Both forms are located on Public Docs, Human Resources folder and Recruitment. Once the form(s) are completed, please forward to the City Manager for initial approval. If approved, the City Manager's department will forward the forms to the Controller/Treasure for budget review approval. Human Resources will be advised that the forms have been forwarded to Finance. Finance will forward the documents to Human Resources.

2. Human Resources will write the job advertisement and return it to the Department for review. All job descriptions will be reviewed by both the Human Resources Department and the Department to ensure they are current and up to date prior to posting the recruitment. The Human Resources Department will work with the Department on creating a job description for new positions. Bargaining unit jobs will be posted as outlined in the appropriate Labor Agreement. All jobs (unless In-House only) at a minimum will be posted on the City's website.

3. Human Resources will post/run the ad in the appropriate publications and log in and collect the applications and resumes.

4. Once the job closes and all applications/resumes are received, Human Resources will review the applications/resumes narrow the selection down to the fifteen (15) most qualified candidates. Those candidates will then be forwarded to the Department for review. The Department can always request to review all the applications/resumes received for the posting if they so choose. If an in-house applicant is ***NOT*** to be interviewed, then the department doing the hiring along with Human Resources must speak with the employee to determine why the employee feels they are qualified for the position. The discussion should include why the candidate has not been selected for an interview.

5. When the position closes all candidates will receive a letter indicating receipt of their applications/resumes. The letter acknowledges receipt of their application/resume and indicates that those candidates chosen for an interview will be contacted. Final candidates interviewed, but not selected, will be contacted via Human Resources once the recruitment is considered filled.

6. Human Resources will contact the Department to schedule interviews at a time convenient to the Department, HR and the persons to be interviewed. The department will submit prescreening questions, and once approved, will conduct a telephone screening on initial candidates to ensure their viability. The department will also provide Human Resources with a draft of the interview questions for the HR department's review and finalization. HR will then schedule the interviews and provide interview packets to the interview team.

7. At the conclusion of each of the interviews, if possible, the interview team should discuss and determine the viability of each candidate. Following the interviews, the Department will submit a Hiring Summary. The Hiring Summary must include their preference of candidates and recommendation for hire to HR for review and final approval along with all interview notes. The Hiring Summary must include the reasons for their choice of candidate and list all candidates interviewed with a brief outline of the justification for their choice along with the reasons they did not chose the other candidates to fill the open position. Approval cannot be granted until all interview notes from the entire interview team are received by the Human Resources Department. The recruitment file is not complete without this vital information.

8. Once the Hiring Summary is received and approved, the HR Department will contact the candidate and provide them with a conditional offer letter of employment. The candidate will be instructed that the conditional offer letter is contingent on several factors to include: successful completion of a background investigation, satisfactory driving record (not applicable to all positions), successful completion of a pre-employment drug screening along with receipt of education verification. Additional requirements may be necessary depending on the position. Once all necessary documentation has been received and reviewed, HR will then contact the Department and the candidate to determine their first day of employment. HR will then notify the Finance Department and Information Technology of the candidate's name, position and first day of employment.

9. HR will send a calendar appointment to IT and the Department. The appointment will be established one week in advance of the employee's first day of employment. The calendar event is to remind the department and IT to establish computer, telephone, etc. needs. Included in the calendar appointment will be a link to IT's Self Service, New User Request.

ACTION FORM

MEETING DATE: 11/15/16
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 November 28, 2016 and Final Reading at Council on December 12, 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.

CITY OF DOVER PROPOSED ORDINANCE #2016-21

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 inserting the bold blue text and 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.**~~

OPTION A:

There shall be a City clerk who shall be appointed by and serve at the pleasure of the Council.

OPTION B:

There shall be a city clerk who shall be appointed by and serve at the pleasure of the Council. The city clerk may be removed at any time by a majority vote of the members elected to the council.

OPTION C:

There shall be a City clerk who shall be appointed by and serve at the pleasure of the Council. The city clerk may be removed at any time by a vote of two-thirds of the members elected to the council.

OPTION D:

The council shall appoint a city clerk who shall serve as such at the pleasure of the council and shall be subject to removal at any time by a majority vote of the members elected to the 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 inserting the bold blue text and 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.**~~

OPTION A:

There is hereby created the office of building inspector. The building inspector shall be appointed by and serve at the pleasure of the Council.

Draft

OPTION B:

There is hereby created the office of building inspector. The building inspector shall be appointed by and serve at the pleasure of the council. The building inspector may be removed at any time by a majority vote of the members elected to the council.

OPTION C:

There is hereby created the office of building inspector. The building inspector shall be appointed by and serve at the pleasure of the council. The building inspector may be removed at any time by a vote of two-thirds of the members elected to the council.

OPTION D:

There is hereby created the office of building inspector. The council shall appoint a building inspector who shall serve as such at the pleasure of the council and shall be subject to removal at any time by a majority vote of the members elected to the council.

(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 by inserting the bold blue text and 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.**~~

OPTION A:

Appointment. **There shall be a fire marshal who shall be appointed by and serve at the pleasure of the Council.**

OPTION B:

Appointment. **There shall be a fire marshal who shall be appointed by and serve at the pleasure of the council. The fire marshal may be removed at any time by a majority vote of the members elected to the council.**

OPTION C:

Appointment. **There shall be a fire marshal who shall be appointed by and serve at the pleasure of the council. The fire marshal may be removed at any time by a vote of two-thirds of the members elected to the council.**

Draft

OPTION D:

Appointment. **The council shall appoint a fire marshal who shall serve as such at the pleasure of the council and shall be subject to removal at any time by a majority vote of the members elected to the council.**

(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 and add language for removal from office.

(SPONSORS: HUTCHISON, NEIL, AND ANDERSON)

Actions History

11/15/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

10/25/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee

10/11/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

ACTION FORM

MEETING DATE: 11/15/16
PROCEEDING: Council Committee of the Whole/Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Clerk's Office
PREPARED BY: Traci A. McDowell, City Clerk, on behalf of City Council

DATE SUBMITTED: 11/09/2016
SUBJECT: Proposed Ordinance #2016-26 Amending Chapter 2 - Administration, Article III - Standing Council Committees
RELATED PROJECT: N/A
APPROVALS: City Council
EXHIBITS: Proposed Ordinance #2016-26, Resolutions No. 2015-16 and 2016-05
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: First Reading of Proposed Ordinance #2016-26 on November 28, 2016 and Final Reading on December 12, 2016.
RECOMMENDED ACTION: Adoption of Proposed Ordinance #2016-26 Amending Chapter 2 - Administration, Article III - Standing Council Committees by creating a committee of the whole with the current standing committees becoming its sub-committees.

BACKGROUND AND ANALYSIS

During their Regular Meeting of December 14, 2015, City Council adopted Resolution No. 2015-16 which changed the Committee meeting format to a Committee of the Whole format on a trial basis. On May 23, 2016, Resolution No. 2016-05 amending Resolution No. 2015-16 by setting the Committee of the Whole meetings for the second and fourth Tuesdays of the month through May 31, 2017, was adopted. It also directed that, if Council chooses to adopt this meeting format, an Ordinance amendment regarding the Standing Committees would be presented for adoption prior to the Annual Meeting in May.

/tm

S:\CAFS\11-09-2016 CCW-LF&A - PROPOSED CHANGE TO COMMITTEE OF THE WHOLE\11-09-2016 LF&A CAF - Proposed Change to Committee of the Whole Format.wpd

CITY OF DOVER PROPOSED ORDINANCE #2016-26

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

That Chapter 2 - Administration, Article III - Standing Council Committees of the Dover Code be deleted in its entirety and inserting in lieu thereof the following:

ARTICLE III. - STANDING COUNCIL COMMITTEES

Sec. 2-81. - Committee of the whole.

(a) *Created*. There is hereby created a committee of the whole as a standing committee. The committee of the whole shall be an advisory body.

(b) *Members*. All members of the city council shall be members of the committee of the whole with the council president serving as chair.

Sec. 2-82. - Committee of the whole sub-committees.

(a) *Created*. There are hereby created the following committee of the whole sub-committees:

(1) *Legislative, Finance and Administration Committee*. The legislative, finance, and administration committee shall advise the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; and shall advise the city council on financial matters, including the city's budget, assessments, and taxation; and advise the city council on administrative issues, policy, procedures, and operations of the city. The legislative, finance, and administration committee shall act as an advisory committee to the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any omitted or new departments or committees, and other areas as deemed appropriate.

(2) *Parks, Recreation and Community Enhancement Committee*. The parks, recreation, and community enhancement committee shall advise the city council on parks, playgrounds, open space, and other recreational facilities and programs; shall advise the city council on matters relating to community enhancements by reviewing and commenting on community plans, and recommend appropriate funding for each community improvement project; and shall advise the city council on landscaping and beautification programs and tree preservation requirements, and assist in developing an understanding of the objectives and methods of tree conservation. The parks, recreation, and community enhancement committee shall act as an advisory committee to the city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.

(3) *Safety Advisory and Transportation Committee*. The safety advisory and transportation committee shall advise the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The safety advisory and transportation committee shall act as an advisory committee to the city council regarding

matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.

(4) *Utility Committee.* The utility committee shall advise the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer, communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The utility committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate.

(b) *Members.* The committee of the whole sub-committees shall be composed of all members of the city council. The council president shall appoint elected city officials to serve as committee of the whole sub-committee chairpersons. The council president and the sub-committee chairpersons will each appoint one city resident as a sub-committee member. All sub-committee appointments shall be for one-year terms unless sooner removed and are subject to confirmation of a voting majority of the city council.

(c) *Removal.* A member of such sub-committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.

Secs. 2-83 - 2-200. - Reserved.

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-26 CH 2 ADMINISTRATION, ART III STANDING COUNCIL COMMITTEES\Proposed Ordinance #2016-26.wpd

SYNOPSIS

The proposed amendments create a committee of the whole with the current standing committees becoming its sub-committees.

(Sponsors: Resolution No. 2016-05)

Actions History

11/15/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

The deleted text is provided below for reference.

~~**ARTICLE III. - STANDING COUNCIL COMMITTEES**~~

~~**DIVISION 1. - GENERALLY**~~

~~**Secs. 2-81—2-100. - Reserved.**~~

Draft

~~**DIVISION 2. - LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE**~~

~~**Sec. 2-101. - Created.**~~

~~**There is hereby created a legislative, finance, and administration committee.**~~

~~**(Code 1981, § 2-146; Ord. of 9-22-2003)**~~

~~**Sec. 2-102. - Members.**~~

~~**(a) *Composition; selection; terms.* The legislative, finance, and administration committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.**~~

~~**(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.**~~

~~**(Code 1981, § 2-147; Ord. of 9-22-2003)**~~

~~**Sec. 2-103. - Functions.**~~

~~**The legislative, finance, and administration committee shall advise the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; and shall advise the city council on financial matters, including the city's budget, assessments, and taxation; and advise the city council on administrative issues, policy, procedures, and operations of the city. The legislative, finance, and administration committee shall act as an advisory committee to the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any omitted or new departments or committees, and other areas as deemed appropriate.**~~

~~**(Code 1981, § 2-148; Ord. of 9-22-2003)**~~

~~**Secs. 2-104—2-120. - Reserved.**~~

~~**DIVISION 3. - PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE**~~

~~**Sec. 2-121. - Created.**~~

~~**There is hereby created a parks, recreation, and community enhancement committee.**~~

~~**(Code 1981, § 2-156; Ord. of 9-22-2003)**~~

~~**Sec. 2-122. - Members.**~~

Draft

~~(a) *Composition; appointment; terms.* The parks, recreation, and community enhancement committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.~~

~~(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.~~

~~(Code 1981, § 2-157; Ord. of 9-22-2003)~~

~~Sec. 2-123. - Functions.~~

~~The parks, recreation, and community enhancement committee shall advise the city council on parks, playgrounds, open space, and other recreational facilities and programs; shall advise the city council on matters relating to the community enhancements by reviewing and commenting on community plans, and recommend appropriate funding for each community improvement project; and shall advise the city council on landscaping and beautification programs and tree preservation requirements, and assist in developing an understanding of the objectives and methods of tree conservation. The parks, recreation, and community enhancement committee shall act as an advisory committee to the city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.~~

~~(Code 1981, § 2-158; Ord. of 9-22-2003)~~

~~Secs. 2-124—2-140. - Reserved.~~

~~DIVISION 4. - SAFETY ADVISORY AND TRANSPORTATION COMMITTEE~~

~~Sec. 2-141. - Created.~~

~~There is hereby created a safety advisory and transportation committee.~~

~~(Code 1981, § 2-161; Ord. of 9-22-2003)~~

~~Sec. 2-142. - Members.~~

~~(a) *Composition; appointment; terms.* The safety advisory and transportation committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.~~

~~(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city~~

Draft

~~council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.~~

~~(Code 1981, § 2-162; Ord. of 9-22-2003)~~

~~Sec. 2-143. - Functions.~~

~~The safety advisory and transportation committee shall advise the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The safety advisory and transportation committee shall act as an advisory committee to the city council regarding matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.~~

~~(Code 1981, § 2-163; Ord. of 9-22-2003)~~

~~Secs. 2-144—2-160. - Reserved.~~

~~DIVISION 5. - UTILITY COMMITTEE~~

~~Sec. 2-161. - Created.~~

~~There is hereby created a utility committee.~~

~~(Code 1981, § 2-166; Ord. of 9-22-2003)~~

~~Sec. 2-162. - Members.~~

~~(a) *Composition; appointment; terms.* The utility committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.~~

~~(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.~~

~~(Code 1981, § 2-167; Ord. of 9-22-2003)~~

~~Sec. 2-163. - Functions.~~

~~The utility committee shall advise the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer,~~

Draft

~~**communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The utility committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate.**~~

~~**(Code 1981, § 2-168; Ord. of 9-22-2003)**~~

~~**Secs. 2-164—2-200. - Reserved.**~~

Draft

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2015-16

A RESOLUTION PROPOSING THAT COUNCIL MEMBERS AND CIVILIAN STANDING COMMITTEE MEMBERS ACT AS A COMMITTEE OF THE WHOLE ON A TRIAL BASIS

WHEREAS, in an effort to be more efficient and effective, to allow greater opportunity for interaction and networking among elected officials and the civilian committee members, and to enhance the decision making process by involving all members of City Council in discussions at the Committee level, City Council has decided to temporarily set aside the Standing Committees as provided for in the Dover Code and act as a Committee of the Whole on a temporary basis; and

WHEREAS, the Committee of the Whole, which would include all members of City Council and the civilian members for the Parks, Recreation, and Community Enhancement; Safety Advisory and Transportation; Utility; and Legislative, Finance, and Administration committees, would be chaired by the Council President. Each of the chairpersons of the four (4) standing committees would chair their respective committee meeting and the civilian members would participate in only their committee's discussions. The Committee of the Whole would enable members to give detailed consideration to agenda items in a committee setting. In a Committee of the Whole the results of votes taken are not final decisions, but have the status of recommendations which City Council would consider further and vote on at its Regular meeting, either as a discussion item or on Consent Agenda; and

NOW, THEREFORE, BE IT RESOLVED that the City Council and civilian members of the Standing Committees will act as a Committee of the Whole on a trial basis beginning on January 26, 2016 and, if Council chooses to adopt this meeting format, an Ordinance amendment regarding the Standing Committees will be presented for adoption prior to the Annual Meeting in May.

ADOPTED: DECEMBER 14, 2015

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2015\ADOPTED\Resolution No. 2015-16 - Standing Council Committees to Meet as Committee of the Whole - Adopted.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History:
December 14, 2015 - Introduced at City Council

City of Dover

MAYOR AND COUNCIL

RESOLUTION NO. 2016-05

A RESOLUTION AMENDING RESOLUTION NO. 2015-16 WHICH TEMPORARILY SET ASIDE THE STANDING COMMITTEES AS PROVIDED FOR IN THE DOVER CODE AND ENACTED A COMMITTEE OF THE WHOLE ON A TRIAL BASIS

WHEREAS, Resolution No. 2015-16, adopted by City Council on December 14, 2015, temporarily set aside the Standing Committees as provided for in the Dover Code and enacted a Committee of the Whole on a temporary basis; and

WHEREAS, City Council wishes for members of City Council and the civilian members of the Parks, Recreation, and Community Enhancement; Safety Advisory and Transportation; Utility; and Legislative, Finance, and Administration committees to continue meeting as a Council Committee of the Whole on the second and fourth Tuesdays of the month through May 31, 2017.

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

THAT the last paragraph of Resolution No. 2015-16 be amended to read as follows:

> **NOW, THEREFORE, BE IT RESOLVED** that the City Council and civilian members of the Standing Committees will act as a Council Committee of the Whole, meeting on the second and fourth Tuesdays of the month through May 31, 2017. If Council chooses to adopt this meeting format, an Ordinance amendment regarding the Standing Committees will be presented for adoption prior to the Annual Meeting in May.

ADOPTED: MAY 23, 2016

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\ADOPTED\RESOLUTION NO. 2016-05 - Amending Resolution No. 2015-16 CCW\Resolution No. 2016-05 - Amending Res. No. 2015-16 Standing Council Committees to Meet as Committee of the Whole ADOPTED.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History:
May 23, 2016 - Introduction - City Council

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 11-15-2016
DEPARTMENT OF ORIGIN: Police Department	**DATE SUBMITTED**: 10-18-2016
PREPARED BY: Captain Tim Stump Administrative Division Commander	
SUBJECT: Amendment to City Ordinances Relating to Animal Control	
EXHIBITS: Proposed Ordinance #2016-27 amending Chapter 18 - Animals	
TIMETABLE: Consideration by the Council Committee of the Whole/Legislative, Finance, and Administration Committee on 11-15-2016.	
RECOMMENDED ACTION: Adoption of Proposed Ordinance #2016-27	

BACKGROUND AND ANALYSIS

On January 1, 2016, the Office of Animal Welfare began operating in the State of Delaware and subsequently the state laws relating to animal control were moved from Delaware Code Titles 3 and 7 to Delaware Code Title 16. The police department's Animal Control Officer attempted to obtain a warrant and the presiding magistrate noticed the discrepancy that our ordinances still referenced Title 7 on the specific charge he was attempting to obtain. As a result, she refused to sign the warrant. We need to amend our ordinances immediately to reflect the current state law, so that our Animal Control Officer can effectively do his job and continue to enforce the City of Dover Ordinances set forth in Chapter 18. Additionally, we would like the wording in 18-4 (a) changed from "animal" to "dog". In years past we dealt with other animals however we now only enforce "dog" violations as per the city's contract with Brandywine Valley SPCA.

CITY OF DOVER PROPOSED ORDINANCE #2016-27

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

That Chapter 18 - Animals, Section 18-4 - Running At-Large, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-4. - Running at-large.

(a) ~~***Permitting unlawful***~~ ***Unlawful***. It shall be unlawful for any person to permit any ~~**animal**~~ **dog** to run at-large.

(b) *Duties of police and animal control officer*. It shall be the duty of every police officer and animal control officer to apprehend any dog found running at-large contrary to the provisions of this section and to impound it. Such person shall make a record of the breed, color and sex of the dog and the number of its license tag, if any. A compilation of the records of all dogs caught and impounded shall be maintained at the police headquarters station. Should any police officer or animal control officer be unable, after using reasonable and diligent efforts, to apprehend such animal, he may destroy it.

(c) *Authority of citizens*. Any citizen of the city may take up any animal found running at-large and deliver it to an animal control officer or police officer, or other authorized person, to be impounded.

(d) *Notice to owner*. It shall be the duty of the animal control officer or police officer or other person taking or impounding any animal to notify the owner, if known, within a reasonable time, either personally or by a written notice left at his usual place of abode or, if unknown, by five or more written or printed notices posted in public places within the city.

(e) Any person convicted of a violation of this section shall pay a fine as provided for in Appendix F-Fees and Fines.

(Code 1981, § 4-4; Ord. of 8-28-1995; Ord. No. 2009-09, 6-22-2009)

BE IT FURTHER ORDAINED:

That Chapter 18 - Animals, Section 18-5 - Dog licenses required, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-5. - Dog licenses required.

(a) *Generally*. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to ~~**7 Del. C. § 1702**~~ **16 Del. C. § 3042F**, and any owner or possessor who shall fail to comply with the provision of the laws of the state shall pay a fine as provided for in Appendix F-Fees and Fines.

(b) Enforcement. The provisions of this section may be enforced by any police officer or by any person designated to act as an animal control officer.

(Code 1981, § 4-4.1; Ord. of 8-28-1995; Ord. No. 2009-09, 6-22-2009)

Draft

BE IT FURTHER ORDAINED:

That Chapter 18 - Animals, Section 18-10 - Same - Seizure and Impoundment, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-10. - Same-Seizure and impoundment.

(a) *Person bitten*. When a person has been bitten by a vicious dog or animal, the person, or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the city police department immediately and give the name and address of the person bitten and the owner of the animal, along with a description of the animal. All animals that bite a person shall be immediately confined for ten days in a city-approved animal shelter or veterinary facility, at the expense of the owner.

(b) *Confinement*. If the owner of a dog or cat that has bitten a person can provide proof of a currently valid rabies vaccination, that dog or cat may be quarantined on the premises of the owner or custodian.

(c) *Impoundment if not confined*. Any dangerous or vicious animal may be impounded by an animal control officer or police officer to protect the public safety. Said impoundment will be in a city-approved animal shelter or veterinary facility at the owner's expense. No dangerous or vicious animal will be returned to the owner unless said animal is confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of its owner. Every person harboring a vicious animal, vicious dog or a wild animal is charged with an affirmative duty to confine said animal in such a way that the public does not have access to such animal.

(Code 1981, § 4-9; Ord. of 8-28-1995)

State Law reference- Similar provisions, ~~**3 Del. C. § 8208**~~ **16 Del C. §3073F**.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 18 - Animals, Section 18-5 - Dog licenses required; for each violations be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-5. Dog licenses required; for each violation	**First offense -** Not less than $~~**25.00**~~**50.00**or more than $~~**1,000.00**~~**500.00.** **Second and subsequent offenses occurring within 12 months of prior offense - not less than $100 and not more than $500. The minimum fine for a subsequent offense shall not be subject to suspension. Conviction for the failure to pay the license fee is a violation.**

ADOPTED: *

SYNOPSIS

The proposed amendments will align the Dover Code with the recently amended Delaware Code.

(SPONSORS: HUTCHISON AND HOSFELT)

Actions History

11/15/2016 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

ACTION FORM

MEETING DATE: 11/15/16
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 (11/15/2016)
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 11/28/16 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 11/15/2016 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.

Draft

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.

Draft

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~~ **a** city clerk **to hold office until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council**. 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.

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.

Draft

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.

Draft

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.

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.

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~~ to hold office until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council**. 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.

Draft

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.)

Draft

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

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;