REGULAR COUNCIL MEETING
AGENDA

JANUARY 23, 2017 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN BRIAN LEWIS

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

* **1. ADOPTION OF MINUTES**

- **A. SPECIAL COUNCIL MEETING OF JANUARY 9, 2017**
- **B. REGULAR COUNCIL MEETING OF JANUARY 9, 2017**
- **C. SPECIAL COUNCIL MEETING OF JANUARY 10, 2017**

2. CERTIFICATE OF APPRECIATION AND CONGRATULATIONS - BRADLEY S. EABY

3. PROCLAMATION - BLACK HISTORY MONTH

* **4. HUMAN RELATIONS COMMISSION REPORT - NOVEMBER 17, 2016**

A. ELECTION OF COMMITTEE CHAIRS - COMMUNICATIONS AND GOVERNMENT POLICY, PROGRAMS, AND PRACTICES COMMITTEES

(COMMISSION ELECTED REVEREND RITA MISHOE PAIGE TO SERVE AS CHAIR OF THE COMMUNICATIONS COMMITTEE)

B. DHRC COMMITTEE UPDATES

(UPDATES WERE NOT PROVIDED ON THE BELOW ITEMS)

(1) COMMUNITY ENGAGEMENT COMMITTEE (MULLEN)

(2) EDUCATION COMMITTEE (BOGLE)

C. OLD BUSINESS

(1) DHRC DIVERSITY RESEARCH PROJECT

(COMMISSION RECOMMENDED THAT MRS. SADUSKY, MR. HENDERSON, AND MR. GADDIS GET TOGETHER BEFORE THE NEXT DHRC MEETING TO SUMMARIZE THE RECOMMENDATIONS AND OBSERVATIONS AND PUT THEM TOGETHER IN A CONCISE FORM)

(2) DEVELOPMENT OF CONCISE STATEMENT - MISSION AND FUNCTIONS OF DHRC

(COMMISSION TOOK NO ACTION)

(3) DHRC VACANCIES

(COMMISSION TOOK NO ACTION)

D. FUTURE MEETING DATES

(COMMISSION SCHEDULED THE NEXT MEETING FOR JANUARY 19, 2017 AT 6:00 P.M.)

5. COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 10, 2017

* **A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE**

(1) PROPOSED ORDINANCE #2017-01 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS AND APPENDIX F - FEES AND FINES (DISORDERLY PREMISES) (SPONSORS: SLAVIN AND SUDLER) **(SEE ITEM #12-A)**

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE #2017-01)

* **B. UTILITY COMMITTEE**

(1) DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE - EMERALD POINTE

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE OF THE EMERALD POINTE SUBDIVISION, WITH DEDICATION TO INCLUDE ALL OF THE REFERENCED PUBLIC IMPROVEMENTS)

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(1) PROPERTY TAX CREDIT REQUEST - ROUTE 8 (NEW DEVELOPMENT)

(COMMITTEE RECOMMENDED AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX CREDIT AGREEMENT FOR THE PURPOSE OF RESERVING AREA FOR A FUTURE SERVICE ROAD ACROSS THE PROPERTIES LOCATED AT 1116-1128 FORREST AVENUE)

* **(2) PROJECT CARRY-FORWARD BUDGET BALANCES/PROPOSED ORDINANCE #2017-04 - BUDGET AMENDMENTS (SEE ITEM #12-B)**

(COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED BUDGET AMENDMENTS FOR FISCAL YEAR 2017 AND ADOPTION OF PROPOSED ORDINANCE #2017-04)

5. COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 10, 2017 (CONTINUED)

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (CONTINUED)

* **(3) CONSIDERATION OF COST OF LIVING ALLOWANCE (COLA) FOR GENERAL PENSION PLAN RETIREES**

(COMMITTEE RECOMMENDED AUTHORIZING THE CITY MANAGER TO EXPEND APPROXIMATELY $1,000 TO ANALYZE THE FINANCIAL IMPACT FOR THREE (3) DIFFERENT COLA AMOUNTS: 1%, 1.5% AND 2.0%. THE ANALYSIS WILL BE COMPLETED BY NYHART. THESE EXPENSES WILL BE CHARGED AGAINST THE PENSION FUND ASSETS.)

* **(4) PROPOSED TIME CHANGE FOR OPEN FORUM**

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE TIME CHANGE FOR OPEN FORUM FOR CITY COUNCIL MEETINGS FROM 7:00 P.M. TO 7:30 P.M. AS PRESENTED BY COUNCILMAN HARE)

(5) PROPOSED ORDINANCES

(A) #2017-02 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE V - FINANCE, SECTION 2-422 - DISPOSAL OF EXCESS PROPERTY (SPONSORS: NEIL, KOENIG, AND MCDOWELL) **(SEE ITEM #12-C)**

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE #2017-02, WITH A CAVEAT THAT A LEGAL OPINION BE OBTAINED REGARDING WHETHER THE STATE CODE CHANGE WHICH ALLOWS FOR LAND BANKING AND THE FORMING OF LAND BANKING ORGANIZATIONS WOULD AFFECT THE PROPOSED ORDINANCE)

* **(B) #2017-03 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN AND DIVISION 8 - DEFERRED COMPENSATION PLAN; AND ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND AND CREATING CHAPTER 80 - PERSONNEL** (SPONSORS: COLE, HOSFELT, AND HUTCHISON) **(SEE ITEM #12-D)**

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE #2017-03)

* **6. QUARTERLY REVENUE REPORT**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

7. YOUTH FOCUS GROUP REPORT

8. EVALUATION OF BIDS - ROLLING ACRES PUMP STATION REPLACEMENT

(STAFF RECOMMENDS AWARDING THE CONTRACT TO M2 CONSTRUCTION LLC FOR THE CITY OF DOVER ROLLING ACRES PUMP STATION REPLACEMENT PROJECT, BID #17-0018PW, FOR THE AMOUNT OF $439,300)

9. CHANGE ORDER - MEETING HOUSE BRANCH VOLUNTARY CLEANUP PROGRAM

(STAFF RECOMMENDS APPROVAL OF THE PROPOSAL FROM COMPLIANCE ENVIRONMENTAL TO PERFORM THE NECESSARY WORK FOR THE VOLUNTARY CLEANUP PROGRAM, AS REQUIRED FROM THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC))

* **10. CONFIRMATION OF POLICE PENSION ELECTION – RET. LT. TIMOTHY MULLANEY - THREE (3) YEAR TERM TO EXPIRE JANUARY 31, 2020**

* **11. REAPPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - HUMAN RELATIONS COMMISSION - ALAN GADDIS - THIRD DISTRICT REPRESENTATIVE - THREE (3) YEAR TERM TO EXPIRE FEBRUARY 2020**

12. FIRST READING - PROPOSED ORDINANCES

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCES. FINAL ACTION BY COUNCIL WILL TAKE PLACE DURING THE SECOND READING ON FEBRUARY 13, 2017. THE ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. #2017-01 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS AND APPENDIX F - FEES AND FINES (DISORDERLY PREMISES)
(PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE)

B. #2017-04 - PROJECT CARRY-FORWARD BUDGET BALANCES/BUDGET AMENDMENTS
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

C. #2017-02 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE V - FINANCE, SECTION 2-422 - DISPOSAL OF EXCESS PROPERTY (SPONSORS: NEIL, KOENIG, AND MCDOWELL)
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

D. #2017-03 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN AND DIVISION 8 - DEFERRED COMPENSATION PLAN; AND ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND AND CREATING CHAPTER 80 - PERSONNEL (SPONSORS: COLE, HOSFELT, AND HUTCHISON)
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

13. CITY MANAGER'S ANNOUNCEMENTS

14. COUNCIL MEMBERS' ANNOUNCEMENTS

15. ADJOURNMENT

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EXECUTIVE SESSION PURSUANT TO:

29 DEL. C. §10004(B)(2) - PRELIMINARY DISCUSSIONS ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY;

29 DEL. C. §10004(B)(4) - STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY;

29 DEL. C. §10004(B)(6) - DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS;

29 DEL. C. §10004(B)(9) - PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 9, 2017 at 6:30 p.m. with Council President Slavin presiding. Members present were Mr. Anderson (arrived at 6:34 p.m.), Mr. Cole, Mr. Hare, Mr. Hutchison, Mr. Lewis (arrived at 6:40 p.m.), and Mr. Neil. Mr. Hosfelt and Mr. Sudler were absent. Mayor Christiansen was also present.

Council staff members present were Mr. Koenig, Mrs. Mitchell, and Mrs. McDowell. Other staff members present were Chief Bernat and Mr. Hudson.

ADOPTION OF AGENDA

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

Mr. Hare moved to recess into Executive Session pursuant to 29 Del. C. §10004 (b)(6) - Discussion of the content of documents excluded from the definition of "public record" in §10002 of this title where such discussion may disclose the contents of such documents (§10002 (l)(1) Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or federal law as it relates to personal privacy) and 29 Del. C. § 10004(b)(4) - strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body. The motion was seconded by Mr. Cole and unanimously carried.

The Special Council Meeting recessed into Executive Session at 6:31 p.m.

The Executive Session adjourned at 6:59 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Request for Approval of Extension of Pay Benefits

During the Executive Session, members of Council considered a request for approval of an extension of 100% pay for Corporal Thomas Hannon, in accordance with Section 12, On-the-Job Injury, of the Fraternal Order of Police (FOP) contract.

Mr. Neil moved to grant the extension of pay benefits through March 27, 2017 when Council will hear an update in Executive Session. The motion was seconded by Mr. Anderson and unanimously carried.

International Brotherhood of Electrical Workers (IBEW) and American Federation of State, County and Municipal Employees (AFSCME)

During the Executive Session, members of Council considered a request from Mr. Scott Koenig, City Manager, to retain legal counsel to assist with contract negotiations.

Mr. Hare moved to authorize the City Manager to engage legal counsel referred to by the City Manager for the purposes of contract negotiations with AFSCME, not to exceed 100 hours without returning to Council. The motion was seconded by Mr. Hutchison and carried with Mr. Lewis voting no.

Mr. Hare moved to adjourn the Special Council Meeting, seconded by Mr. Neil and unanimously carried.

The Special Council Meeting adjourned at 7:02 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of January 9, 2017 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 9, 2017 at 7:34 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hare, and Mr. Hutchison. Mr. Hosfelt was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, City Solicitor Rodriguez, and Mrs. McDowell. Fire Chief Carey was absent. Mayor Christiansen was also present (departed at 7:39 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Ms. Alexis Simms, 453 Newcastle Avenue, stated that she wanted to make members of Council aware of some reality points, as follows: 1) The very people standing behind her were the very people that voted them into their place and they were going to be the very people that vote them out of their place; 2) If members of Council don't want the homeless speaking at the library or being at the library at all, or the bus stop, or lingering around, why haven't they given them a place where they can help the homeless to get a place, have resources, and get jobs; and 3) The homeless will be there every other week until members of Council help them or they lose their place as Councilmen.

Mr. Timothy Lee Tague advised that he has noticed that there are sidewalks that are terrible to walk on. He suggested replacing the brick sidewalks with cement, because if somebody falls, they could sue the city.

Mr. Steven Hall asked members of Council to think about how they felt when they started their cars that morning in the frigid temperatures and how they looked out the window that past weekend and watched the snow fall and realized how cold it was. Mr. Hall stated that he had to endure that cold all weekend and it was so frigid cold that it brought him to tears. He asked members to use the resources that they have to help him and others like him to find a place so that he does not have to endure the cold again.

Mr. Alex Cropper advised that he was there to support those who are the voice of homelessness, and to offer and extend any support. He stated that he works for Connections Community Support Programs which has many different programs to help the homeless. Mr. Cropper stated that he was aware that they need more resources in the community; however, they do have some very limited programs.

Pastor Aaron Appling, 2660 Forrest Avenue, noting that the freezing weather had arrived, stated that they had found people on the streets, in the cold, that suffer from mental illness and there should be something for those that are dealing with mental illness. Pastor Appling advised that they have had to scoop them up, as well as those who were unable to get to the Code Purple shelters, and take them to their church. He stated that, even with the Code Purple shelters, the rules and regulations related to opening a shelter are becoming so stringent, so rigid, that most churches don't even qualify to open up. Pastor Appling stated that, even if they wanted to, it is against the rules because it does not have

a sprinkler system or something. He thought that it should be considered a natural disaster when it is cold like this and somebody is outside and, in those situations, churches should be able to bring people in. Pastor Appling stated that it was obviously safer inside of their church, or another church that doesn't necessarily have a sprinkler system, than it is to be outside on the streets. He noted that regulations are making it more difficult for those that are helping the homeless or trying to do these civil services.

Pastor Appling stated that it would be beneficial to have partnerships in the City or municipalities so they were not always bumping heads and fighting over helping people. He advised that it seems to be a very, very hard process to find any type of partnerships with their government and municipalities. Pastor Appling stated that it would behoove them, and it would be a great thing, if they started looking into taking down some of the red tape so that they could help. He suggested that the rules and regulations hurt more than they help and, although these laws are meant to save or protect life, they are actually doing the very opposite.

Pastor Appling added that he and his group of people support Deputy Chief Mailey being the next Police Chief.

Ms. Sue Harris stated that they need a solution to homelessness and asked what the City of Dover would do with all of the desperate people if Code Purple was not saving lives each night that they give them sanctuary from the freezing cold. She stated that people would, without a doubt, be dying out there. Ms. Harris stated that, from her perspective, Code Purple was established to be the emergency backup for those in a desperate situation and she felt as though the City had decided that Code Purple is, instead, their solution to the problem. Ms. Harris advised that Code Purple leaders and volunteers are miracle workers.

Ms. Harris stated that she prays for guidance for the City leaders to realize how vital the services of all these unpaid volunteers are and to recognize that the City has a responsibility in this problem. She noted that stretching the services offered beyond their capacity could lead to unintended consequences. Ms. Harris stated that she also prays for the strength and continued passion for all the leaders of these volunteer groups in Dover that go so far above and beyond the call to provide for their fellow man. They too have limits and capacity that can run over. Ms. Harris stated that assuming that they will just continue to do this, year after year, is not an assumption that should be made.

Ms. Harris advised that a solution is needed and everyone, including the City leaders, needs to be an active participant in finding one. She noted that she was speaking on behalf of herself and Port Hope Delaware. Ms. Harris stated that she was a proud volunteer of Code Purple, but that she had no authorization to speak on their behalf. She advised that opportunities for support of affordable, permanent housing, is something that the City can offer through abandoned and vacant properties and land within their boundaries, whether it be property already owned by the City or property like 106 North New Street or 1351 North Street.

Ms. Harris advised that she had offered many suggestions and that the main thing that 80% of these people need to begin their battle to a better life is a safe, stable, supportive home. Once they have that, all the other services that are offered can be more useful and successful. Ms. Harris stated that

she looks forward to what is ahead and hopes that the commission being formed will provide a path towards viable and permanent answers to this problem.

Mr. Eric Chandler stated that he thought that drug addiction was another issue that went along with homelessness and incarceration. He also noted that there were a lot of housing foreclosures and that they have to revitalize Section 8 housing. Mr. Chandler suggested that they should all be able to work together, collectively as a group, to figure out what to do to save some of these people's lives that just fell on hard times. He stated that they have got to focus on drugs, drug addiction, and getting these people off the drugs and into drug programs instead of sending them to jail. Mr. Chandler suggested that they network and help the church write grants so that they can get some money to get these people off the street.

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

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare moved for approval of the Consent Agenda, seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Hosfelt absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF DECEMBER 12, 2016

The Minutes of the Regular Council Meeting of December 12, 2016 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

TRIBUTE NO. 2017-01 - JOSEPH M. MCDONOUGH

The City Clerk read Tribute No. 2017-01 into the record.

By motion of Mr. Hare, seconded by Mr. Neil, Tribute No. 2017-01 was unanimously adopted, as follows:

A TRIBUTE EXPRESSING SYMPATHY AND CONDOLENCES UPON THE PASSING OF JOSEPH M. MCDONOUGH

WHEREAS, the Mayor and Council of the City of Dover have been greatly saddened by the passing of Joseph M. McDonough, former Mayor and Councilman of the City of Dover, on December 27, 2016; and

WHEREAS, Joseph M. McDonough served as Councilman from February 10, 1975 to May 12, 1980, and during his tenure served as a member of the Legislative and Finance Committee, the Parks, Playgrounds and Trees Committee, the Safety Advisory Committee, and the Utility Committee. He resigned as Councilman, was elected Mayor of the City of Dover effective May 12,1980, and served in that capacity until May 10, 1982, dedicating his expertise and attention to the complex problems encountered by the City. Under his leadership, the City successfully negotiated

three employee contracts, underwent a smooth transition to a new City Manager, and experienced steady, orderly growth; and

WHEREAS, Joseph M. McDonough's contributions to the community extended well beyond his service to the City of Dover, as he was a member of Kent County Levy Court for many years; served as President and fundraiser for Mom's House, which provides free childcare for single mothers; and devoted his time, talents, and energy to the building of the new Holy Cross Church; and

WHEREAS, Joseph M. McDonough will be deeply missed by his friends, family, and all of those whose lives he has touched.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council extend their deepest sympathy and condolences to the family and friends of Joseph M. McDonough, and hope that they will be consoled by the memories of his exemplary life and achievements.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to place this Tribute in the permanent records of the City of Dover and that a copy of this Tribute be provided to the family of Joseph M. McDonough.

ADOPTED: JANUARY 9, 2017

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-28

A public hearing was duly advertised for this time and place to consider the rezoning of property located on the west side of McKee Road north of College Road between 1216 and 1282 McKee Road, consisting of $4.35^{+/-}$ acres, owned by George J. Kays and John J. Kays. The equitable owner is Medcore Partners c/o Michael Graham. The property is currently zoned C-PO (Commercial and Professional Office) and subject to the COZ-1 (Corridor Overlay Zone) and the proposed zoning is IO (Institutional and Office) and subject to the COZ-1 (Corridor Overlay Zone). (Tax Parcel: ED-05-067.00-01-33.00-000; Planning Reference: Z-16-07; Council District 1)

Mr. Neil moved that the Final Reading of Proposed Ordinance #2016-28 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of November 28, 2016.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She noted that the Planning Commission recommended approval of the rezoning request.

Responding to Mr. Lewis, Mrs. Townshend advised that Staff had heard no opposition from the community. She noted that the applicant held a meeting with residents of Emerald Pointe about the proposed project prior to the Planning Commission meeting, so there was dialogue at that meeting and people were able to get more information. Mrs. Townshend advised that there is some concern

about traffic in the area and the applicants have indicated that they would work with the Department of Transportation and the Planning Office and continue dialogue with the residents on those issues.

Responding to Mr. Anderson, Mrs. Townshend stated that Staff had not received any input from Westminster Village regarding the project.

Public Hearing
Council President Slavin declared the public hearing open.

Mr. Greg Moore, Becker Morgan Group, advised that they represent the applicants who wish to build a 34-bed rehabilitation hospital. He noted that Bayhealth offers this service in Milford; however, such a facility is not currently available in Dover. Mr. Moore noted that this rehabilitation facility is for stroke, injury, or traumatic injury and is not a drug rehab. He advised that it is a low traffic generator and they have heard from the neighbors that traffic is a key discussion point. Mr. Moore stated that the current zone allows for medical office buildings, which would be a very high traffic generator, and a facility like this would not produce the same patient turnover as a medical office.

Responding to Mr. Hare, Mr. Moore stated that this facility is a private interest that has facilities throughout the country and it is not affiliated with Bayhealth.

There being no one else wishing to speak, Council President Slavin declared the hearing closed.

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Hutchison and, by a unanimous roll call vote (Mr. Hosfelt absent), Council adopted Ordinance #2016-28, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) to IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) to IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) on an unaddressed parcel located on the west side of McKee Road north of

College Road between 1216 and 1282 McKee Road, consisting of $4.35^{+/-}$ acres, owned by George J. Kays and John J. Kays. The equitable owner is Medcore Partners c/o Michael Graham. (Tax Parcel: ED-05-067.00-01-33.00-000; Planning Reference: Z-16-07; Council District: 1)

ADOPTED: JANUARY 9, 2017

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-25

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities and Article 12 - Definitions.

Mr. Lewis moved that the Final Reading of Proposed Ordinance #2016-25 be acknowledged by title only, seconded by Mr. Neil and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of November 28, 2016.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed amendment would prohibit the parking of tractor trailers, or any part of a tractor trailer, in all residential zones and in certain non-residential zones. It would also limit the parking of tractor trailers to designated loading zones or areas in non-residential zones.

Mrs. Townshend advised that the amendment went through the Development Advisory Committee (DAC) process and there were two proposed amendments that came forward. She noted that Staff Amendment #1 would add the language that normal loading and unloading is permitted and Staff Amendment #2 would replace the relatively simplistic definition of tractor-trailer with something that would align more closely with the Department of Motor Vehicle definition.

Mrs. Townshend stated that a public hearing was held before the Planning Commission on December 19, 2016 and one (1) member of the public spoke regarding the proposed text amendment. The Planning Commission members expressed a number of concerns about the proposed text amendment and where tractor-trailers would be able to park. Mrs. Townshend advised that they were concerned about making it difficult on a segment of the community that could rely on tractor-trailers for their living and would not have a location to be able to park tractor-trailers. The public comment somewhat supported the Planning Commission's comments. Mrs. Townshend advised that the Planning Commission recommended against adoption of the proposed ordinance, primarily because they were concerned that there had not been input from the affected community and that it would create a barrier for people who rely on this as their livelihood.

Mr. Anderson stated that he had several concerns with the proposed ordinance, one of them being that there did not seem to be a time limit that the driver of a tractor-trailer could park just for an hour and get lunch, even if the vehicle was not running. It appeared to him to be a blanket prohibition. Responding, Mrs. Townshend advised that it was a blanket prohibition. She noted that Staff Amendment #1 would specify that normal loading and unloading would be permitted. Mrs. Townshend stated that, from the perspective of this being in the zoning code and applying to private property, if something were parked for an hour, Code Enforcement would notify the property owner of the violation instead of issuing a ticket or a fine on the spot. She advised that the ordinance would allow them to address tractor-trailer complaints in areas where they are currently permitted

to park. Responding to Mr. Anderson, Mrs. Townshend stated that the process would not have to be complaint driven.

Mr. Hare stated that he thought there should be time, such as an hour, where the driver could park to get something to eat. He also thought that a place such as Home Depot should be able to permit tractor-trailers to park overnight if they wanted to.

Mrs. Townshend stated that the section of the zoning ordinance that deals with parking already prohibits parking of commercial vehicles in residential zones and the amendment adds those commercial zones.

Mr. Slavin stated that the amendment was written as a result of a meeting that was held by Councilman Sudler in the Fourth District related to complaints that were brought forward by the Fourth and the First District residents, specifically related to the Hamlet Shopping Center. The constituents told them that what they were seeing more and more of was private property owners allowing trucks and tractor-trailers to park, sometimes unhitching the trailers and leaving in the cab, and it had a detrimental impact on the neighborhood. Mr. Slavin stated that he did not know if the intent was to clamp down on business people who are trying to conduct business in a legal manner and they would have to resolve that issue.

Mr. Hare suggested that something could be done on a commercial property that is not within 200 yards of any residence, noting that there are quite a few residents within 200 yards of the Hamlet Shopping Center but not the Home Depot. Mr. Slavin stated that the issue would then become one of fairness and he believed that they have different parts of government for a reason and when the Planning Commission returns something with a unanimous recommendation not to pass it, that is something that he will listen to.

Council President Slavin declared the hearing open.

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

Responding to Mr. Hare, Mr. Slavin advised that the issue in the Hamlet was running trucks, parked trucks, and parked trucks without the cab. He stated that the parking lot was being used as a storage yard for trailers. Mr. Slavin stated that he thought the situation cleared up after Councilman Sudler's meeting and the pressure that the property owner now feels.

Mr. Anderson moved for adoption of Proposed Ordinance #2016-25. The motion was seconded by Mr. Cole and failed by a unanimous roll call vote (Mr. Hosfelt absent).

COUNCIL COMMITTEE OF THE WHOLE REPORT - DECEMBER 13, 2016

The Council Committee of the Whole Meeting was held on December 13, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:11 p.m.), Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, and Mr. Hare. Mr. Lewis and Mr. Hutchison were absent. Mayor Christiansen was

also absent. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

Addition of Bollard Lighting - Mallard Pond Park Trail

Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that the City of Dover recently completed construction of the Mallard Pond Park multi-use path, which connects Marsh Creek Drive to North Caroline Place, in the Mallard Pond development. She advised that the City completed the path and installed playground equipment this year, noting that the concrete path came in under the original estimate. Mrs. Townshend explained that Community Transportation Funds (CTF) and Delaware Land and Water Conservation Trust Funds were used for the project and, to date, there was no City money spent on the project. She stated that the path is a critical link between Dover High School and housing developments, primarily Mallard Pond and some of the condominiums near Mallard Pond. Mrs. Townshend advised that these areas are not easily accessible from Kenton Road and Route 8; however, the path makes the high school accessible to these areas by foot.

Mrs. Townshend stated that, since there was money remaining in the budget and in the grant funds that had been secured for this project, staff would like to install bollard lighting along the path. She noted that this type of lighting was used to light the Capital City Trail on Martin Luther King, Jr. Boulevard, explaining that it is low lighting that should not interfere with neighboring residences. Mrs. Townshend explained that bollard lighting would be less intrusive than street lighting and improve the safety of the path, especially during the time of year when there could be kids going to and from the school in the dark. She advised that the Electric Department had put together an estimate of just under $20,000 for the lighting and noted that almost $29,000 in funding remained. She indicated that any unexpended Delaware Land and Water Conservation Trust Fund grant funds would go back to the State and CTF monies could be allocated to another project. Mrs. Townshend advised that there may still be funds remaining at the end of the project.

Staff recommended proceeding with the installation of bollard lighting along the Mallard Pond Park multi-use path.

Mrs. Horsey noted that 50-watt lighting was proposed and asked if this would be LED lighting or light bulbs. Responding, Mr. Scott Koenig, City Manager, stated that he did not believe there would be LED lighting. He noted that bollard lighting is similar to the lighting next to the Dover Public Library, which is not LED. Mr. Koenig advised that, if he recalled correctly, the lighting on the Capital City Trail

was not LED and the estimate provided was without LED; however, he stated that clarification could be provided.

Mr. Sudler asked what the cost differential would be between LED versus non-LED lighting. In response, Mr. Koenig indicated that he did not know the difference in cost but could try to get the information before the next City Council meeting scheduled for January. He stated that he was unsure if LED lights could be put into the bollard lighting fixtures. Mr. Sudler requested that Mr. Koenig provide a cost differential and a determination regarding whether the fixtures would be compatible with LED.

Mr. Hare asked if this was use-it-or-lose-it money. Responding, Mrs. Townshend reiterated that unused grant allocation funds from the Delaware Land and Water Trust Fund would be returned to the State and unexpended CTF monies could be reallocated to another project.

The Committee recommended proceeding with the installation of bollard lighting along the Mallard Pond Park multi-use path, as recommended by staff.

During the Council meeting, Mr. Scott Koenig, City Manager, advised that staff was asked to evaluate potential LED lighting for this application. The Electric Department Staff estimated that the installation of 20 lighting fixtures at bollard, or waist-height along the new path, would result in approximately 1,000 feet of new space that would be lit. He advised that the estimated cost of the metal halide for bollard lighting was $19,897.67 for supplies and equipment out of the City warehouse. Mr. Koenig stated that Staff was not able to get an LED lighting estimate for the bollard fixtures; however, they prepared an LED lighting estimate for the colonial street lighting fixtures, which are used for residential streetlights. The colonial fixtures are approximately 18 feet tall and have an LED fixture. The Staff estimate for colonial street lighting fixtures with LED lighting is $24,517.59. Mr. Koenig advised that the Electric Department prefers the LED fixtures higher off the ground at 18 feet because they are concerned about the bollard lighting being vandalized. He also noted that they have not confirmed with the Parks and Recreation Staff as to which lighting fixture is most appropriate for the park.

Responding to Mr. Lewis, Mr. Koenig advised that $100,000 was authorized for the pathway project, $50,000 of which came from Community Transportation Funds and $50,000 from the Delaware Land and Water Conservation Trust Fund. Mr. Koenig advised that approximately $14,500 from each of those funds is remaining and the lighting would qualify as an expense that could be charged against those funds.

The Committee recommended proceeding with the installation of bollard lighting along the Mallard Pond Park multi-use path, as recommended by staff. Staff revised their recommendation to authorize the lighting project with the best option to be determined.

Mr. Neil moved for approval of Staff's recommendation. The motion was seconded by Mr. Cole and unanimously carried.

Mr. Sudler moved for acceptance of the Council Committee of the Whole/Parks Recreation and Community Enhancement Committee Report. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Land Swap - Capitol Baptist Church/Mayfair Park

During their Regular meeting of August 22, 2016, Council approved the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee's recommendation for approval of staff's recommendation to authorize the City Manager and other City staff to negotiate a proposed land swap which is mutually beneficial to the property owners and the City of Dover, including any necessary research and legal expenses necessary to determine the terms and conditions of a potential land swap that involves the public open space known as Mayfair Park with four (4) caveats, as follows: 1) that staff would come back and present at least three (3) alternatives on the proposed land swap that include maps and drawings; 2) that there would be commentary from the Parks and Recreation Department on what the potential effect would be on the future uses of the park for the land swap; 3) that it would include an estimate of costs, and a proposed cost sharing arrangement with the church would be identified, and 4) that staff was not authorized to expend any funds at this point without further approval.

Mr. Scott Koenig, City Manager, informed members that concerns about the uses of the Mayfair Park began approximately a year ago. He advised that basketball nets and goals were removed from the park by staff because the neighborhood felt they detracted from the neighborhood. Mr. Koenig reminded members that various discussions had been held with the Capitol Baptist Church regarding a potential land swap. Referring to the four (4) caveats that Council had established regarding this matter, Mr. Koenig stated that no money had been spent. He advised members that, based on previous discussions, the City's Geographical Information Systems (GIS) Department was able to develop maps by moving property lines reflecting four (4) potential land swap options. He indicated that a meeting was held with Capitol Baptist Church and Pastor Terri Moore on Monday, November 7, 2016, and the potential impact of each option was discussed. Referring to the map entitled "Mayfair Park - Potential Land Swap: Option 1", Mr. Koenig stated that staff and the church felt that this option would have the least impact on new property owners. He reviewed the map, noting that two (2) residences currently front on Alder Road and back up to the park, and the park extends to the Capitol Baptist Church parking lot. Mr. Koenig stated that, according to this option, there would be a land swap of approximately 0.66 acres. He explained that the polygon outlined in red, located next to the church parking lot, would be transferred to Capitol Baptist Church and the rectangular section outlined in red to the north would be transferred to the City of Dover. Mr. Koenig stated advised members that this option would impact the property owner at 156 Blue Beach Drive.

Mr. Koenig explained that each of the other options would affect more landowners. Referring to the map entitled "Mayfair Park - Potential Land Swap: Option 2", he advised that Option 2 would take the City park away from the residents that front on

Alder Road and impact two (2) additional residences on Blue Beach Drive. Mr. Koenig referred to the map entitled "Mayfair Park - Potential Land Swap: Option 3", explaining that, similarly to Option 2, Option 3 would give up some frontage property on Alder Road, noting that one (1) of those residences would no longer abut the City park but two (2) property owners on Blue Beach Drive would be impacted. Referring to the map entitled "Mayfair Park - Potential Land Swap: Option 4", he stated that under Option 4, the property owners on Alder Road would no longer abut the City park; however, five (5) properties along Blue Beach Drive would be affected. Mr. Koenig noted that this would also create an odd-shaped piece of land for the City.

Based on the conversation with the church during the meeting on November 7, 2016, Mr. Koenig indicated that both staff and the church representatives felt that Option 1 would be the best option to put before the Committee to receive comments. He stated that, since that meeting, Mrs. Ann Marie Townshend, Director of Planning and Community Development, had emailed the City's contact at the Department of Natural Resources and Environment Control (DNREC) regarding the park. Mr. Koenig reminded members that State and federal money had been used at some point to improve the park, and concurrence from the State was needed to modify the boundary of the park. He advised that staff had not yet received any feedback at this point from DNREC; therefore, this part of the equation had not been resolved.

Mr. Koenig stated that the purpose of this evening's meeting was to get feedback on the options and take public comment. He advised that some of the options had been shared with Mr. Hare, and Mr. Koenig stated that he believed that Mr. Hare had shared them with people in the neighborhood. Mr. Koenig also noted that Pastor Moore had indicated that the church had talked to people in the neighborhood. Mr. Koenig stated that costs related to the land transfer had not yet been discussed because staff was unsure if the City would be moving forward to the next step.

Staff recommended Option 1 if the City is going to pursue a potential land swap.

Responding to Mr. Neil regarding the types of costs that would be involved, Mr. Koenig explained that there would be legal costs for the preparation and recording of the deed for the property for the land swap. He also noted that there were currently park improvements on the piece of land adjacent to the church property, and there was a question about whether those park improvements would need to be moved. Mr. Koenig advised that the City does not want to bear the cost to move those park improvements, but explained that there may be some other mechanism to transfer the value to the church. He noted that these types of discussions had not yet been held. Mr. Koenig reiterated that there would be real costs associated with the preparation of deeds and things like that, which Council had indicated staff should not pursue at the City's expense.

Referring to the map entitled "Mayfair Park - Potential Land Swap: Option 1," Mr. Hosfelt asked what land the City currently owned. In response, Mr. Koenig

stated that the City owns several pieces of property in this area and identified them on the map.

Mr. Slavin referred to the map entitled "Mayfair Park - Potential Land Swap: Option 1" and asked who owned the small grassed area behind the church, noting that it did not appear in either of the polygons depicted. Responding, Mr. Koenig indicated that this small grassed area belonged to the church. Mr. Slavin asked if that area was a small in-holding of the church that was surrounded by park land and Mr. Koenig stated that it was, explaining that the church has an odd-shaped property. Mr. Slavin asked if all the properties on Blue Beach Drive were abutted by church property, and Mr. Koenig stated that they currently were.

In response to Mr. Slavin, Mrs. Townshend stated that the vacant church property is zoned R-10, One-Family Residence Zone. She noted that this zoning would allow for 10,000 s.f. lots, which would be approximately four (4) lots per acre. Mrs. Townshend advised that this was approximately nine (9) acres, which would theoretically allow for 36 lots if roads, etc., could be put in.

Mr. Sudler asked what the second option would be if Option 1 was not obtainable. Responding, Mr. Koenig advised that this had not been discussed; however, he would not recommend Option 4 because it would create an odd-shaped piece of land. He stated that Option 3 would probably be the next most attractive option because it would result in land that is closer to a square.

Mr. Slavin stated his understanding that this was proposed to be a fee-simple swap and the City would be the outright owner of the land that it would receive. Responding, Mr. Koenig stated that this was what had been discussed.

Mr. Slavin stated that there would be some low costs and it would just be a swap. He asked if, rather than having the City own fee-simple land, discussions had taken place about conservation easements on a bigger amount of property that would be declared unbuildable land, with underlying ownership by the church. Mr. Slavin explained that his thought was that the land would then be conserved, and the City could design it to be behind all of the houses on Blue Beach Drive to provide a buffer that could never be developed behind those houses. Responding, Mr. Koenig advised that staff had not discussed that option. Mr. Slavin noted that this would give the church, and perhaps the City, the option to use it as open space. He stated that, at the very least, it would give the residents comfort knowing that the property right behind them may not end up being housing in the future.

Mrs. Janice Sibbald, 144 Blue Beach Drive, stated that she had spoken during the August 9, 2016 Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee meeting when this was discussed and recalled that an easement was granted or offered to the church. She stated that this was not being mentioned now, and there was only talk of a land swap. Responding, Mrs. Townshend stated that she thought there had been some discussion about

potential easements; however, the motion made by members did not address easements but a land swap, the effect it would have on recreation, and no expenditure of funds.

Mr. Sudler asked how an easement would impact staff's recommendation in regard to this matter. In response, Mrs. Townshend stated that it would depend on what that easement entails. She indicated that if the City proceeded with an easement instead of a land swap, it could affect the grant covenants because the land that is put under an easement would no longer be accessible for public recreation. Mrs. Townshend explained that, for instance, if a parking lot or drive aisle is placed on the land, it could end up complicating things with DNREC.

Mrs. Sibbald expressed her understanding from the August 9, 2016 meeting that the easement would be for two-way traffic to go back and forth from the property where the church is located to the vacant property that the church owns. She stated that traffic would cross the park, but the church would not own that land. Responding, Mr. Koenig stated that Mrs. Sibbald was correct. He recalled that there had been discussions as long as two (2) years ago when the church had indicated that they would potentially like to obtain an easement from the City of Dover to drive through the parking lot adjacent to the substation through a drive aisle to access the nine (9) acres of land, where they would potentially build some kind of building and a parking lot that would be associated with the church. He advised that the problem was that the area where the easement would most likely go was where the playground was currently located, which would potentially create a conflict with the playground. Mr. Koenig stated that, during the discussion at the Committee meetings, everybody felt that it may be a cleaner transaction if there was a swap of land that would better define the City's park, potentially give the City a better shape of land, and at the same time potentially transfer land to the church so they could proceed with future development that would enhance the community. He stated that there were discussions about this early on. Mr. Koenig advised that Mrs. Townshend was correct that if an easement was granted, there would be no exchange of land, and the easement would reduce the area of the park that the City could utilize for community purposes. He advised that granting an easement could have a negative effect on how the transaction is viewed from the State, as far as maintaining parkland, etc. Mr. Koenig indicated that the discussion had gravitated to a land swap, whereby the City would indicate to the State that the City would give up 0.66 acres of the park but replace it with another 0.66 acres, and the shape of the park would then be more appropriate for modern application and recreation.

Mr. Sudler asked if staff had looked at the impact of providing an easement from the Delaware Department of Transportation (DelDOT) or the entity that would approve this from the State. Responding, Mr. Koenig stated that if the City provided an easement, the only review required to his knowledge would be internal review of the drive aisle across City property. He explained that the development of the nine (9) acres, whether with a parking lot or a building, would most likely require Planning Commission review because of the land disturbance area. Mr. Koenig indicated that

staff had not reviewed any associated costs. He stated that, in their discussion with church representatives, staff had stated that if the City granted an easement, the costs to prepare the easement document and to build the drive aisle, etc., would be the church's costs. Mr. Koenig advised that this would become somewhat of a problem if the church were to improve the City's property. Although this sounded like a good idea on the surface, he explained that there would be issues of maintenance in perpetuity, and if someone was hurt on the property, there would be a question of who owns the property.

Mr. Koenig stated that if the City were to do a transaction, in his opinion a land swap would be a cleaner transaction. He indicated that there was discussion about the location of the playground equipment that is now near the church's area, the composition of the children in the area, and what it is that they want. Mr. Koenig advised that he did not know whether the playground should be moved, if there is even a need for this type of playground equipment in a revised park, or if, in the transaction, the City should decide to leave the equipment and plan for something new. He explained that this discussion had not yet been held.

Mrs. Sibbald, referring to the map entitled "Mayfair Park - Potential Land Swap: Option 1," stated that she was confused by the way the lines were drawn, explaining that she did not know why a yellow line was running through the park and a jagged line going up, as if there was an entrance to the park outlined in yellow. She advised that there was an entrance to the park next to the two (2) houses at the bottom that were adjacent to the church. In response, Mr. Koenig stated that he did not believe the lines were meant to indicate entrances but parcels, noting that the park currently exists on two (2) different parcels. Mrs. Sibbald stated that the park was one (1) whole, big piece. Responding, Mr. Koenig explained that legally there were two (2) parcels. Mrs. Sibbald stated that they could not be subdivided or held for anything else and asked for explanation. In response, Mrs. Townshend advised that the park is made up of two (2) parcels of land, one (1) on the corner outlined in yellow, and one (1) just north of it that extends to the playground. She explained that these two (2) separate parcels were part of the park, noting that this did not mean that it would be developed but that the two (2) parcels had never been combined into one (1). Mrs. Sibbald stated that the existing land use had always been a park and this would not change, and Mrs. Townshend indicated that this was correct. She stated that it appeared that at some point the land was divided into two (2) parcels, or possibly the northern parcel was added later, noting that it would be necessary to look at the history to make a determination. Mrs. Townshend reiterated that it was all one (1) park with two (2) different parcels.

Mr. Anderson asked if the Parks and Recreation Department had determined what type of use would best fit this particular park through discussions or a needs assessment. Responding, Mrs. Townshend indicated that staff had planned to hold a park planning workshop at the park during the summer; however, they decided to wait and see what happened with the land swap and then work with the neighbors to develop a park plan. She stated that it was clear that the City had not made any

upgrades to the park, other than the playground equipment that was installed in 2005. Mrs. Townshend indicated that there was asphalt from the basketball courts, some goal posts, and a backstop, so people could use the park for pick-up activities; however, there was no manicured ballfield. She stated that the question was if the needs in that specific area had evolved. Mrs. Townshend explained that once the park boundary is determined, staff wants to have a neighborhood park planning meeting to find out specifically what activity people would like to see at the park.

Mr. Anderson stated that it was an interesting conundrum that one (1) department wanted to know what was needed to effect the change and the other department wanted to know what the change would be to know the needs, and he asked how this would work out. In response, Mrs. Townshend stated that the park is a very odd shape, with a lot of property extending beyond the church that is shielded from public view, which had been part of the problem with the basketball court. Mrs. Townshend indicated that, regardless of what improvements are ultimately put in the park, reshaping the park could be a benefit to the community and could accommodate whatever types of amenities would be wanted in the park.

Mr. Anderson asked what the total acreage of the park was projected to be. Responding, Mr. Koenig stated that it would not change from its current size. Mrs. Townshend explained that the acreage would stay the same, since one (1) area would be changed for another. She estimated the total acreage at just under three (3) acres, noting that any amount that goes to the church would have an equal swap.

Mrs. Sibbald stated that, during the August 9, 2016 meeting, she provided photographs of signs on the church property that state no trespassing. She indicated that it was discussed that the City had found that the parking lot had been paved so that people would be able to access the park through the church property, and this was part of $1,500 that was paid to pave the church's parking lot. Mrs. Sibbald noted that the signs were still there and nothing had been done about it. She stated that there was talk about access to the park; however, there is no access as long as the church has signs up that state that people cannot walk or go through. Mrs. Sibbald indicated that the agreement stated that people could park in the church parking lot when they wanted to use the park; however, they had never been allowed to do so by the church. She stated that this had been presented in public at the meeting that she attended.

Mr. Koenig advised that Pastor Moore had indicated that, while this agreement was reflected in the minutes, he was unsure that it actually happened. Mr. Koenig explained that staff had not told the church to take the signs down because they wanted to have the discussion about the land swap. He explained that Pastor Moore had indicated that one (1) of the reasons for the signs being up was because the church had problems with residents at the apartment complexes using the church parking lot as overflow, or parking there for days and taking up the off-street parking. Mr. Koenig stated that he would defer to Pastor Moore, but Mr. Koenig believed that related conversations indicated that the church's position was not that they did not

want people in the neighborhood coming to stay at the park for a few minutes with their kids, but they were having difficulty with people at the apartment complexes leaving cars and other items in their parking lot for many hours.

Mr. Caldwell recalled that during the August 9, 2016 meeting, there was discussion about illegal activities taking place in the park and questioned if this was still a concern. In response, Mr. Koenig stated his recollection that residents along Alder Road were concerned about activity in the park, specifically kids doing things related to the basketball courts and vandalism. He advised that he was unsure about what illegal activity was occurring; however, when there are isolated areas, a number of different things can happen. Mr. Koenig stated that he would defer to Pastor Moore to provide a first-hand perspective regarding the activity that was occurring.

Mrs. Sibbald informed members that the basketball hoops were removed, the light had been turned off, and there had not been illegal activity going on there anymore. She advised that she had seen young children, probably around the ages of 10 to 12, playing soccer on the basketball court, which is still paved. Mrs. Sibbald indicated that there had not been any problems since the basketball hoops were taken down and this was not a valid complaint anymore. She stated that the discussion had been that if an easement was given to the church to cross over to their own property, the church would have to pay for moving the equipment. Mrs. Sibbald explained that if it was being stated that the City needed to do a land swap now because of illegal activity, there was no such activity.

Pastor Terri Moore, Capitol Baptist Church, advised that the reason that the no trespassing signs are at that location is because there are no entrances to the park there, noting that a fence runs all the way across and there is no way to get in. Referring to the map entitled "Mayfair Park - Potential Land Swap: Option 1," he indicated the location of the fence and the entrances to the park. Pastor Moore advised that the problem was that a lot of people from Clearfield Apartments would flood through the properties of the church and the two (2) adjacent houses on Alder Road to get to the basketball courts. He stated that these people had destroyed the fence many times and the church repaired it, noting that the church went in with the City to redo the fence several years ago and paid to make it higher, hoping that the individuals would use the entrance. Pastor Moore explained that this had not stopped these individuals, who had ripped open the fence and kicked the gate in, noting that much of this was because of the design of the property.

Pastor Moore stated that the church wants to work with, attract, and minister to the community and it would be odd to say that they would not allow people to do things. He explained that the no trespassing signs are there because the fence had been torn down, noting that the whole thing was torn down where the house is located next to the church. Pastor Moore advised that their gate had been kicked in and they had repaired the fence over and over again. He stated that the City had a problem with the activity, noting that the problem was twofold, the items in the park and also the

shape of the park, explaining that its location was attracting the group to come through the way they were.

Pastor Moore explained that the land swap would be good for everyone and would help the church with their parking. He noted that a redesign would solve the problems of trespassing through everybody's property, since the individuals accessing the park would go a different way, which would curb the activity. Pastor Moore indicated that there had never been any longstanding agreement with the City about letting people park at the church, stating that people had parked there and the church understood this. Pastor Moore advised that the fence was the problem, since one cannot get to the park where the fence is located.

Pastor Moore provided a copy of a statement that Mrs. Sunny Schmidt, 375 Alder Road, asked him to submit on her behalf. He stated that Mrs. Schmidt resides two (2) houses over from the church, had wanted to be present, and was in favor of the land swap.

Mr. Neil asked if Pastor Moore believed that Option 1 was the strongest option for the church. Responding, Pastor Moore stated that he thought it was best for the community. He indicated that his first thought would be to go straight up to make the park square; however, the church wanted the situation to be good for the community as well and to be good neighbors. Pastor Moore stated that the church felt that the best way would interfere the least with anyone, and Option 1 would not affect anyone that was not already affected. Referring to the map entitled "Mayfair Park - Potential Land Swap: Option 1," he explained that the park was already along the side and part of the back of the property belonging to the house at 156 Blue Beach Drive, and Option 1 would increase that. Pastor Moore noted that the two (2) houses on Alder Road already had the park behind them, so they would not be affected. He stated that there would certainly be other designs that would benefit the church; however, the church wanted everyone to be happy and felt that working together would solve the problems of the park and the activity there, as well as the church's parking problem. Pastor Moore advised that Option 1 would help the church and the City, noting that the church currently has two (2) services on Sunday and people have to park on the street. He indicated that proceeding with this approach would remove parking on the street during service times and allow the church to increase their parking lot, noting that they must see what the agreement and design would be before moving forward.

Ms. Sandy Kinkus, 365 Fiddler's Green, asked Pastor Moore when parking is an issue, other than Sunday. Responding, Pastor Moore advised that they have a lot of things going on, including Sunday services, Wednesday services, and special meetings throughout the week. Ms. Kinkus asked if the church definitely wanted to use this property as a parking lot. Responding, Pastor Moore indicated that the church did not know exactly what they would be doing yet or the design and noted that the church owns other land there as well.

Ms. Kinkus stated her understanding that the City could not make plans until there is a land swap and asked if it had been established that a land swap would be legal. In response, Mrs. Townshend advised that, because of the grant covenants, the land cannot be removed from outdoor recreation and would have to be replaced with an equivalent. She stated the need to go through DNREC to determine if any of the proposed alternatives would be considered an equivalent. Mrs. Townshend indicated that, in preliminary discussions when this issue first came up, DNREC had stated that a land swap would be less rigorous than reducing the size of the park and trying to replace it elsewhere.

Mr. Sudler expressed his understanding that the land swap could be considered equivalent, but had not been deemed as equivalent. In response, Mr. Slavin stated that he was dealing with a similar issue in Delaware City in his State job, and that a swap must be the same amount acre for acre, and also the same quality of land. He advised that land could not be taken out of active recreation and open space and swapped for an identical amount of land that is wetlands and inaccessible, and Mrs. Townshend concurred. In regard to the City's current discussion, Mr. Slavin indicated that the land parcels are adjacent to each other which is the easiest type of swap that can be done under these covenants. Mrs. Townshend indicated that she did not see any issues that would prevent a swap from going forward; however, she advised that the City needed to be sure to follow the process through the State.

Ms. Kinkus stated her understanding that the City would not incur any expense; however, she noted that cost-sharing had been mentioned and asked what this meant. Responding, Mr. Koenig explained that cost-sharing had been part of the overall motion that was made during the August 9, 2016 meeting and approved by Council on August 22, 2016; however, there was no commitment of funds on behalf of the City. He advised that this would be the next step in the process, noting that the City was not even close to being done. Mr. Koenig stated that the question about cost-sharing would be whether there is a benefit to the City in sharing the cost of a fence or something else in the future, noting that this had not yet been discussed. He explained that staff was trying to react to the different concerns of residents who abut the existing park and the facilities that had been constructed in that park that they were not happy with, as well as the church entity that had expressed interest in a potential land swap. Mr. Koenig indicated that staff was trying to present alternatives to the Council and Committee that may add value to the overall community. He stated that the City may end up not selecting any of the options and leaving everything as is, or choosing one of the options to move forward with and evaluate further. Mr. Koenig reiterated that there was clear direction from Council that they did not want staff to spend any money up to this point, and staff had not done so.

Ms. Kinkus stated that the City wants to develop the park but cannot until the land swap issue is settled, because it is not known which parcel of land will be swapped. She indicated that her first impression was that Pastor Moore wanted the piece of property for a parking lot; however, she now understood that the church did not know what they wanted to do with the property. Ms. Kinkus stated that if the church

wanted the piece of property, there had to be a plan in mind which she thought needed to be made clear before doing the swap. She noted that there may be zoning, conservation, and water runoff issues. Ms. Kinkus suggested that if the City and church were going to move forward, there should be a committee made up of the residents in the area and Pastor Moore to be clear about what the church would do with the piece of land. She advised that, as far as the park is concerned, she has some ideas that she would like to present at a later date, noting that this all seemed very foggy to her at this point.

Mr. Sudler asked Pastor Moore if, after hearing some of the concerns, he was willing to sit down with residents and come up with a clear plan of action in regard to the property. Responding, Pastor Moore stated that he would be happy to discuss it; however, he explained that the truth was that the church already owns nine (9) acres there and would or would not develop it regardless. Pastor Moore noted that just a little strip of land was being discussed and they were open to any type of discussions with the community. He indicated that it seemed that Ms. Kinkus was trying to put the cart before the horse, noting that the church knew some of the things that were possibilities; however, it would depend on what happens with the land. Pastor Moore explained that the church did not have a grand plan awaiting and noted that they are a non-profit organization and do not have millions of dollars in the bank, and anything they would do would take years. He advised that if the church develops the land, they would come to the Council Chambers again, and the City could decide whether or not they want something there. Pastor Moore stated that these subjects should be addressed at that time, rather than before dealing with the land swap, noting that the church does not know what could be done without the swap happening first.

Mr. Hare asked why Pastor Moore wanted the land. In response, Pastor Moore advised that the church has two (2) pieces of property that are not connected. Mr. Hare asked if the piece of land could be cut down and if the tip of it, one-third or perhaps 0.22 acres, could be swapped with the City for 0.22 acres. He explained that the church would then have the land in the corner where the playground equipment is located and would have full access to their other land. Responding, Pastor Moore indicated that this would limit options for the park, stating that there is a small strip there to do what the City wants to do. Mr. Hare advised that it would not limit the park any more than it is now. Pastor Moore expressed his understanding that this was why the City was trying to change the situation. Mr. Hare advised that the City was not trying to change it, but the church was proposing that the City change it. Pastor Moore stated his understanding that this was a mutual problem that the City and the church were trying to solve together. He noted that the church was landlocked, and this would help them; however, there were also a lot of problems with the park that had prompted these meetings. Pastor Moore stated that what was in the park and its design were problems, and moving and redesigning it would help the problems of the park and the church at the same time, and this was why he felt this would be a good solution for everyone and was the way to go.

Mr. Hare indicated that the problems with basketball had been alleviated since late April or early May when the equipment was taken down, noting that he and Mr. Slavin had been over there. Responding, Pastor Moore stated that people were still climbing the fence to get to the park. Mr. Hare noted that the basketball hoops where there were drug dealers had been cleared.

Mr. Simon Lowe, 140 Blue Beach Drive, stated that of the proposals he had seen, he liked Option 1, which would have the least impact. He noted that his wife concurred with this but was unable to be present. Mr. Lowe advised that he liked this option because it was the church's property and they could build whatever the City authorized, and it would also impact the least amount of property owners. Mr. Lowe stated that Option 1 would not impact his property, which was the fifth property. In regard to the park, he stated that he had more issues with kids and parents playing in the street than playing in the park. Mr. Lowe advised members that he would like to hear what the plan is for the park. He stated that the biggest problem is kids playing at the intersection and people zooming down Blue Beach Drive, noting that the stop signs serve no purpose other than places for the kids to play.

Ms. Susan Murphy, 116 Blue Beach Drive, stated that she was in favor of the land swap and agreed that Option 1 seemed best. She stated that she had been a resident on Blue Beach Drive for 14 years and had never cared for the way that the park is. Ms. Murphy noted that there is a playground right next to an electrical substation and although it was fenced in, it was not welcoming to the community. She stated that she felt it would benefit the community much more to have the land swap, a much more defined square shape, and a more community-friendly setting.

Ms. Sibbald stated that she wanted to make a comment that she had made in August. She explained that there are two (2) entrances through the gate and through the fence on the church property to the park, noting that the church had been using that park for a playground since they put their school in. Ms. Sibbald stated that the church was allowed to have a church and a school because of the park, since they did not have any room for a playground and they were using the park for a playground. She indicated that the church uses two (2) entrances and exits to go back and forth with the children into the park and she did not know why it was just stated that there were no entrances there. Ms. Sibbald stated that this entrance was what the public was using when they would walk through the church property. Responding, Pastor Moore advised that this was not a public entrance, and when the church went in with the City to rebuild the fence and paid for the second half, they also paid to put the gate in because they do use it as a park, noting that it is a park to be used. He stated that this was not a public entrance and there was only one (1) gate there for the kids from the church to go in. At the request of Mr. Sudler, Pastor Moore referred to the map entitled "Mayfair Park - Potential Land Swap: Option 1," and identified the gate, noting that there was six-foot fencing that dropped to four (4) feet.

Ms. Elaine Kesselring, 1315 New Burton Road, stated that she was in favor of Option 1. She noted that everyone had said that she does not live on that street;

however, she can see everything that is happening, the park, and the property because it is wide open. Ms. Kesselring indicated that the field was the only thing between her and the church. She stated that she did not think that she would like to have the church landlocked, although she believed that it currently was. Ms. Kesselring explained that the church does not have access to their property for a parking lot, or if they want to build, etc. She stated that the only way to preclude anything happening in your backyard is to own the property.

Mr. Sam Knickerbocker, 943 Buck Drive, stated that he was in favor of the land swap and Option 1, which he thought benefitted both the church and the community for the park. He indicated that he has three (3) kids and thought it was an interesting area of the park. Mr. Knickerbocker noted that the church had been in Dover for 50 years and 40 years in that location. He stated that he is an attender of the church and several hundreds of people also attend. Mr. Knickerbocker advised that being in a landlocked position is detrimental not only to the church, but also to the community, because of all that takes place on the streets when there are events and activities. He noted that he knew there were a lot of legal issues and things that would have to be dealt with, as far as whether there would be a land swap or something else that would take place. Mr. Knickerbocker indicated that the most important question was whether this answer would help the community and also the church, and he stated that he thought it would benefit everyone.

Noting that this had nothing to do with the park, Mr. Neil stated that he was the producer of the 300th anniversary show honoring the City of Dover on May 7, 2017 and extended a personal invitation to Pastor Moore to have a group participate and perform on stage at this event. He asked Pastor Moore to contact him.

Mr. Neil stated that he was unsure if members were ready at this point to take any specific action, noting that if they indicate that they will move ahead with Option 1, there is still a lot of work to do. He stated that other agencies must be contacted to find out what must happen and details must be worked out, such as the costs and how it would move forward. Mr. Neil suggested making a motion to continue on the basis of Option 1 being favored, but to come back with a further report on the details of how the City would be able to do this.

Mr. Neil moved to recommend moving ahead with the process using Option 1 and coming back with a report at a later meeting, seconded by Mr. Anderson.

Mr. Hare suggested an addition to the motion, stating that he did not want the impression out there that members were the ones who wanted this, noting that this was not something the City was actively wanting to get done. He stated that he did not think that any City expense should be involved and any expenses should be incurred by the church, noting that it would be a bigger benefit for the church than for the City.

Responding to Mr. Sudler, Mr. Neil stated that he was receptive to a friendly amendment to the motion. Mr. Anderson stated that, as the seconder, he would agree to the motion since it is all part of the negotiation and he thought it was a good starting point.

Mr. Sudler requested the City Clerk to restate the motion and the friendly amendment to the motion for the record. Responding, Mrs. Traci McDowell, City Clerk, advised that the motion was to recommend moving ahead with the process using Option 1, that staff come back to the Committee with details at a later meeting, and that any expenses shall be incurred by the church.

Mr. Slavin noted that none of this would signify Council's approval for any action at this time, but would simply move the process further along. He supported, promoted, and encouraged the church and the neighbors to communicate the best they can on this issue. Mr. Slavin stated that he thought that members were missing a level of understanding and what the benefits would be to the church and the community, noting that in some ways he thought that it was a win-win for the community and the church.

Mr. Sudler echoed Mr. Slavin's comments, stating that the community and the church had a lot of questions and they should talk and try to work out a clear understanding of what would take place. He suggested that they may agree or agree to disagree. Mr. Sudler stated that members were trying to make sure that all City constituents are served and that there is a clear understanding.

Mr. Anderson stated that members had heard from five (5) people, an overwhelming number, who were in favor of Option 1 for various reasons. He asked what the essence was of the letter from Mrs. Schmidt and if it supported a particular option or the concept in general. As requested by Mr. Sudler, Mrs. McDowell read the correspondence from Mrs. Sunny O. Schmidt, dated December 13, 2016, into the record.

The Committee recommended moving ahead with the process using Option 1, that staff come back to the Committee with details at a later meeting, and that any expenses shall be incurred by the church.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Hosfelt absent).

Mr. Sudler moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Anderson and unanimously carried.

MONTHLY REPORTS - NOVEMBER 2016

By motion of Mr. Hare, seconded by Mr. Neil, the following monthly reports were accepted by consent agenda:

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Fire Chief's Report
Police Chief's Report

EVALUATION OF PROPOSALS - SALT STORAGE BARN

Mr. Scott Koenig, City Manager, advised that the need for a salt storage barn to be constructed at the rear of the Schutte Park property was identified. This building will allow City staff to store salt under cover, thereby greatly reducing the environmental impacts of this operation. Mr. Koenig noted that salt is currently stored at Old PW II (Water Street yard) under a tarp within the old wastewater treatment plant concrete clarifying rings. The current method of covering this material is inadequate and has potential environmental impacts on the St. Jones River. Mr. Koenig advised that this project will increase compliance with the City's NPDES MS4 permit, as housing the salt under a roof will dramatically decrease the environmental impact of salt entering a water body. He reminded members that the City of Dover received a Conciliation Order by Consent from the Secretary of the Department of Natural Resources & Environmental Control (DNREC), which was executed on June 29, 2016. Mr. Koenig advised that the order mandates that this salt barn be constructed within fourteen (14) months of the signed order, or August 29, 2017.

Mr. Koenig advised that bids received for this project in July 2014 did not meet the design requirements and a bid request in February 2016 received no responses. He advised that another proposal was advertised in October of 2016 and one responsive proposal was received from Dutchman Contracting, LLC of Denver, PA, for a base bid of $88,942. City staff reviewed the submissions and found that Dutchman Contracting, LLC's proposal met all the requirements for the qualifications of the project.

Responding to Mr. Anderson, Mr. Koenig advised that the additional $60,000 needed would come from the FY17 Street and Alley Program, Project Number 1701 and Staff expects that they will be able to bring all these projects in within the total authorized budget. He noted that it is possible that the segment that would be delayed is the last segment on the program which is currently Mockingbird Avenue. Mr. Koenig noted that, prior to Mockingbird Avenue being paved, the current order is Delaware Avenue; a small portion of alley that needs to be constructed between Kirkwood and West Streets, depending on the weather; Buck Drive; Lincoln Street; and Wyoming Avenue. Mr. Koenig stated that they are in the process of applying for Community Transportation Funds from various legislators to the program. He reiterated that Mockingbird Avenue is the last street on the plan and it could potentially be moved from the FY17 program to the FY18 program for budget compliance.

Staff recommended awarding the contract to Dutchman Contracting, LLC for the City of Dover Salt Storage Barn Project, RFP 17-0017PW, for the amount of $88,942. The remaining funds required for the construction of the slab, which will be built under the current Street, Concrete and Alley Program contract by George & Lynch has an anticipated cost of $33,458.

Mr. Neil moved for approval of Staff's recommendation, seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Hosfelt absent).

CLARIFICATION OF APPOINTMENT APPLICATION REQUIREMENTS/PROPOSED AMENDMENTS TO APPLICATION

During their Regular Meeting of October 10, 2016, City Council approved revisions to the application for appointment to a City Committee, Commission, or Board. After having received the new applications, Staff requested clarification on whether the application was sufficient or if a resume should also be requested, both for new applicants and members wishing to be reappointed.

Mr. Lewis advised that, after discussion with Mrs. McDowell, City Clerk, he agreed that the application should be revised to include more detailed information related to job duties and responsibilities and the requirement for resumes be eliminated.

Mr. Lewis moved for approval of the revised application (Exhibit #1) and elimination of the resume requirement for new appointments and re-appointments. The motion was seconded by Mr. Hare and unanimously carried.

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) DIRECTOR AND ALTERNATE DIRECTOR (SCOTT D. KOENIG, CITY MANAGER, AND HARRY A. MALONEY, ELECTRIC DEPARTMENT DIRECTOR)

By consent agenda, Mr. Hare moved to appoint Mr. Scott D. Koenig and Mr. Harry A. Maloney to serve as Delaware Municipal Electric Corporation (DEMEC) Director and Alternate Director, respectively. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Hosfelt absent).

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - ECONOMIC DEVELOPMENT COMMITTEE - CLAYTON E. HAMMOND II - ANNUAL APPOINTMENT TO EXPIRE MAY 8, 2017

Council President Slavin recommended the appointment of Mr. Clayton E. Hammond II to serve on the Economic Development Committee for a term to expire May 8, 2017.

By consent agenda, Mr. Hare moved for approval of the appointment of Mr. Hammond, as recommended by Council President Slavin. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Hosfelt absent).

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, thanked all the Public Works, Electric, Water, Sewer, Warehousing, Fleet Maintenance, Emergency Management, Police, and Fire staff for the additional efforts put forth to clear snow and maintain services over the weekend. Mr. Koenig noted that, other

than the library and recreation center closing a few hours early on Saturday, the weather over the weekend seemed to be handled relatively smoothly.

Mr. Koenig thanked City Council members for the discussion and opportunity to review a number of issues at the Retreat on Friday, January 6, 2017. He stated that he thought it was a very worthwhile effort and exercise and that he looks forward to the implementation of those discussions.

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Slavin echoed the City Manager's comments regarding the snow removal efforts and asked that Mr. Koenig pass along Council's thanks to all of the staff that were involved. He noted those who were sitting at home watching the snow fall do not know what it is like to ride up 20 feet in the air or in a snow plow and how dangerous that can be. Mr. Slavin stated that Staff did a tremendous job and that he had received an e-mail from a constituent stating that "the City nailed snow removal this time."

Mr. Hutchison advised that he had e-mailed Mr. Koenig about snow removal in his neighborhood.

Mr. Slavin advised that this was Police Chief Paul Bernat's last meeting and that his last day with the City would be that Friday. Mr. Slavin requested the right to invite Chief Bernat back to Council for a formal "thank you" upon his retirement.

Mr. Sudler stated that City Staff did a great job clearing the roads and thanked all of the public safety Staff.

Mr. Anderson thanked Chief Bernat for doing a great job being available to the community and engaging members of the community in a very, very positive way. He stated that he hoped the legacy that Chief Bernat started in restoring community policing, restoring the cadet program, and restoring the Police Athletic League continues because it has been tremendous in the community. Mr. Anderson also expressed appreciation that Chief Bernat was able to get more law enforcement officers, which was desperately needed in the community.

Mr. Anderson thanked the Public Works Staff, noting that he had not received one complaint about the snow removal.

Mr. Anderson thanked President Slavin for issuing a clarification and apologized for any misinterpretation on his part.

Mr. Lewis thanked Chief Bernat for his service, one law enforcement officer to another. He noted that he had met the Chief many years ago when he was getting his hair cut at the Colonial Barber Shop by the late Mike Sullivan and he had thought very highly of the Chief ever since.

Mr. Hutchison echoed the comments already made about Chief Bernat and personally thanked him for the leadership that he brought to the men and women of the Dover Police Department. He stated that, as Chief Bernat prepares to leave, he can be extremely proud of the foundation that he laid. Mr. Hutchison stated that he feels very strongly that Dover has the finest police department in the state of Delaware and noted that there has never been more demand placed on law enforcement. He

noted that training and selection of personnel continue to be extremely important and there will be future challenges, but Mr. Hutchison stated that he thought they were prepared to handle them.

Police Chief Paul Bernat thanked Mr. Hutchison, former Police Chief, for hiring him 27 and a half years ago, noting that he will think of him every month.

Mr. Lewis moved for adjournment, seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 8:19 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of January 9, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Revised Committee, Commission, and Board Application

CITY OF DOVER, DELAWARE

APPLICATION FOR COMMITTEE, COMMISSION, OR BOARD APPOINTMENT

Section 1 - Basic Information		
Full Name (Prefix/Title, Last, First, MI, Suffix/Designation)		
Address (No., Street, City, State, Zip)		
City of Dover residency is required for appointment to the Board of Adjustment, Compensation Commission; Dover Housing Authority; Election Board; Historic District Commission; Human Relations Commission; Legislative, Finance, and Administration Committee; Parks, Recreation and Community Enhancement Committee; Planning Commission; Property Maintenance Code Board of Appeals; Safety Advisory and Transportation Committee; St. Jones Greenway Commission; and Utility Committee.		
Phone (home)	Phone (cell)	E-Mail
1st 2nd 3rd 4th	I am / I am not registered to vote	
Council District	Voter registration is required for appointment to the Election Board.	
Please list any elected or appointed office that you currently hold under the government of the United States or the State, County, or City. No member of the Ethics Commission or Human Relations Commission shall hold any elected or appointed office under the government of the United States or the State, County, or City. No member of the Board of Adjustment, at the time of appointment and throughout the term of office, shall be candidates nor members of the legislative body nor employees of the City.		

Section 2 - Employment Experience - Please provide your professional work history (most recent first)		
Employer/Company	**Position/Title**	**Start and End Dates**
Please provide a brief description of the duties and responsibilities below.		
Employer/Company	**Position/Title**	**Start and End Dates**
Please provide a brief description of the duties and responsibilities below.		
Employer/Company	**Position/Title**	**Start and End Dates**
Please provide a brief description of the duties and responsibilities below.		

Section 3 - Professional Licenses and Certificates		
License/Certificate	**Date Issued/Date Expires**	**Status** (active, inactive, pending)

Section 4 - Education - Please provide your complete educational backgrounds. Dates do not have to be exact.			
	School	**Certificate, Diploma, or Degree**	**Dates Attended**
High School			
College			
Other			

Section 5 - Organizations/Society Memberships, Previous Experience Serving on Committees, Community/Volunteer Experience - Please list all organizations and societies of which you have been, or are currently, affiliated.		
Organization Name	**Previous**	**Current**

Section 6 - Questionnaire
Please provide the name of the Committee, Commission, or Board on which you are interested in serving. See Committee, Commission, and Board Listing.
Provide any special knowledge, education, experience, qualities or talent that qualify you to serve on the committee, commission or board listed above.
Please explain why you wish to serve on this committee, commission, or board.

Please describe what skills you have that would enhance the productivity of the committee, commission, or board.

Do you, your spouse, or any immediate family members have any potential conflicts of interest (personal or financial) that could require you to recuse yourself from votes of the committee, commission, or board for which you are applying? If yes, please explain.

No Yes

Do you, your spouse, or any immediate family members own real property, personal property, financial holdings or receive income from any source which might present, or appear to present, a conflict of interest with your requested appointment? If yes, please explain.

No Yes

Have you, your spouse, or any immediate family members ever been affiliated (as an officer, owner, director, trustee, partner, advisor, or consultant) with any institutions (corporations, firms, partnerships, business enterprises, non-profit organization, etc.) which might present, or appear to present, a potential conflict of interest with your requested appointment? If yes, please explain.

No Yes

Do you have a personal or business relationship with any members of City Council, members of any City committees, commissions, or boards, or employees of the City of Dover? If yes, please list them.

No Yes

Have you ever been registered or served as a lobbyist (paid or unpaid) with the State of Delaware or any government organization? If yes, please list the organizations you represented.

No Yes

Have you been convicted of a misdemeanor or felony as an adult? If yes, please explain.

No Yes

Are you currently under any federal, state, or local investigation for violation of a criminal law? If yes, please explain.

No Yes

Please list three references that are not related to you and would be able to speak to your ability to serve on this committee, commission, or board.

I acknowledge that I am in good financial standing with the City of Dover, which includes being current on all taxes, utilities, and other obligations owed to the City. Yes No
I acknowledge that applications are public documents and are subject to disclosure under the Freedom of Information Act of the State of Delaware if requested. Yes No
I certify that the information submitted in this application is true to the best of my knowledge and recognize that if any of the information included in this application is false, my application may be disqualified from consideration. If any information in this application changes during the consideration process or during my term if appointed, I agree to submit the updated information to the City Clerk's Office to be appended to my application as soon as possible. Yes No
Signature Date
The following questions are optional. They will enable the appointing authority to consider the appointment of a diverse group of individuals.
Are you a person with a disability? Yes No Do you have a relative with a disability Yes No
Please describe your gender
Please describe your ethnicity

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 10, 2017 at 5:01 p.m. with Council President Slavin presiding. Members present were Mr. Anderson, Mr. Cole, Mr. Hare, Mr. Hutchison, Mr. Neil, and Mr. Sudler. Mr. Hosfelt and Mr. Lewis were absent. Mayor Christiansen was also present.

Council staff members present were Mr. Pepper, Mr. Koenig, Mrs. Townshend, and Mrs. McDowell. Mr. Hudson was also present.

ADOPTION OF AGENDA

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

Mr. Neil moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(4) - Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body. The motion was seconded by Mr. Anderson and unanimously carried.

The Special Council Meeting recessed into Executive Session at 5:02 p.m.

The Executive Session adjourned at 5:30 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Status Report - Non-Conforming Use Project

During the Executive Session, members of Council were provided a status report on the non-conforming use project.

Mr. Hutchison moved to proceed with contacting the Alcoholic Beverage Control Commissioner (ABCC) and proceed with an enforcement action. The motion was seconded by Mr. Sudler and unanimously carried.

Mr. Sudler moved to notify the Elks Club, via certified and hand-delivered letter, and to the Exalted Ruler, via certified mail to his home address, to cease operations. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Neil moved to adjourn the Special Council Meeting, seconded by Mr. Cole and unanimously carried.

The Special Council Meeting adjourned at 5:33 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of January 10, 2017 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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CERTIFICATE OF APPRECIATION AND CONGRATULATIONS

presented to

Bradley S. Eaby

who was sworn in as Second District Kent County Levy Court Commissioner in January 2007, was elected Vice President of that august body in 2013, and continued to serve in that capacity until December 26, 2016. Throughout his service, Mr. Eaby displayed a level of skill and professionalism that fostered the respect of his colleagues and enhanced the quality of life for the residents of the City of Dover and Kent County. Mr. Eaby has resigned his seat on Kent County Levy Court to accept a position as State of Delaware Deputy Attorney General in the Civil Division, representing the Department of Transportation.

The City of Dover extends sincere appreciation for Mr. Eaby's dedication and commitment to Kent County and the City of Dover, offers congratulations on his new appointment, and wishes him great success in all future endeavors.

January 23, 2017

ROBIN R. CHRISTIANSEN	***TIMOTHY A. SLAVIN***
MAYOR	***COUNCIL PRESIDENT***

PROCLAMATION

WHEREAS, *Dr. Carter G. Woodson, the son of former slaves and a Harvard University scholar, noticed that black history was largely ignored or misrepresented in American History. Determined that the rich heritage of black Americans would not be forgotten, he founded the Association for the Study of African American Life and History in 1915 and organized the first celebration of Negro History Week in 1926. Black History Month became Dr. Woodson's legacy and is celebrated each February throughout the United States; and*

WHEREAS, *the Association for the Study of African American Life and History has selected "The Crisis in Black Education" as the 2017 National Black History Month theme; and*

WHEREAS, *in November 1922, the Delaware School Auxiliary Association provided funds through the generosity of Pierre S. du Pont to open Booker T. Washington Elementary School, which was the State's largest African-American school; and*

WHEREAS, *Delaware State University was founded in 1891 as the State College for Colored Students, one of the country's first land-grant educational institutions, with a primary focus on agricultural and educational courses of study. Delaware State University currently includes a 67 percent African-American enrollment and is nationally recognized as a Historically Black College and University (HBCU).*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE *do hereby proclaim February 2017 as*

BLACK HISTORY MONTH

in the City of Dover and urge all citizens to reflect on the crucial role of education in the history of African Americans.

Robin R. Christiansen
Mayor

DOVER HUMAN RELATIONS COMMISSION

The Dover Human Relations Commission (DHRC) meeting was held on November 17, 2016 at 6:06 p.m. with Chairman Henderson presiding. Members present were Mr. Gaddis, Reverend Paige, and Mrs. Sadusky. Ms. Bogle and Ms. Mullen were absent.

AGENDA ADDITIONS/DELETIONS

Mr. Gaddis moved for approval of the agenda, seconded by Reverend Paige and unanimously carried.

Chairman Henderson welcomed Mr. Gaddis as a new member of the Dover Human Relations Commission representing the Third District.

Election of Committee Chairs - Communications and Government Policy, Programs, and Practices Committees

Mr. Henderson noted that the positions of Chair were open for the Communications and Government Policy, Programs, and Practices Committees.

Mrs. Sadusky moved to open the floor for nominations for Chair of the Communications Committee, seconded by Mr. Gaddis and unanimously carried.

Mr. Henderson advised that the Communications Committee had outlined objectives from past meetings and suggested that the minutes from the previous meetings be reviewed to get an idea of the direction to go in, noting that there was flexibility in terms of what the Communications Committee would do.

Mr. Henderson moved to nominate Reverend Rita Mishoe Paige to serve as Chair of the Communications Committee.

There being no further nominations, Mr. Henderson closed the floor for nominations.

By unanimous consent, Reverend Rita Mishoe Paige was elected to serve as Chair of the Communications Committee.

In response to Reverend Paige, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, explained that Election of Chairs was placed on the agenda for both the Communications Committee and the Government Practices, Policies, and Procedures Committee. Chairman Henderson noted that the Government, Policies, Practices and Procedures Committee, which Mr. James McGiffin had previously chaired, was still open.

DHRC Committee Updates

Community Engagement Committee (Mullen)

No update was provided.

Education Committee (Bogle)

No update was provided.

Old Business

DHRC Diversity Research Project

During the Dover Human Relations Commission Meeting of October 18, 2016, members considered the DHRC Diversity Research Project. Mr. James McGiffin, former DHRC Commissioner, stated that he had written up the results of the DHRC questionnaire and survey in the DHRC Diversity Research Project report, which was distributed to members of the Commission, and he hoped that members would read and react to the report by making observations and possibly developing recommendations. Mr. McGiffin and Mrs. Sadusky had submitted observations; however, Mr. McGiffin stated that the other members had not. He indicated that it would be helpful for a couple of people to develop a plan regarding the observations and conclusions from the report outside of a DHRC meeting. Mrs. Sadusky offered to work with Mr. Henderson on developing a plan.

Members were provided recommendations in response to the DHRC Diversity Research Project developed by Mr. Henderson and Mrs. Sadusky ***(Attachment #1)***. Mr. Henderson noted that Question #1 in the Diversity Research Project questionnaire was, "Are diversity and cultural competency articulated as values in any mission/vision/value statement developed by the City?" Mr. Henderson noted that Mr. McGiffin had indicated in his observation regarding Question #1 that, "The professional leadership was surprisingly unaware of the published statements about diversity." Mr. Henderson explained that he and Mrs. Sadusky went to the City of Dover website, which he stated was a work in progress, to see whether the various departments had the word "diversity" in their mission statements and found that they did not. He indicated, therefore, that the response to Question #1 was that diversity and cultural competency were not articulated as values. Mr. Henderson advised that he and Mrs. Sadusky recommended that the City add "cultural competence" to the City of Dover mission statement and that this statement be seen as the City's website is opened up.

Mr. Henderson noted that he and Mrs. Sadusky had focused on the first three (3) questions in the survey, because these questions provided answers to the other questions, which were almost repetitive. For example, Question #5, "Is there any history, event, symbol, figure that affects diversity and cultural competency?" He stated that they felt that if the City's mission statement reflected diversity and cultural competency, this would be passed on through the departments.

Mrs. Sadusky advised that she had obtained the City of Dover mission and vision statements ***(Attachment #2)*** from Mrs. Traci McDowell, City Clerk. She indicated that she and Mr. Henderson had thought that diversity was mentioned in the mission statement; however, in actuality it was in the vision statement. Mrs. Sadusky stated that she and Mr. Henderson recommended that cultural competence be added to this.

Mr. Henderson advised that more work needed to be done before submitting the report to City Council, noting that the Commission now had recommendations; however, observations and conclusions needed to be developed, as stated on the last page of the DHRC Diversity Research Project Report. Mr. Henderson noted that Mrs. Sadusky had recommended diversity training of some type and asked her to elaborate. Responding, Mrs. Sadusky explained that the idea for annual diversity training came from a comment that Reverend Paige had made to her that most State agencies, including Reverend Paige's employer, require annual diversity training. Mrs. Sadusky

stated that she thought it would be a good idea to have annual diversity and cultural competence training. She noted that she had heard the term "cultural competence" for a number of months and had not known what it meant until she spoke with Mr. Henderson. Mrs. Sadusky indicated that any kind of training that the City could do for their employees would be beneficial to everyone.

Noting that Mr. Gaddis had been a Spanish teacher, Mr. Henderson stated that Recommendation #10, "The City of Dover leadership will strive to make its services accessible to people with limited English proficiency," spoke almost directly to Mr. Gaddis. Responding, Mr. Gaddis explained that he had been a high school Spanish teacher and had worked with a Cuban refugee family for half of his freshman year at Rutgers while they were sponsored by a local church, which was a fascinating experience. He stated that these individuals were highly-paid professionals in Cuba who had a home on the beach as well as a home in town; however, their limited language ability put them into unskilled jobs. Mr. Gaddis advised that it had been his intent to help them learn English; however, he learned more from them than they did from him.

Mr. Henderson asked if members understood the definition of cultural competency, stating that he had his own idea of cultural competency and diversity. Responding, Reverend Paige stated that cultural competency means that an individual coming from one culture is just as competent as someone else coming from a different culture, and Mr. Henderson agreed.

Mr. Gaddis stated his opinion that cultural competence is acceptance of the person you are confronting, regardless of who that person is or where they came from, and treating that person with respect and normal human dignity, even if you may disagree with them. He indicated that he tried to get across to his foreign language students that you have to look at and accept what is there before making a judgment, explaining that you meet a new person, accept that the person is a different individual, and make a judgment after getting to know them. He stated that you do not have to like the person or like Spanish, but must give the person a chance to get to know you and give yourself a chance to know them, regardless of origin. Mr. Gaddis noted that, in applying this to a city like Dover, it would be hard to cover every language that would be spoken in the population. He explained that he could not deal with those who speak Chinese or Russian; however, must try to help and respect them.

Mr. Henderson stated that he would describe cultural competency as acceptance of a person's background, noting that you may not understand it but you still accept and are sensitive to their background and diversity. He advised that he is enraged when people make insensitive jokes about others. Mr. Henderson stated that he thought competency is related to the word "component," explaining that all people are part of our community, and there should be a sensitivity toward that.

Mr. Henderson referred to Recommendation #8, "The City of Dover will provide stimulating, educational inservice training (about 4 hours) annually for all members of its staff, including leadership. This can include video presentations, (i.e., "Cracking the Code"), outside speakers, discussion etc." He advised that he had seen "Cracking the Code," which was an excellent movie. He noted that training that brings in outside speakers and discussions would help people understand that it is not all about them and the way that they see the world.

Mr. Gaddis advised that he was a fan of "Star Trek: The Next Generation" and had shown an episode called "Dharma" in his classroom that was a prime example of attempting to communicate and trying

to understand communication in a totally different context. He explained that the Star Trek crew eventually came to understand how another culture communicated through metaphor. Mr. Gaddis indicated that different expressions were repeated until a crew member finally understood what it meant and was then able to use metaphor as well. He stated that he found it fascinating, explaining that it was similar to what non-English speakers encounter when listening to people who speak English. Mr. Gaddis indicated that this is also what people who speak English encounter if they try to understand people who do not speak English, noting that the "if" is a problem.

Mr. Henderson informed members that he had attended a Delaware State Human Relations Commission seminar where an eye-opening film was shown that talked about Hispanic culture and was as good as "Cracking the Code." He noted that the Hispanics had gone into zones where other businesses would not go, improving the community and enhancing the city. Mr. Henderson indicated that diversity and cultural competency are good for the community and that it makes sense to open a community to all God's people.

Mr. Gaddis stated that other people do not realize that getting to know another culture is good for each individual and makes them more sensitive.

Mr. Henderson reiterated that the Commission had observations and recommendations related to the Diversity Research Project, and the next step would be to join the observations and recommendations. He stated that he would be willing to tackle this challenge. Mrs. Sadusky suggested that she and Mr. Henderson meet one (1) more time before the next DHRC meeting to work on joining the observations and recommendations.

Mrs. Stein advised that after the report was finished, it would go to Council for review and consideration. She indicated that the observations and conclusions would be inserted in the report, noting that Mr. McGiffin had completed the other portions of it. Mrs. Stein explained that the report would first be considered by the DHRC for review and approval.

Mrs. Sadusky stated that Mr. McGiffin's report looked pretty thorough and asked if it needed to be polished up. Responding, Mrs. Stein explained that Mr. McGiffin had asked members to provide input regarding their observations, conclusions, and recommendations, noting that input was received from Mr. McGiffin and Mrs. Sadusky. She noted that Mr. Henderson and Mrs. Sadusky had submitted recommendations and the idea was to link the recommendations with what members observed from the study.

In response to Mr. Henderson, Mr. Gaddis stated that he would be interested in working on completing the report.

Mrs. Sadusky moved that she, Mr. Henderson, and Mr. Gaddis would get together before the next DHRC meeting to summarize the recommendations and observations and put them together in a concise form, seconded by Mr. Gaddis and unanimously carried.

Mr. Gaddis offered his home as the site for this meeting.

Development of Concise Statement - Mission and Functions of DHRC

During the Dover Human Relations Commission meeting of October 18, 2016, members considered the Development of Concise Statement - Mission and Functions of DHRC and tabled the discussion regarding the development of "an elevator speech."

Mrs. Sadusky reminded members that they had planned to come up with a thumbnail description that would let people know what the DHRC does and what members do on the Commission, so that members would all be unified in what they say, if they are asked. She suggested that this be taken from the mission and vision statements in the City of Dover Human Relations Commission Strategic Plan 2015-2018.

Mr. Henderson asked if the mission was for each member to come up with an explanation. Responding, Mrs. Stein explained that the idea was for members to provide input so that they could agree on a brief summary. She indicated that she was unsure if members had thought about this or brought any suggestions to the meeting.

Mr. Gaddis noted that the vision statement was brief and indicated that he thought that members were trying to cut the three (3) paragraphs of the mission statement down into a sentence or two (2).

Mr. Henderson noted that this matter had been tabled during the last meeting and suggested that members agree to look over the mission and vision statements to come up with a plan at the next meeting. Responding, Mrs. Sadusky suggested that members look over just the mission statement. Mr. Henderson agreed, stating that the vision statement was good, but the mission statement could be capsulized into something shorter.

Mrs. Sadusky asked if members should send their comments to Mr. Henderson. Responding, Mrs. Stein stated that members could email their input to the City Clerk's Office for inclusion in the packet for the next meeting.

Mrs. Sadusky asked if members were looking for two (2) or three (3) sentences, and this was confirmed by Mr. Henderson.

Mrs. Stein noted that Ms. Bogle had termed this statement as an "elevator speech."

Mrs. Sadusky suggested that members come up with a deadline as to when they should submit information to the City Clerk's Office regarding their summaries. After further discussion, members agreed to establish a deadline of January 6, 2017.

DHRC Vacancies

Mr. Henderson noted that the Commission had a vacancy in the Fourth District and no representatives from the First District.

Mrs. Sadusky stated that she lives in the First District and asked if anything had happened with the recommendations that she had made for members. Responding, Mrs. Stein stated that one (1) gentleman had picked up an application but it had not been received by the City Clerk's Office. In response to Mr. Henderson, Mrs. Stein explained that the gentleman was from the First District.

Mr. Gaddis suggested getting in touch with a clergy person for a suggestion as to who might want to serve, and to get that person to at least apply. Responding, Reverend Paige pointed out that she and Mr. Henderson were both clergy and indicated that she was thinking of another attorney. Mrs. Sadusky stated that this was a good idea.

Mr. Gaddis suggested putting an ad in the Delaware State News or Dover Post. Responding, Mr. Henderson advised that it was the job of City Council to appoint people from each district, noting that he had been approached by Councilman Hare. Mr. Henderson indicated that he had been asking for additional members and they had been coming through. He explained that Council President Timothy Slavin is responsible for getting members on the Commission and stated that he would continue to press him. Mr. Henderson stated that a couple of months ago the DHRC was a great commission, everybody was involved, and things were happening. He explained that several members had resigned from the Commission since DHRC members cannot hold any other elected or appointed offices while serving. Mr. Henderson stated that there were currently four vacancies, which was approximately half of the Commission.

Mr. Gaddis expressed his understanding that the current DHRC was the second iteration of the Commission.

Mrs. Sadusky stated that she would mention the DHRC to her neighbor, who had expressed an interest. She advised that she had received an email from him and suggested that he contact the City, so she was unsure what happened and would double check with him. In response to Mr. Henderson, Mrs. Sadusky stated that her neighbor lived in the First District. She noted that this individual had served on the previous Commission, and he also had a neighbor who had expressed an interest.

Future Meeting Dates

After discussion, members agreed to schedule the next meeting for Thursday, January 19, 2017 at 6:00 p.m.

Reverend Paige moved for adjournment, seconded by Mr. Gaddis and unanimously carried.

Meeting adjourned at 6:53 p.m.

Theodore A. Henderson
Chair

TAH/JS/tm/dd
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Attachment
Attachment #1 - Response to the DHRC Diversity Research Project developed by Mr. Henderson and Mrs. Sadusky
Attachment #2 - City of Dover Mission and Vision Statements

In response to the the Dover Human Relations Commission's Diversity Research Project, The Dover Human Relations Committee wishes to make the following recommendations to the City of Dover Council, requesting they be seriously considered for adoption or implementation during 2017.

First of all, however, The DHRC would like to commend the City of Dover for their very fine Mission Statement, which clearly expresses the importance of diversity to the city.

Recommendations:
Cultural Competence can be defined as "A set of congruent behaviors, attitudes, and policies that come together in a system, agency or among professionals and enable that system, agency or those professions to work effectively in cross-cultural situations.

1. Add the words "cultural competence/competency" to the end of Dover's Mission statement, so it would read: "... where all citizens are heard, enjoy a high quality of life, and where diversity is valued and cultural competence is promoted."

2. The City of Dover's Mission and Vision statements should be visible on the first page of the City of Dover's website, so that it is the first thing one sees when looking up our fine city.

3. Each department's main page should reflect the City of Dover's mission and vision statement within their statement on their first page that tells about their department. Some great examples of this are found on the City Clerk, the Human Resources and the City Council's pages.

4. Economic Development Department will develop a statement and goal that reflects the value of fair hiring practices of contractors, exemplifying the diversity of contractors in Kent County and in Dover/ Delaware.

5. All Department leadership and staff members will be made aware of the City's mission Statement and the importance of the values of diversity and cultural competence to our city's Mayor and leadership.

6. The Mayor's page will reflect at least one statement that shows he values diversity within our city and strives for honoring this part of the vision and mission statement of the city.

7. Ensure the City's Mission and Vision Statements are prominently posted in City Hall and within each department for all to read.

8. The City of Dover will provide stimulating, educational inservice training (about 4 hours) annually for all members of it's staff, including leadership. This can include video presentations, (i.e. Cracking the Code), outside speakers, discussion etc.

9. Dover's Human Resources Department will adopt a particular measure for employee and customer satisfaction, for regular use.

10. The City of Dover leadership will strive to make it's services accessible to people with limited English proficiency.

11. Community Clean-up Day and the disbanded Youth Advisory Council are good examples of the City's efforts to promote diversity in the workplace. More activities like this can be initiated. Additionally, events that promote diversity and cultural competence education will be advertised and encouraged to be attended by city staff members. (suggestion: members of one dept. attend each major event each year. Ex. The Finance Dept leadership will attend the African American Festival. At least two leadership personnel from the City Manager's office will attend a library sponsored event about diversity.)

City of Dover

VISION

The City of Dover is a place where people want to live! Through the team effort of its elected officials, employees, and citizens, Dover is a clean and safe community with a future of balanced growth and opportunity where all citizens are heard, enjoy a high quality of life, and diversity is valued.

MISSION

It shall be the mission of the City of Dover to advance the following policies and projects however and whenever possible:

- *Establish a Regional Library in Dover.*
- *Promote Homeownership and Affordable Housing.*
- *Maintain and Improve the City's Infrastructure and Implement Brown Water Solutions.*
- *Strengthen Property Maintenance and Enforcement.*
- *Develop a Plan to Secure Electric Generation for the next 20 years.*
- *Support the Building of an Inner City Cultural Center.*
- *Implement Economic Development Strategy.*

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on January 10, 2017 at 6:01 p.m., with Council President Slavin presiding (departed at 6:13 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hare, and Mr. Hutchison. Mr. Lewis and Mr. Hosfelt were absent. Mayor Christiansen was also absent. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

AGENDA ADDITIONS/DELETIONS

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

Proposed Ordinance #2017-01 Amending Chapter 70 - Offenses and Miscellaneous Provisions and Appendix F - Fees and Fines (Disorderly Premises)

During the Regular City Council Meeting of September 26, 2016, members approved the recommendation of the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee to request that staff create a disorderly premises ordinance for consideration by the Committee within 60 days.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that they had asked her to work with the Police Department to adapt New Castle County's Disorderly Premises Ordinance to Dover. She indicated that staff had done this, and Proposed Ordinance #2017-01 had been reviewed by Mr. William Pepper, Deputy City Solicitor, the Police Chief, and the Deputy Police Chief. Mrs. Townshend explained that the Proposed Ordinance addressed the issue of disturbing activities and how they are dealt with for tenant-occupied, rather than owner-occupied premises. She stated that notice would be served and there would be applicable fines, noting that if there were three (3) violations within a 12-month period, the Police Department would notify the Department of Planning and Inspections, who would begin a Provisional Order, which is the first step toward revocation of a business license. Mrs. Townshend stated that fines listed on the second page of the Proposed Ordinance would be included in the fine section of the code and were not embedded in the ordinance itself. She stated that the ordinance included information that members reviewed previously, with the language adapted for Dover. Mrs. Townshend advised that the ordinance would be enforced by the Police Department, who would turn issues over to the Planning Department if there was a need to take action on a business license.

Mr. Anderson questioned the scope of the ordinance. He noted that Mrs. Townshend had referred to business licenses and asked if the ordinance also applied to rental houses. In response,

Mrs. Townshend indicated that the Proposed Ordinance would apply to any premises, so it could apply to both businesses and rental properties. She stated that staff had considered that the Safe Communities Ordinance would apply to rental homes.

Mr. Anderson asked if the Proposed Ordinance would include residential and commercial properties, and Mrs. Townshend stated that it would, noting that there was a different mechanism in the Safe Communities Ordinance for suspension of rental permits already in existence. She stated that staff could add rental suspension into the Proposed Ordinance so that there would be one (1) more enforcement mechanism in this component as well.

Mr. Anderson stated that it could also be made clear that violations of the Disorderly Premises Ordinance would trigger the Safe Communities ordinance. He stated his concern was that the ordinance looked like it would apply to rental properties; however, he did not see a triggering mechanism in the ordinance.

Mrs. Townshend advised that staff was looking at the Disorderly Premises and the Safe Communities Ordinances being parallel, noting that there is the same notification process within the Safe Communities Ordinance. She explained that Proposed Ordinance #2017-01 would fill the gap by addressing business uses, noting that the City cannot shut down an owner-occupied property by revoking the license; however, the Police Department could issue fines that could become substantial. Mr. Anderson noted that a $1,000 fine was included.

Mr. Hutchison stated his understanding that if a renter was creating a problem, the renter would be cited rather than the owner. Responding, Mrs. Townshend stated that the Police Department would issue the fines; therefore, they would determine who the fines are issued to. She expressed her assumption that the Police Department would show up at the premises and issue fines to the occupant.

Mr. Hutchison stated that he liked what he read in the Proposed Ordinance; however, he wanted to make sure that the renter of the property would be held responsible rather than the owner. Responding, Mrs. Townshend advised that in the Safe Communities Ordinance, there is notification to the landlord before it gets to that point. She explained that staff had not had to suspend a rental permit under the Safe Communities Ordinance yet, but there had been a number of cases where there had been notification to a landlord who had no idea that something bad was going on, and the landlord stepped in at that point.

Mr. Hare advised that in his district there had been an issue with a house with a lot of trash and noise, with 10 - 15 people living in the house where there was only supposed to be four (4). He stated that the landlord was advised and was not upset but had asked the City to suspend their rental license and stated that they had been trying to get rid of the tenants for six (6) months. Mr. Hare indicated that landlords are notified if there is an issue and may say that they will try to take action.

As one (1) of the sponsors of the Proposed Ordinance, Mr. Slavin advised that it was not his intent to go after the landlords, stating his feeling that protections are already in place for this. He noted that the hole that exists is that behavior on the part of the renters cannot be penalized and the City

could only go after the landlords. Mr. Slavin indicated that the Proposed Ordinance would allow the City to go after the people who are causing the problem. He noted that if a problem persists, it would become a landlord problem, and the landlord would be notified.

Mr. Hutchison stated that, after reviewing the ordinance, he believed it would enhance the City's ability to protect its citizens.

Mrs. Townshend advised that the Police Department and Code Enforcement Division had improved their communications relating to nuisance activities at rental properties in a meaningful way, and the Planning Department was getting very good information flow from the Police Department so that the Planning Department could respond appropriately.

Mr. Caldwell noted that a lot of tenants can cause problems outside the premises. In response, Mrs. Townshend advised that it appeared that the Proposed Ordinance addressed the vicinity, since it referenced obstructing vehicular or pedestrian traffic. She stated that the Proposed Ordinance could be enforced if it could be documented that the offenses were connected to the premises.

Mr. Sudler noted that there were two (2) concerns with the Proposed Ordinance regarding clarity and questioned whether the ordinance as written could address these concerns, or if clarification should be adopted into the ordinance. Responding, Mrs. Townshend stated that she thought the Proposed Ordinance as written would address the concerns and felt this was a matter of how it was applied. She expressed the need to work with both the Planning and Police Departments to make sure they understood that the Proposed Ordinance would be used in conjunction with the Safe Communities Ordinance and would address some of the things that Safe Communities did not get to.

Mr. Sudler suggested, when the Planning Department works with and has dialogue with the Police Department, that this dialogue be reported and disseminated among the Committee for the record. He indicated that this could be done to fall back on in case a situation comes up so that members could say what the intent of the ordinance was and that it was clarified. Mrs. Townshend agreed to Mr. Sudler's suggestion.

Mr. Hutchison moved to recommend adoption of Proposed Ordinance #2017-01, seconded by Mr. Neil and unanimously carried.

Mr. Hare moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 6:13 p.m.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

AGENDA ADDITIONS/DELETIONS

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

Dedication of Rights-of-Way and Public Infrastructure - Emerald Pointe

Mr. Scott Koenig, City Manager, stated that the City of Dover Department of Public Works had requested that all public infrastructure improvements related to the Emerald Pointe subdivision be dedicated to the City of Dover for permanent ownership and maintenance.

Referring to the list of public improvements associated with Emerald Pointe, as well as a map depicting the general location and configuration of the subject rights-of-way, Mr. Koenig informed members that the total construction value of the public improvements was $1,458,660.13.

Mr. Koenig reminded members that Council voted to abandon the stub portion of Topaz Circle south of Aquamarine Court in 2016. He stated that the removal of the curbing and paving in this area would be completed in 2017, in conjunction with other work throughout the City.

Mr. Koenig explained that staff had been monitoring a small sewer system issue, and if the City repaired the sewer system to bring it completely within standards, they would have to cut the road, which in some cases reduces the life of the road. Because the system had been performing, his recommendation was not to repair the sewer because the repair would not yield any value to the overall infrastructure. Mr. Koenig advised that staff had been happy with the monitoring of this subdivision, all houses had been built, and Certificates of Occupancy had been issued. He reiterated that Council had taken action on the stub street, noting that after the dedication, upright curbing would be installed and the existing macadam would be removed. Mr. Koenig advised that property owners could then proceed with modification of their deeds to acquire that property if they so choose. Mr. Koenig stated that, to his knowledge, all of the houses in this subdivision were occupied, unless vacated through moving, etc.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure of the Emerald Pointe Subdivision, with dedication to include all of the referenced public improvements.

Mr. Neil moved to recommend approval of Staff's recommendation, seconded by Mr. Blakeman and unanimously carried.

Mr. Hare moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Blakeman and unanimously carried.

Meeting adjourned at 6:19 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held with Chairman Hare presiding.

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

Property Tax Credit Request - Route 8 (New Development)

Mr. Scott Koenig, City Manager, advised members that the request for a property tax credit for new development on Route 8 came out of the City Manager's Office based on discussions with a developer of land along the Route 8 Corridor. He indicated that staff had been working with the developer of land on the south side of Route 8 which was formerly owned by Ennis Business Systems, LLC. Mr. Koenig stated that there had been associated demolition of buildings and the property had been cleared in anticipation of future development. He explained that Franchise Management Services, Inc. c/o Mr. Nick Nastazos was proposing to build a new Dunkin Donuts facility, as well as other commercial space, on property located at 1116-1128 Forest Avenue. Mr. Koenig stated that the Route 8 traffic study envisioned a service road across the rear of this parcel, which would connect to the existing traffic light at the Modern Maturity Center and travel east towards the Gateway West Shopping Center. He explained that the overall traffic plan envisioned a full stoplight at the Modern Maturity Center, east-west stopping on Forrest Avenue, the existing southbound light at the Modern Maturity, and a full signal light which would allow cars access out of the site onto Route 8.

Mr. Koenig indicated that the concept plans of the Route 8 study included a service road with one (1) lane in each direction running from the Modern Maturity light in a southerly direction across this property to the rear, and then in an easterly direction to Gateway West. He indicated that in the development site plan for the property immediately east of the subject property, which includes several doctors' offices, an easement is reserved at the rear of the property for a future access road. Mr. Koenig advised that, in discussing this proposal with the current developer, he asked for consideration from the City of Dover for a tax credit for a period of time to reserve the potential for construction of the service road.

Mr. Koenig explained that the concept would be to assume that the land is approximately five (5) acres in size. He stated that the area needed for a proposed service road would equate to 1.5 acres of land. Mr. Koenig advised that instead of paying City of Dover property taxes on the entire five (5) acres, the developer would only pay property taxes on 3.5 acres of land. He indicated that this tax credit would only be for the land component. Mr. Koenig stated that the developer would pay full property taxes for all buildings and other improvements on the land, and the proposed property tax agreement would be for a 20-year term. He noted that if the service road was actually constructed across the property to public road standards, then the right-of-way for the service road as well as the improvements associated with the road would be dedicated to the City of Dover, and the City would draft a formal agreement for signature by the developer and the City. Mr. Koenig

stated that this approach would allow the City to preserve the service road concept across the development parcel without disrupting the development process.

Mr. Koenig informed members that he was interested in this approach because he did not want to purchase the land from this developer, and the reservation or the tax credit was a good way for the City to keep the concept alive without negatively impacting the overall tax revenue from the property. He explained that, assuming that Mr. Nastazos does the construction, there would be new building features at this location that would have full property tax, and the only credit would be the final alignment of a future road right-of-way or road easement. Mr. Koenig indicated staff had assumed that the service road would never happen, and if the City did not want to pursue this 10 or 15 years down the road, there could be language included that would allow the City to basically abandon the concept and at that point stop offering the tax credit. He advised that, on the other hand, the City would have a 20-year time frame to get the service road constructed, and if it is not constructed, the property would be unencumbered by the tax credit after the 20-year horizon. Mr. Koenig stated that this concept had been discussed at the developer-staff level and, if approved, staff would draft and execute the agreement. He noted that if Council chose not to move it forward, staff would abandon the concept and inform the developer.

Staff recommended authorizing the City Manager to execute a tax credit agreement for the purpose of reserving area for a future service road across the properties located at 1116-1128 Forrest Avenue.

Mr. Anderson asked if this approach would transfer with ownership transfers. Responding, Mr. Koenig stated that staff had not gotten that far into the discussion; however, he felt that the answer would be no and that the discussion was with the current developer.

Mr. Anderson stated that tax credits in the City usually exist just for 10 years and 20 years would be unusual. He asked if this was suggested because staff wanted to maintain the City's flexibility for up to 20 years. Responding, Mr. Koenig advised that he had suggested 20 years because it takes a long time for roads or road concepts to be approved. He indicated that he did not think 10 years would be long enough in this case and requested consideration of 20 years.

Mr. Shevock questioned if the developer would pay for any of the roadway and how far he would take the service road back. Responding, Mr. Koenig indicated that there was a kind of caveat with the developer that the City would show him an alignment that would allow him to build a service road component and then dedicate it. He was interested in this concept so that he would not have future maintenance responsibilities for the road. Mr. Koenig noted that they had not fully discussed at what point this would happen. He indicated that the developer was very adamant about building the first building but was concerned about the total all-in cost for development because he would have to build a turn lane, modify the signal, etc. Mr. Koenig advised that ideally, through the development of this parcel, two-thirds of the service road would be built on the developer's property. He stated that the developer would then request that the City take dedication of that road area and the potential extension easement of that area so that he could divest himself of the maintenance issue.

Mr. Shevock asked if the developer would build to City specifications. Responding, Mr. Koenig stated that if the developer wanted the road to be dedicated in the future, he must build it to the City's structural number standards, turning radiuses, etc., and staff would encourage this.

Mr. Hare asked how much money was being discussed. Responding, Mr. Koenig stated that he would have to obtain this answer for members. He estimated that the credit on the land at $1,500 to $2,000 per year, noting that he did not think it would be this high but had not brought a number with him.

Mr. Sudler moved to recommended authorizing the City Manager to execute a tax credit agreement for the purpose of reserving area for a future service road across the properties located at 1116-1128 Forrest Avenue, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried.

Project Carry-Forward Budget Balances/Proposed Ordinance #2017-04 - Budget Amendments

Members were provided a revised Committee Action Form (CAF) regarding Project Carry-Forward Budget Balances & Proposed Budget Amendments dated January 10, 2017 ***(Attachment #1).*** Mrs. Donna Mitchell, Controller/Treasurer, advised members that the form was revised for clarification and reviewed the CAF. In regard to the Rate Stabilization Reserve, she noted that this reserve has a policy of 10% - 20% of power supply costs. She noted that putting the entire $6M that was over the projection in the Electric Fund Budget Balance into the Rate Stabilization Fund would have put this fund over policy; therefore, $2M was placed in the Rate Stabilization Fund, which keeps the fund within the policy, and $2M was placed in both the Future Capacity Reserve and the Depreciation Reserve. Mrs. Mitchell noted that no revenue increases were projected because staff was waiting to complete the Quarterly Revenue Report after December 2016 is closed, noting that any favorability would be brought forward at that time.

In regard to increases to the Division budgets for vacation sell-back, Mrs. Mitchell explained that "retirement payout" was struck through because there was no retirement money included, it was agreed that this would be covered with salary savings, and no retirement money was budgeted.

In regard to additional adjustments to the FY17 Budgets, Mrs. Mitchell explained that there had been a request from Ms. Margery Cyr, Library Director, for a glass door/wall in the library to partition off and reduce the noise level in the small theater. She indicated that when reductions were made to balance the budget, this item was removed; however, a commitment was made to Ms. Cyr that this would be covered through a budget amendment if there was extra money in the Capital Project Fund. In regard to moving overhead distribution lines to underground distribution lines on the North Street Project, Mrs. Mitchell explained that Mr. Scott Koenig, City Manager, had brought forward a CAF for improvements to water and wastewater portions of this project a few weeks ago, and the funding now being discussed was for the electric side of this project.

Staff recommended approval of the proposed Budget Amendments for Fiscal Year 2017.

Mr. Anderson stated his recollection that money had been borrowed from the Rate Stabilization Fund. He asked if this was correct and, if so, whether this fund was now current.

Responding, Mrs. Mitchell stated that, in regard to the Rate Stabilization Fund, if funding is available, a power cost adjustment (PCA) credit is given. She indicated that if Rate Stabilization Fund monies are used for another purpose, the fund is replenished. Mrs. Mitchell explained that these funds are mostly used for power supply cost adjustments and that the City was currently doing such a cost adjustment. She stated these funds would replace money put into the power supply cost adjustment in people's electric bills.

In response to Mr. Anderson regarding the status of the Rate Stabilization Fund, Mrs. Mitchell stated that it would be at the highest compliance level. She noted that the highest compliance level is 20% and it was at approximately 19.3%.

Mr. Anderson noted that money was taken for HVAC maintenance at Weyandt Hall and questioned if other needed maintenance, such as roofing and other issues, were already covered. In response, Mrs. Mitchell advised that since this building was owned by the Electric Fund, Mr. Harry Maloney, Electric Director, had a line item in this department's administrative budget for maintenance for it. She explained that this mostly covered the electric and routine maintenance. Mrs. Mitchell stated that janitorial services were also covered; however, the HVAC and door replacement were major projects that were added to the capital budget in the Electric Fund so that these capital components could be depreciated.

Mr. Anderson asked if the problem with Weyandt Hall's roof when there is rain had finally been solved. Responding, Mrs. Mitchell advised that the problem had been solved and the roof no longer leaked.

Referring to the $330,000 in personnel favorability in FY 16, Dr. Stewart asked if this transfer was needed to cover additional positions that were added. In response, Mrs. Mitchell stated that it was; however, $300,000 of this amount had been transferred to the uncollectible reserve before the year ended for audit purposes, so this was taken out of personnel savings.

Dr. Stewart asked if personnel savings usually go to the Other Post-Employment Benefits (OPEB) fund. Responding, Mrs. Mitchell stated that these funds go to the OPEB fund or to pension funds for unfunded liabilities.

Mr. Hutchison stated his understanding that no revenue increases were being projected and asked when the Quarterly Revenue Report was due. In response, Mrs. Mitchell advised that it is usually due for the first City Council meeting in February; however, she was trying to prepare it now to provide it to the Clerk's Office by January 14, 2017 to be placed on the next agenda. She indicated that the report was tracking favorably and she wanted to bring this forward and had asked staff to see if they could get it done as the books were being closed. Mr. Hutchison asked if Mrs. Mitchell would be making a recommendation based on the report's findings. In response, Mrs. Mitchell stated that she would be making a recommendation, preparing another budget ordinance, or providing information that would be rolled in the next time staff brings forward another budget ordinance.

Mr. Anderson commented that he saw no adjustments in the area of parks and recreation and asked if there had been any discussion regarding improvements of fields, etc. In response, Mrs. Mitchell stated that there had not been discussion and the Proposed Ordinance would only bring forward what was carried forward from last year's open projects. She explained that any enhancements or new projects desired for this year would have to be brought forward by staff or Council for discussion at a meeting because they would be unbudgeted projects.

Mr. Sudler moved to recommend approval of the proposed Budget Amendments for Fiscal Year 2017, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried.

Consideration of Cost of Living Allowance (COLA) for General Pension Plan Retirees

Mr. Scott Koenig, City Manager, stated that the request for consideration of a Cost of Living Allowance (COLA) came out of the City Manager's Office as a follow-up to discussions over the last several years. He read into the record his memorandum dated December 29, 2016 regarding Consideration of Cost of Living Allowance for General Pension Plan Retirees into the record, as follows:

> For several years, representatives of the General Pension Plan retirees have inquired about a Cost of Living Allowance (COLA) for the current city pensioners under the City's General Pension Plan. These discussions have not lined up with the City's budget process. The City Manager is requesting authorization to expend approximately $1 ,000 to analyze the financial impact for three (3) different COLA amounts: 1%, 1.5% and 2.0%. The analysis will be completed by Nyhart. These expenses will be charged against the pension fund assets.
>
> The scenarios are one-time COLAs that would increase the retiree's annual payment by the correlating percentage. Once the financial impacts are determined, the City Manager will make recommendations for budgetary considerations. Ultimately, City Council would have to authorize any COLA before one could be implemented.

Mr. Koenig advised that this request had come before the Pension Board, Council committees, and Council on a number of occasions over the last several years. He indicated that he would like to see it approved to obtain a hard dollar amount on the cost if COLAs were authorized. Mr. Koenig explained that he would come before the Committee and Council with the results and recommendations at a later date.

Mr. Hare asked if these were non-union employees. Responding, Mr. Koenig advised that this would include members of the General Employee Pension Plan, so there were a number of different employees that in some cases were unionized. He indicated that some of these pensioners retired from the City before anyone in the work force was unionized; however, this would cover everything from electric personnel, to general office work, to sanitation, so they were in some cases formerly unionized employees.

Mr. Hare asked if the union negotiated all of these employees' pension matters when they were unionized. In response, Mr. Koenig stated that, as far as he knew, the formula used for those in the defined benefit pension plan was based on the number of years of service and a percentage of salaries. He indicated that the union had typically negotiated medical benefits and in some cases what percentages these individuals were paying as retirees. Mr. Koenig estimated that there were approximately 200 plus retirees at this point, some of whom had been retired for many years, and this was where the focus of this discussion was coming from. He stated his belief that the formula for their actual monthly pension payment was standard across the board for everybody, so the fact that they were in unions or not in unions had no effect on this actuarial calculation.

Mr. Hare indicated that he did not have a problem with this; however, he wanted to make sure that everybody was on the same playing field. He indicated that if non-union retirees were paying a greater percentage for healthcare than union employees, this should be figured in if a COLA increase is given.

Mr. Koenig explained that there is not a 100% level playing field, noting that some retirees now in the pension plan are cost-sharing for retirement health care and some former employees are not contributing to their health care costs in retirement because they retired many years ago. He noted that some who have retired over the last few years are contributing a portion of their health care costs, and some who are retiring or have retired that are not even in the defined benefit plan. Mr. Koenig explained that this current request would only affect the pool of former employees in the defined benefit plan and would not do anything for retirees in the defined contribution. He indicated that it would not correlate with whether it is a spousal retirement, since there is a formula for that, or with cost-sharing and health care, noting that those items are detached from one another.

Mr. Neil indicated that there was a range of figures for COLAs, noting that for Social Security this year it was 0.3%, and the increase for the Delaware Manufactured Home Relocation Authority for rent justification was 0.6% based on average of three (3) years. Mr. Neil noted that the proposal was for 1%, 1.5%, or 2%, stating that this would good if the inflation rate was driven up 5%, 6%, or 7%, but bad if it is low as it is now. He stated that the inflation rate probably would increase. Mr. Neil questioned if there could be some sort of a float that would be fair to a retiree if inflation goes up but would at the same time be fair to the City if the rate stays as low as it is now for Social Security purposes.

Mr. Koenig indicated that this question may be beyond his ability, stating his belief that it had been more than five (5) years since there had been any type of COLA consideration for this group of retirees. Mr. Les Blakeman, 209 Falmouth Way, stated his belief that the last COLA raise was in 2006; therefore, it had been 11years since there was an increase.

Mr. Koenig noted that Mr. Blakeman had indicated that there had not been an increase since 2006 and stated that he had not brought any cost of living averaging information for the discussion this evening; however, it had been a significant amount of time since pensions had been adjusted at all. In regard to a rate that would float, Mr. Koenig indicated that he was looking for a very simple calculation stating the cost if the pensions for everyone in this group increased, for example, by 1% or 1.5% and how it would be funded. He stated that he thought it would cost a lot more than $1,000

to analyze the cost of an associated floating mechanism, and staff was trying to get the simplest, fairest plan together to accurately evaluate this matter.

Mr. Neil expressed his hope that Council would consider a floating rate because a fixed rate could be good or bad. He indicated that if no one had gotten an increase since 2006, anything would be better than what it is now. Mr. Neil advised that he was laying the idea of a floating rate on the table for consideration in the future, whether or not the proposal was approved, because other mechanisms were being used on a regular basis, including by Social Security. He stated that the Consumer Price Index for all Urban Consumers (CPI-U) is used for rent justification for the Philadelphia, southern New Jersey, and Wilmington area, and they came up with the 0.6% rate currently being used; however, it was based on a three-year period. Mr. Neil noted that retirees got no increase from Social Security one (1) year, and this year Social Security granted 0.3%, which was gobbled up.

Mr. Anderson asked if the effect of a one-time increase would be looked at rather than an annual increase. Responding, Mr. Koenig indicated that what would be asked for would be the effect of taking the annual pension and increasing it by 1%, 1.5%, or 2% going into the future. For example, he stated that if a pension was $1,000 per month and the increase was 1%, the pension would increase to $1,010 per month until something was altered in the future. In response to Mr. Anderson, he confirmed that it would be a one-time initial increase, not 1% each year, and that change would run in perpetuity.

Mr. Anderson indicated that floating mechanisms were not necessarily needed because perpetual annual increases were not being discussed beyond the base. He stated that members were talking about the effect on the pension fund and unfunded liabilities, etc., if this increase was done periodically, such as every 10 years or so.

Mr. Koenig confirmed this and stated, for clarification, that a snapshot would be taken of every pensioner right now. If Council awarded a 1.5% increase, those annualized numbers would be adjusted by 1.5%and this would become their annual pension going into the future.

Dr. Stewart asked if the City funds COLA increases in one (1) lump sum or over a period of years. Responding, Mr. Koenig indicated that the City had not done a COLA increase since 2006; however, he thought the intent was to come up with a number and fund it all in a lump sum, assuming that the City had the money to do that, because it was not desired to create additional liability.

Mr. Hare noted that it would be a lump sum every year, noting that if was determined that the cost of a 1% increase was $5,000, there would be an additional $5,000 cost every year. He noted that this cost would be amortized. Mr. Hare stated he thought the request would be a good first step.

Mr. Anderson moved to recommend that the City Manager be authorized to expend approximately $1 ,000 to analyze the financial impact for three (3) different COLA amounts: 1%, 1.5% and 2.0%. The analysis will be completed by Nyhart. These expenses will be charged against the pension fund assets. The motion was seconded by Mr. Sudler and unanimously carried.

Proposed Time Change for Open Forum

Mr. Hare advised members that Mr. Slavin had indicated that he would like to see the time for the Open Forum segment of the Regular City Council Meetings moved to 7:00 p.m. due to the number of speakers that had been present at meetings over the last few months.

Mr. Sudler asked if Open Forum would be held from 7:00 p.m. to 7:30 p.m. Responding, Mr. Hare indicated that it would be held at 7:00 p.m. but could end earlier than 7:30 p.m. if speakers are done earlier. He noted that there might be times when Open Forum may run a little longer than 7:30 p.m.; but starting at 7:00 p.m. would be better than 7:15 p.m. He noted that the Open Forum for Council usually starts at 7:15 p.m. and would be moved back to 7:00 p.m.

Mr. Anderson asked if this would be for a particular session of Council through May 2017. Responding, Mr. Hare indicated that the change would be permanent.

Mr. Sudler moved to recommend acceptance of the time change for Open Forum for City Council meetings from 7:00 p.m. to 7:30 p.m. as presented by Councilman Hare, seconded by Mr. Neil and unanimously carried.

Proposed Ordinance #2017-02 Amending Chapter 2 - Administration, Article V - Finance, Section 2-422 - Disposal of Excess Property

Mr. Scott Koenig, City Manager, reminded members that he had been before Council several times over the last year or two (2) to discuss the disposal of excess property, and Mr. Slavin had commented about the difficulty of reading the procedure for sale and disposition of real property. He stated that the procedure was re-typed, and Mrs. Traci McDowell, City Clerk, had subsequently indicated that it should be codified and placed into the municipal code so there would be no ambiguity about what it said and when it was adopted. Mr. Koenig explained that Proposed Ordinance #2017-02 would codify the procedure for sale and disposition of excess City-owned real property, stating that no changes had been made to the procedure, to his knowledge and it had just been placed in code format. Staff recommended that Proposed Ordinance #2017-02 be moved forward to Council.

Mr. Anderson stated that he had a question about the State code change which allows for land banking and the forming of land banking organizations. He noted that Mr. William Pepper, Deputy City Solicitor, and Mrs. Ann Marie Townshend, Director of Planning and Community Development, were studying these issues and Mr. Anderson expressed concern about changing the municipal code before the City had a chance to look at a possible addition to the code in this regard. Mr. Anderson asked, if the City were to take advantage of the recent change in State law, whether this would fall under Exception E of the proposed ordinance pertaining to non-profit organizations. Responding, Mr. Koenig advised that he would have to get an answer from Mr. Pepper in this regard, stating that he would happy to do so before the next City Council meeting.

Mr. Anderson stated that he would definitely like an opinion and would like to delay adoption of the ordinance until members had a chance to look at the land bank issue if it would affect the ordinance. He indicated that there would be no reason to delay the ordinance if it would not be affected by the State code change.

Mr. Hare stated that he thought the Proposed Ordinance could move forward, a legal opinion could be obtained, it could be discussed at the Council meeting, and appropriate action could be taken.

Mr. Neil expressed concern that the City has vacant buildings that do not move forward as fast as they should in terms of determining whether they can be used in a different manner, if they are surplus, or what their value is, and he thought the Proposed Ordinance would enable the City to move forward. He indicated that these are City properties that citizens invested their money to purchase, and the City should be giving citizens full value, whether the buildings are sold or used elsewhere. Mr. Neil stated that one (1) of his suggestions during the Council Retreat held on January 6, 2017 was to look at this matter and move forward with it, and he had no problem with moving forward with the ordinance or with checking on Councilman Anderson's concerns and thoughts.

Mr. Anderson moved to recommend adoption of Proposed Ordinance #2017-02, with a caveat that a legal opinion be obtained regarding whether the State code change which allows for land banking and the forming of land banking organizations would affect the Proposed Ordinance.

Proposed Ordinance #2017-03 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division7 - General Employee Pension Plan and Division 8 - Deferred Compensation Plan; and Article VI - Other Post-Employment Benefits Fund and Creating Chapter 80 - Personnel

Mrs. Donna Mitchell, Controller/Treasurer, advised members that she had developed an outline of the provisions of Proposed Ordinance #2017-03 and reviewed them, as follows:

1. Established a New Chapter #80 for Personnel and incorporates the retirement related ordinances into this chapter. (All pension, deferred compensation and Other Post Employment Benefit Plans)

2. Administratively revises the ordinances to remove redundancies included in all ordinances by adding a definition section and expands Division 1 - Generally to clarify the provisions that apply to all retirement plans. i.e., Normal retirement, early retirement, termination of employment.

3. Administratively changes the terminology used from defined benefit and defined contribution to the specific plan applicable. i.e. general employee pension plan, deferred compensation plan (457), or money purchase plan (401).

4. Incorporates the provisions that apply to the General Pension Plan into the Money Purchase Plan Division since the General Pension Plan is now a closed plan since 2009.

5. Inserts where applicable for each plan that the terms and conditions of the plan are defined in the Plan documents for the 401/457 Plans. This would negate any continued changes if contribution percentages change or plan changes as required by IRS rule changes.

6. Administratively changes the terminology to reflect changes in actuarial standards for both pension and OPEB. What used to be actuarial required contributions is now actuarial determined contributions.

7. Revises New Section 80-516 (General Pension Plan rows 494 - 541):

   Benefits to cease upon reemployment; exceptions -

   This provides expanded detail in conformance with IRS regulations as to under what circumstances a retiree in the General Pension Plan can return to work without having to stop their retirement benefits. It mirrors the State of Delaware code and has been reviewed and suggested by a labor attorney familiar with the tax code provisions.

Referring to Line #179, Mr. Anderson questioned why "irrevocable" was stricken in regard to the decision to join the deferred compensation plan. Responding, Mrs. Mitchell explained that the deferred compensation plan is the 457 plan, which is a voluntary choice; however, the 401 plan is an irrevocable decision and the ordinance was adjusted to reflect this.

Mr. Hare noted that a City employee who retires must wait six (6) months before they can come back and work for the City. Mrs. Mitchell confirmed this and noted that employees under age 65 can work only under certain circumstances; however, there are no restrictions for those over age 65. She advised that the ordinance spells out the circumstances under which an employee can return, such as for a project or as a casual/seasonal employee.

Responding to Mr. Hare regarding whether an employee can return part-time, Mrs. Mitchell stated that they can return part-time for no more than six (6) months if they are under age 65; otherwise they would have to stop their pension.

Mr. Hare asked if employees could work part-time for six (6) months and then take a break. In response, Mrs. Mitchell indicated that it was against Internal Revenue Service (IRS) rules to plan to let employees go for a little while and then bring them back.

Mr. Sudler moved to recommend adoption of Proposed Ordinance #2017-03 as presented, seconded by Mr. Hutchison and unanimously carried.

Mr. Sudler moved for adjournment of the Legislative, Finance, and Administration Committee meeting. The motion was seconded by Mr. Shevock and unanimously carried.

Meeting adjourned at 7:04 p.m.

Mr. Anderson moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 7:05 p.m.

Timothy A. Slavin
Council President

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Attachments
Attachment #1 - Revised Committee Action Form Regarding Project Carry-Forward Budget Balances & Proposed Budget Amendments dated January 10, 2017

ACTION FORM

PROCEEDING: Council Committee of the Whole
DEPARTMENT OF ORIGIN: Finance **DATE SUBMITTED: 01/10/2017**
PREPARED BY: Donna Mitchell, Controller/Treasurer
SUBJECT: Project Carry-Forward Budget Balances & Proposed Budget Amendments
REVIEWED BY: City Manager & Controller/Treasurer
APPROVALS: Council Committee of the Whole
EXHIBITS: Exhibit A – Capital Investment Plan Amendments
EXPENDITURE REQUIRED: As per the attached Exhibit & Draft Ordinance **AMOUNT BUDGETED**: N/A
TIMETABLE: Upon Council approval
RECOMMENDED ACTION: Staff recommends approval of the proposed Budget Amendments for Fiscal Year 2017.

The proposed budget amendment includes adjustments to the Beginning Budget Balances for all funds and Capital Project budgets (see Exhibit A). It also includes any adjustments related to Council Actions taken to date on changes in project budgets or operating items that were not included in the original budget.

Financial Policy transfers of favorable carry forward balances are as follows –

- The General Fund includes a transfer to the Capital Asset Reserve of $253,400 attributed to favorable revenues and after a reduction of $485,000 for the purchase/demolition of Water Street properties.
- Personnel favorability in FY16 is included to be transferred to the OPEB Trust in the amounts of $101,800 for Water/Wastewater and $109,300 for Electric. The General Fund had approximately $330,000 of personnel favorability; however, these funds were needed to increase the Reserve for Uncollectible Accounts and the Customer Service & Library (Passport) staff increases as approved by City Council.
- The transfer to the Contingency Reserve in the Water Utility was increased from $110,000 to $131,100 to bring it in line with the financial policy of a minimum balance of $250,000.
- The Electric Fund Budget Balance ended the year with ~~Rate Stabilization Reserve has been increased by~~ $6 million over the projection due to favorable power supply cost. This favorability was allocated as $2 million each to the Rate Stabilization Reserve, the Future Capacity Reserve, and the Depreciation Reserve (all policy compliant). Transfers to the capital reserves are intended to assist with the financing of advanced metering infrastructure/technology, DAFB substation, and potential projects as ~~required~~ recommended by the Integrated Resource Plan.

Additional adjustments are as follows –

- No projected revenue increases are being projected at this time as we are holding off until the analyses and completion of the Quarterly Revenue Report. There are a couple of revenue changes in the Capital Funds for sales of assets and insurance proceeds that help offset cost of vehicles.
- Increases are incorporated for the Customer Service & Library Divisions per Council approvals. Corresponding changes to the Interfund Service Receipts/Charges are also reflected.

- Increases to Division budgets for vacation sell-back, ~~retirement payout~~, and education assistance with a corresponding decrease to Other Employment Expenses across all applicable funds.
- Power supply was reduced by $65,000 to cover higher than expected insurance premiums on the generation assets at the McKee Plant due to higher asset replacement cost. The power supply management fee was lowered in the most recent contract, so the funds were available to cover the increased premium.
- Project balances are carried over from last fiscal year as reflected in the Capital Investment Plan Amendments Schedule (Exhibit A – page preceding Draft Ordinance) with the additional adjustments to the FY17 Budgets as follows:

    - The General Fund Transfer-In and the corresponding capital expenditure in the City Manager's budget was increased by the $485,000 for the purchase/demolition of the Water Street properties (as also explained above).
    - Additional increases to the General Capital Investments are included for a glass door/wall in the Library to partition off and reduce the noise level in the small theater $15,000.
    - Due to a high level of emergency repairs needed for infrastructures failures in storm water, water, and wastewater utilities we have increased the Emergency Repair capital budgets by $48,000 General Fund CIP, $5,000 Water CIP, and $225,000 Wastewater CIP.
    - The Electric CIP budget is being increased by $170,000 to move overhead distribution lines to underground distribution lines on the North Street Project, along with an increase of $23,000 for unexpected capital improvements (HVAC & Door) at Weyandt Hall.
    - The Water, Wastewater & Electric Utilities CIP have all been increased $50,000 each for economic development applications as approved by Council.
    - Grant Funds have been adjusted to reflect new programs and/or adjustments to current grants.

Memorandum

Office of the City Manager
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E-mail: skoenig@dover.de.us

To: **City Council**

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

Date: **January 13, 2017**

Subject: **Property Tax Credit Request – Route 8 Development (1116-1128 Forrest Avenue)**

During the Council Committee of the Whole Meeting / Legislative, Finance, and Administration Committee of January 10, 2017, Councilman Anderson inquired what the impact of the proposed tax credit would be for the above referenced property. Mrs. Cheryl Bundek, Tax Assessor, has indicated that land for this site will be valued at $200,000 per acre. The site is a total of 7.70 acres. Therefore, the property tax value of the entire parcel for the land only will be estimated at $1,540,000. Currently, the estimated impact of the service road is 1.25 acres – 1.75 acres of land depending upon the final alignment of the service road. This equates to an economic impact of the proposed tax credit of (1.25 acres x $200,000 x $0.00405) $1,012.50 – (1.75 acres x $200,000 x $0.00405) $1,417.50 per year.

If City Council approves the concept of the tax credit agreement for this property, the City will forgo an estimated $1,012.50 - $1,417.50 per year to reserve the service road concept across this development parcel.

sdk/SDK

CITY OF DOVER
FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016
QUARTERLY REVENUE REPORT
As of December 31, 2016

	GENERAL FUND	FY17 BUDGET	FY17 REVISED BUDGET	YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY15 REVENUES	FY16 REVENUES
1	Property Taxes	$ 12,481,900	$ 12,481,900	$ 12,464,400	99.9%		$ 10,841,200	$ 12,434,600
2	Payment In Lieu of Taxes	413,200	413,200	355,100	85.9%		335,500	412,200
3	Transfer from Electric Fund	10,000,000	10,000,000	5,837,300	58.4%		10,000,000	10,000,000
4	Intrafund Service Receipts Electric	3,564,900	3,625,900	1,612,000	44.5%		3,478,800	3,628,000
5	Transfer from Transfer Tax Fund	1,672,700	1,672,700	878,500	52.5%		1,713,800	2,188,600
6	Business Licenses	1,467,000	1,467,000	1,437,400	98.0%		1,403,100	1,475,800
7	Intrafund Service Receipts Water/Wastewater	1,653,800	1,673,400	730,900	43.7%		1,341,600	1,422,000
8	Sanitation Fees	2,538,300	2,538,300	1,253,100	49.4%		2,578,900	2,527,500
9	Permits & Other Licenses	1,662,100	1,662,100	929,300	55.9%		1,490,200	1,735,800
10	Transfer from Municipal Street Aid Fund	673,100	673,100	336,700	50.0%		664,300	673,300
11	Fines & Police Revenue	763,300	763,300	396,100	51.9%		666,700	652,000
12	Police Extra Duty Fees	525,000	525,000	84,900	16.2%		503,000	541,600
13	Transfer from Police Grant Funds	258,600	258,600	120,400	46.6%		127,100	159,600
14	Court of Chancery Fees	1,100,000	1,100,000	517,800	47.1%	December fees not yet received	1,118,700	1,123,700
15	Transfer from Water/Wastewater Fund	875,000	875,000	438,000	50.1%		500,000	850,000
16	Transfer from Contingency	-	-	-	0.0%		50,000	-
17	Transfer from Civil Traffic Penalties Fund	496,900	496,900	198,900	40.0%	Dec redlight revenue not yet received	495,200	442,800
18	Library Revenues & County Reciprocal Pymt	382,900	382,900	179,400	46.9%		480,800	419,700
19	Franchise Fees	680,000	680,000	171,900	25.3%	Q2 franchise fees not yet received	683,400	510,600
20	General Fund Grant Receipts	623,500	623,500	3,800	0.6%		733,900	572,500
21	Recreation Revenue	150,000	150,000	81,300	54.2%		149,300	183,200
22	Other Miscellaneous Receipts	151,300	151,300	67,100	44.3%		257,500	173,600
23	Interest Income	90,000	90,000	78,900	87.7%		35,100	172,100
24	2014 Bond Proceeds (Refinance 2003 Bonds)	-	-	-	0.0%		475,000	-
	TOTALS	$ 42,223,500	$ 42,304,100	$ 28,173,200	66.7%		$ 40,123,100	$ 42,299,200
	Final Budget						**$ 39,795,600**	**$ 41,936,100**

CITY OF DOVER
FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016
QUARTERLY REVENUE REPORT
As of December 31, 2016

	WATER/WASTEWATER FUND	FY17 BUDGET	FY17 REVISED BUDGET	YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY15 REVENUES	FY16 REVENUES
1	Water Fees	$ 5,800,000	$ 5,800,000	$ 3,127,700	53.9%		$ 4,889,000	$ 5,457,100
2	Wastewater Fees	3,800,000	3,800,000	1,949,600	51.3%		3,735,900	3,745,500
3	Wastewater Adjustment Fees - County Trtmt	3,000,000	3,000,000	1,534,900	51.2%		2,952,900	2,936,800
4	Groundwater Inflow Adjustment	1,938,000	1,938,000	982,000	50.7%		1,831,800	1,878,100
5	Water Impact Fees	252,000	252,000	352,800	140.0%		536,900	238,000
6	Wastewater Impact Fees	228,000	228,000	323,000	141.7%		482,200	207,500
7	Water Tank Space Leasing	366,200	366,200	162,000	44.2%		344,800	338,000
8	Interest Income	20,000	20,000	6,100	30.5%		2,300	4,600
9	Other Miscellaneous Revenues	63,000	63,000	59,800	94.9%		75,000	70,000
	TOTALS	$ 15,467,200	$ 15,467,200	$ 8,497,900	54.9%		$ 14,850,800	$ 14,875,600
	Final Budget						**$ 14,386,300**	**$ 15,037,500**

	ELECTRIC REVENUE FUND	FY17 BUDGET	FY17 REVISED BUDGET	YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY15 REVENUES	FY16 REVENUES
1	Sales to Customers	$ 77,193,200	$ 77,193,200	$ 42,101,000	54.5%		$ 77,011,700	$ 77,844,900
3	Utility Tax	1,287,900	1,287,900	701,100	54.4%		1,266,900	1,309,700
4	Transfer from Rate Stabilization Reserve	-	-	-	0.0%		3,000,000	750,000
5	Miscellaneous Revenue	899,600	899,600	482,900	53.7%		1,389,400	1,211,600
6	Interest Income	47,900	47,900	111,100	231.9%		21,200	65,700
	TOTALS	$ 79,428,600	$ 79,428,600	$ 43,396,100	54.6%		$ 82,689,200	$ 81,181,900
	Final Budget						**$ 81,766,000**	**$ 81,830,400**

DOVER
PUBLIC LIBRARY

January 12, 2017

To: Tim Slavin, President, Dover City Council
Dover City Council Members
Scott Koenig, Dover City Manager

Fr: Margie Cyr, Library Director

Re: Youth Focus Group

Ann Marie Townshend, Director Planning & Inspections and Parks & Recreation; Lt. Christopher Hermance, Dover Police Department; and I have been working to develop the plans for Youth Focus Group.

The purpose of the Focus Group is to:

solicit input on ideas, solutions, and issues from the youth of the City

Our hope is that the feedback we receive from the young people will provide us with insight into their perspectives and desires and to help us better create interesting and valuable services to enrich their lives. It is crucial to us that input is received from youth City-wide and that all sections of the community are represented. To this end, we have sent letters to each of the churches and all the schools in Dover asking each to nominate one parishioner and/or student to participate in the Focus Group. This should provide us with a large but manageable group representing a complete cross-section of the City.

For this year's Focus Group, we have identified youth ages 13 through 16 who reside in the City of Dover as our target audience. The Focus Group session will be held on Saturday, February 4, 2017 at 10:30 AM at the Dover Public Library. I will lead and moderate the group.

A committee of staff from the Library, Planning and Parks & Recreation and the Police Department has been formed. This committee will be developing questions intended to elicit feedback on "ideas, solutions, and issues" important to the youth of Dover.

At the conclusion of the Focus Group, the results will be compiled and submitted to the City Council and the respective departments for review and consideration.

Margie Cyr

cc: Kirby Hudson, Assistant City Manager
Michelle Hughes, Assistant Library Director

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 01/13/17
PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer	
SUBJECT: Evaluation of Bids – Rolling Acres Pump Station Replacement	
REFERENCE: CIP- Rolling Acres Pump Station Replacement	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Attachment A – Aerial Map	
EXPENDITURE REQUIRED: $439,300	**BUDGET REMAINING**: $384,820.57
FUNDING SOURCE (Dept./Page in CIP & Budget): Department of Public Works- Wastewater Management, CIP Project #WW1603, CIP Project Name: Rolling Acres Pump Station Replacement Account No.: 417-6900-569.40-31. The financial shortfall ($54,479.43) will be covered by a budget transfer from project II1701 – Inflow / Infiltration Removal, Account No.: 417-6900-569.40-31.	
TIME TABLE: Notice to proceed to be issued within thirty (30) days of Council approval. Project anticipated to be completed in 180 calendar days.	
RECOMMENDED ACTION: Award the contract to M2 Construction LLC for the City of Dover Rolling Acres Pump Station Replacement Project, Bid #17-0018PW, for the amount of $439,300.	

BACKGROUND AND ANALYSIS

This capital investments project includes the replacement of the Smith & Loveless package pump station installed in 1973. The station has exceeded its anticipated life expectancy of 20-25 years. The existing wet well will be rehabilitated with additional site improvements to address inflow and infiltration. The pump station is currently located on the east side of North DuPont Highway (Route 13), behind 595 N DuPont Hwy. This pump station replacement will improve the City's wastewater system by increasing the structural integrity and pump efficiency of the pump station. The City requested an alternate bid price for bituminous pavement for the pump station. This option will decrease maintenance at the station.

The bid was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #17-0018PW. Bids were opened on December 21, 2016. The City of Dover received three (3) bids, all over the project budget. The contract values are as follows:

CONTRACTOR	LOCATION	BASE BID	ALTERNATE PAVING OPTION	TOTAL COST
BRANDYWINE CONSTRUCTION CO.	NEW CASTLE, DE	$455,000.00	$15,000.00	$470,000.00
M2 CONSTRUCTION, LLC	**LANDSVILLE, PA**	**$429,300.00**	**$10,000.00**	**$439,300.00**
A-DEL CONSTRUCTION	NEWARK, DE	$475,000.00	$14,000.00	$489,000.00

City staff reviewed the submissions and found that the M2 Construction, LLC bid met all requirements for the qualifications of the project. Staff believes that if this project is re-bid the price will increase or remain the same, since all current bidders were over the project budget. In addition, a re-bid would occur in the spring season, which coincides with the busy season of construction activity. The alternate paving option is an operational benefit.

The staff recommends awarding the contract to M2 Construction, LLC in the amount of $439,300 for the Rolling Acres Pump Station Replacement Project. The shortfall for this project will be supplemented by a budget amendment from the Inflow / Infiltration Removal project. A breakdown of the funding sources is provided below:

FUNDING SOURCE	DESCRIPTION	CURRENT BUDGET	SPENT / ENCUMBERED	SAVINGS / REMAINING	REQUESTED CHANGE	PROPOSED BUDGET REMAINING
Wastewater	WW1603 Rolling Acres Pump Station	$384,820.57	$0	$384,820.57	$54,479.43	$439,300
Wastewater	II1700 Inflow / Infiltration Removal	$777,500.00	$0	$777,500.00	($54,479.43)	$723,020.57

CAF Map

Rolling Acres Pump Station



0 50 100 200 Feet

N

Date Printed: January 4, 2017
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_rolling_acrest_pump_station
Department: Public Works GIS
City of Dover, Delaware

Legend

PS Pump Station

Dover Parcels

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works - Streets	**DATE SUBMITTED**: 1/13/16
PREPARED BY: Sharon Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Meeting House Branch Voluntary Cleanup Program – Change Order	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager and Controller	
EXHIBITS: Attachment A: Aerial Map, Attachment B: Proposal from Compliance Environmental	
EXPENDITURE REQUIRED: $74,800	**BUDGET REMAINING**: $30,005
FUNDING SOURCE (Dept./Page in CIP & Budget): Budget transfer from Department of Public Works- Streets, CIP Project #ST1701 CIP Project Name: Street and Alley Program.: 147-1800-554.40-31.	
TIMETABLE: Upon approval, project design shall be completed by the end of June 2016.	
RECOMMENDED ACTION: Staff recommends City Council approval of the proposal from Compliance Environmental to perform the necessary work for the Voluntary Cleanup Program, as required from DNREC.	

BACKGROUND AND ANALYSIS

During the design phase of the Old PW2 Site Improvement Project, it was found that soils in the property were contaminated. The specific contamination was petroleum and lead. Due to the fact that the scope of the project is to excavate the area and create a water quality feature, significant excavation will be required. The main item of concern was the lead concentration found during the Test Pit investigation, which surpasses the DNREC-SIRS lead reporting level. This discovery places the PWII Municipal Yard in the Voluntary Cleanup Program (VCP). The required VCP will require an application fee, then a contractor to prepare a remediation investigation work plan. After DNREC has approved the work plan, implementation of the work plan will need to occur. The implementation of the plan includes soil samples and analysis of the site.

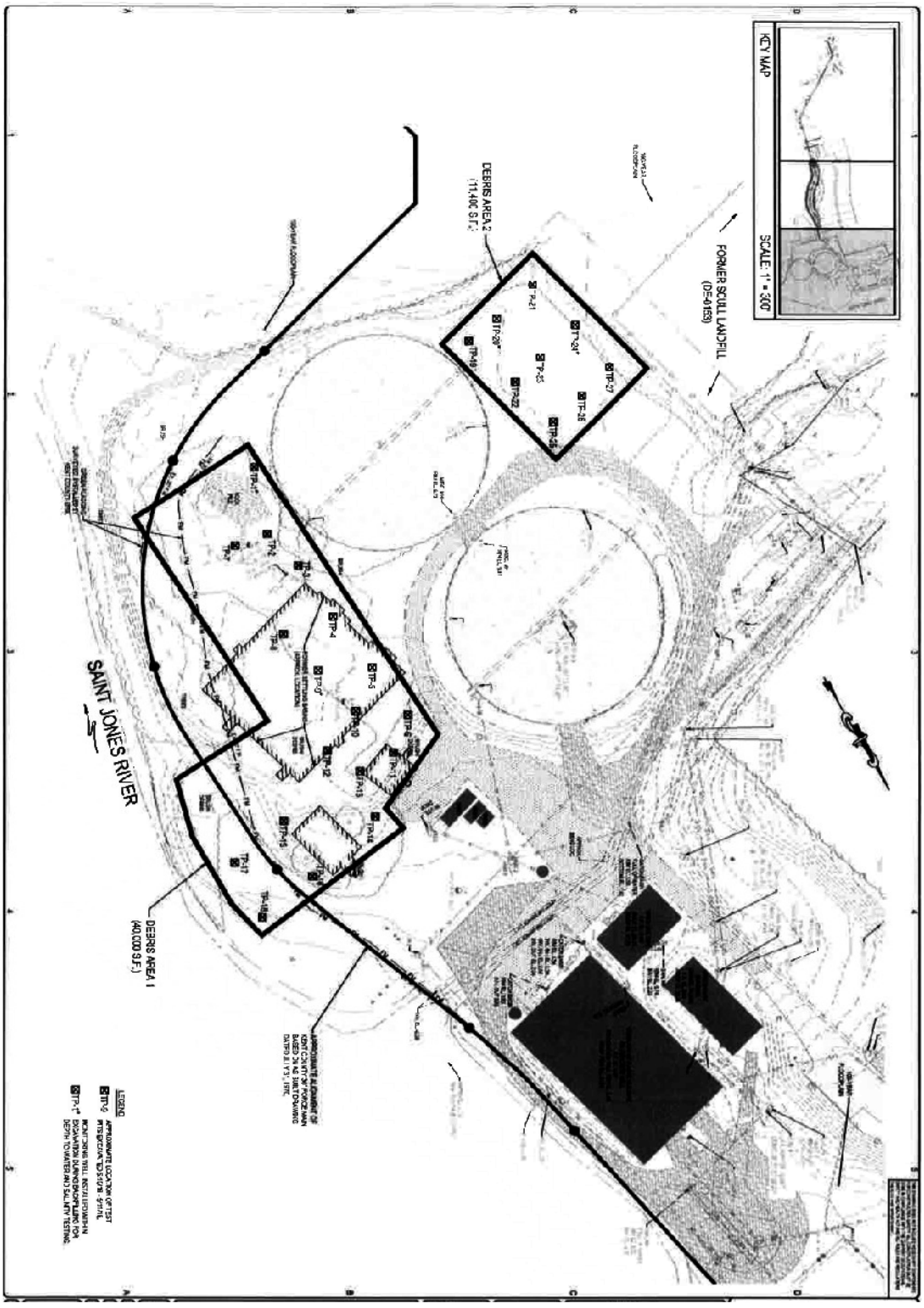
Compliance Environmental, Incorporated has provided a proposal to perform the above referenced required work. The proposal is broken into two (2) parts, the initial cost is $9,800 for the creation of the work plan. The second part is for remediation of the site. Although the specific extent is unknown, an estimated range between $40,000 and $60,000. Staff believes the cost will be at the high end of the range. What is not accounted for in the proposal is the $5,000 application fee that is required from DNREC.

Staff recommends approving the proposal and the necessary application fee. On March 28, 2016, City Council approved a change order that equated to twenty-five percent (25%) higher than the original budget. This request will continue to increase the project budget, which will require another City Council approval. A breakdown of the funding source for the amendments is provided below:

FUNDING SOURCE	DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	ENCUMBERED	SAVINGS / REMAINING	REQUESTED CHANGE	PROPOSED BUDGET REMAINING
General	ST1504 Old PW2 Site Improvements	$480,000	$603,542	$30,005	$0	$74,800	$104,805
General	ST1701 Street and Alley Program	$900,000	$752,000	-	$752,000	($74,800)	$677,200

Attachment A

Aerial Map



Date Printed: January 10, 2017
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_mhbv_cleanup
Department: Public Works GIS
City of Dover, Delaware

COMPLIANCE ENVIRONMENTAL, INC.
150 South Bradford Street, Dover, Delaware 19904
Phone: 302-674-4427 Fax: 302-674-4429
www.compliancecanhelp.com
For Your Health & Safety™

November 30, 2016

Kate Mills, E.I.T.
City of Dover, Dept. of Public Works
P.O. Box 475
Dover, Delaware 19903

Reference: Revised Proposal for a DNREC Remedial Investigation Work Plan regarding the PWII site.

Dear Kate:

Thank you for considering our firm for this project. Our firm is a Delaware certified Hazardous Substance Cleanup Act (HSCA) consultant which is a prerequisite for preparing the remedial investigation work plan. We understand the State of Delaware, Department of Natural Resources and Environmental Control (DNREC) requires a work plan document for a remedial investigation and limited facility evaluation of the Pubic Works II site located on Water Street (PWII). Additionally, we understand that a Voluntary Cleanup Program (VCP) agreement will need to be completed prior to conducting the work.

After implementing a VCP agreement for the project and work plan document preparation, DNREC approval is the next step in performing the remedial investigation and limited feasibility study at PWII. This proposal addresses the services needed assist you in preparing the VCP agreement and to prepare and submit the required work plan document.

Since the scope of the remedial investigation at PWII is currently unknown, after approval of the work plan document by DNREC, an additional proposal will be submitted for the required work to implement the requirements of the work plan.

We understand that DNREC requires that past and current testing information at the site be reviewed and data gaps identified prior to submission of the remedial investigation work plan document. The remediation investigation at PWII will fill the data gaps.

The maximum liability which CEI will accept for this work is CEI's fee. The Client agrees to defend, indemnify and hold CEI harmless from any claim of liability in excess of this limit arising out of CEI's performance of services under this contract. Full payment is due at the time of the site visit. Reports provided after full payment is received. This proposal is void within 30-days from the date of the proposal.

To meet the DNREC requirements for the project, we propose the following scope of services:

1. Assist the City of Dover in preparing a VCP agreement for submission to DNREC.

2. Perform past testing research and summarize information regarding the PWII site.

3. Review current testing information and summarize the information for the PWII site.

4. Perform survey reconnaissance to document current physical conditions at PWII. The survey reconnaissance will consist of the necessary non-intrusive (no sampling) site visits to satisfactorily document current physical conditions at the site and in the general area of the site. To perform the survey reconnaissance, CEI will make the needed number of site visits to perform visual inspections of the surface and a visual inspection of the site and general vicinity using an aerial inspection. The aerial inspection will be performing using a state-of-the-art small unmanned aerial system (sUAS), sometimes called a drone, containing high-definition camera equipment and fast data capture capabilities. CEI has an in-house Remote Pilot who holds a commercial licensed with the Federal Aviation Administration (FAA) for the needed sUAS rating. The sUAS will be operated in accordance with the current FAA regulations (14 CFR Part 107). All of the data collected during the survey reconnaissance will be used to assess the best and most practical approach for the remedial investigation.

5. Develop a practical approach for the remedial investigation of the PWII site.

6. Perform one meeting with DNREC and client to review the approach for the remedial investigation of the PWII site.

7. Prepare and submit a remediation investigation work plan document in accordance with DNREC requirements. We have included one revision of the remediation investigation work plan document after DNREC review to incorporate their comments.

The total cost for the scope of services listed above to prepare the remediation investigation work plan is **$ 9,800.00.**

In preparing this proposal, we did not include possible future costs for the project as follows:

a. Implementation of the remediation investigation work plan which will include site investigation sampling, laboratory analysis and reports associated with this work. Although it is not possible to provide a firm cost for implementing of the work plan since the type and number of samples are currently unknown, however, based upon our experience with similar projects, we would estimate the implementation cost of the work plan to be between $ 40K and $ 60K.

b. Meetings and additional requirements for the project other than what is listed in our scope of services.

The maximum liability which CEI will accept for this work is CEI's fee. The Client agrees to defend, indemnify and hold CEI harmless from any claim of liability in excess of this limit arising out of CEI's performance of services under this contract. Full payment is due at the time of the site visit. Reports provided after full payment is received. This proposal is void within 30-days from the date of the proposal.

c. Any other items required for the project in addition to the scope of services included in our lump sum amount.

To engage us for this work, please sign and send back this proposal. Thank you again for considering Compliance Environmental, Inc. for this project.

If you have any questions or require additional information, please call me at our office (302) 674-4427, 101.

Sincerely,
COMPLIANCE ENVIRONMENTAL, INC.



Valentino P. De Rocili, Ph.D., CHMM
Senior Principal Consultant
vderocili@compliancecanhelp.com

Authorization to Proceed Based Upon this Proposal:

_____ ___/___/___
Signature Date

The maximum liability which CEI will accept for this work is CEI's fee. The Client agrees to defend, indemnify and hold CEI harmless from any claim of liability in excess of this limit arising out of CEI's performance of services under this contract. Full payment is due at the time of the site visit. Reports provided after full payment is received. This proposal is void within 30-days from the date of the proposal.

DEPARTMENT OF POLICE

Paul M. Bernat
Chief of Police
F.B.I.N.A.

400 South Queen Street
Dover, Delaware 19904
302-736-7111
Fax: 302-672-1842

January 13, 2017

Ms. Traci McDowell
City Clerk
Dover City Hall
P.O. Box 475
Dover, DE 19903

Dear Traci:

The Police Pension Board term of Retired Lt. Timothy Mullaney will expire on January 31, 2017. Pursuant to Section 18-47 of the pension plan, a request for nominations was posted with an announcement of election to fill the vacancy on January 16, 2017. One nomination was received, therefore, no election will be held.

I hereby nominate Retired Lt. Timothy Mullaney to serve a three-year term on the Pension Board, commencing February 1, 2017 and ending January 31, 2020, subject to confirmation of a voting majority of City Council.

If you need additional information, please call me at (302) 736-7100.

Sincerely,

Paul M. Bernat

Paul M. Bernat
Chief of Police

PMB/rmr

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2017-01

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

That Chapter 70 - Offenses and Miscellaneous Provisions of the Dover Code be amended by inserting a new Section 70-8. - Disorderly Premises, as follows:

Sec. 70-8. - Disorderly premises.

(a) *Disturbing activity*. It shall be unlawful for any owner, owner's agent, manager, caretaker or person occupying a premises to allow, suffer or permit in any residence or upon any premises occupied by himself or herself any conduct which causes public inconvenience, annoyance, alarm to a reasonable person, or disrupts the quiet and good order of adjoining and surrounding properties including, but not limited to, engaging in fighting or in violent, tumultuous, or threatening behavior, making unreasonable noise or an offensively coarse utterance, gesture or display or addressing abusive language to any person present, obstructing vehicular traffic or pedestrian traffic, or creating a hazardous or physically offensive condition which serves no legitimate purpose. Any person who fails to obey the order of a Police Officer to dispel and disperse or otherwise discontinue the disturbing activity may be cited for an additional violation of this Section.

(b) *Tenant-occupied premises.* In the event that the owner, owner's agent, manager or caretaker of a house, dwelling, or premises where the violation of Subsection (a) hereof has occurred does not occupy or reside at the property, such individual shall be presumed to have allowed, suffered or permitted such conduct if after service of notice that such conduct has occurred, a further violation of Subsection (a) occurs within one hundred eighty (180) days of the service of said notice. The owner, owner's agent, manager or caretaker of a house, dwelling, or premises shall then be in violation of this section.

(c) *Service of notice.* Notice is properly served upon person if a copy of such notice is personally; or to the person's registered office; or by leaving such notice at the person's usual place of abode with a person of suitable age and discretion who resides therein; or by certified mail addressed to the person's last known address; or the mailing address of the owner of the subject premises as recorded on the Kent County Assessment Records or the City of Dover Rental Permit or Business License records. After service of notice, such owner, owner's agent, or manager or caretaker shall make a good faith effort to develop a plan of action with the Dover Police Department to prevent further violation of Subsection (a).

(d) *Fines.* Any person convicted of a violation of this Section shall be fined as provided for in Appendix F - Fees and Fines. In any prosecution for an offense under this Section, it shall be an affirmative defense, which must be proved by the preponderance of the evidence, that the occupant has been evicted and is no longer on the premises, or if there is pending at the time of trial an eviction action against the occupant of the premises which action is being pursued in good faith. Otherwise the fines imposed under this Subsection shall not be suspended.

(e) *Enforcement.* This Section shall be enforced by the Police Department.

DRAFT

(f) *Provisional order.* Upon the issuance of three violations of Subsection (a) to a business within a twelve-month period, the Police Department will notify the Department of Planning and Inspections. The Department of Planning and Inspections will issue a provisional order on the business license in accordance with the provisions of Chapter 26 - Businesses, Article II. - Licenses, Section 26-59. - Provisional Order Generally of the Dover Code.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines of the Dover Code be amended by inserting the bold, blue text, as follows:

Chapter 70. Offenses and Miscellaneous Provisions	Fees and Fines
Sec. 70-1. Combative fighting	
Subsec. (d)(1) Violations; penalties, fines	Not to exceed $1,000.00. Separate fines may be issued to the promoter of such an event, participants in such an event, and the owner of the premises of such an event
Sec. 70-2. Weapons generally	
(e)(1) Penalties; fines	Not less than $500.00, nor more than $1,000.00
Sec. 70-7. Registered sexual offenders	
Subsec. (f) Penalties	$500.00 for any offense; each day shall constitute a separate offense
Sec. 70-8. Disorderly premises	**Not to exceed $1,000.00 for any offense but not less than $100.00 for the first offense, not less than $300.00 for the second offense, and not less than $500.00 for each subsequent like offense.**

(Ord. No. 2015-15, 10-26-2015)

ADOPTED: *

S:\ORDINANCES\2017\DRAFT\ORDINANCE #2017-01 CHP 70 - OFFENSES AND MISCELLANEOUS PROVISIONS - DISORDERLY PREMISES\Ordinance #2017-01 Ch 70 - Offenses and Miscellaneous Provisions (Disorderly Premises)-First Reading.wpd

SYNOPSIS

The proposed amendments create a new Section 70-8, Disorderly Premises, under Chapter 70 - Offenses and Miscellaneous Provisions.

(SPONSORS: SLAVIN AND SUDLER)

Actions History

01/23/2017 - Scheduled for First Reading - City Council

01/10/2017 - Introduced - Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee

Draft

CITY OF DOVER ORDINANCE #2017-04
2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Forty Seven Million Seven Hundred Twenty Eight Thousand Nine Hundred dollars ($47,728,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

GENERAL FUND
CASH RECEIPT SUMMARY FOR 2016-2017

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 4,493,900**	**$ 5,424,800**
RECEIPTS		
FINES AND POLICE REVENUE	763,300	763,300
INVESTMENT INCOME	90,000	90,000
LIBRARY REVENUES	70,300	70,300
KENT COUNTY BOOK REIMBURSEMENT	312,600	312,600
BUSINESS LICENSES	1,467,000	1,467,000
PERMITS AND OTHER FEES	1,662,100	1,662,100
MISCELLANEOUS CHARGES	56,800	56,800
POLICE EXTRA DUTY	525,000	525,000
PROPERTY TAXES	12,895,100	12,895,100
RECREATION REVENUE	150,000	150,000
FRANCHISE FEE	680,000	680,000
SANITATION FEES	2,538,300	2,538,300
RENT REVENUE - GARRISON FARM	94,500	94,500
COURT OF CHANCERY FEES	1,100,000	1,100,000
RECEIPTS SUBTOTAL	**22,405,000**	**22,405,000**
INTERFUND SERVICE RECEIPTS		
INTERFUND SERVICE RECEIPTS W/WW	1,653,800	1,673,400
INTERFUND SERVICE RECEIPTS ELECTRIC	3,564,900	3,625,900
INTERFUND SERVICE RECEIPTS SUBTOTAL	**5,218,700**	**5,299,300**
GRANTS:		
POLICE RELATED/EXTRA DUTY	258,600	258,600
POLICE PENSION GRANT	500,000	500,000
GREEN ENERGY GRANT	98,500	98,500
MISC GRANT REVENUE	25,000	25,000
GRANTS SUBTOTAL	**882,100**	**882,100**
TRANSFERS FROM:		
TRANSFER TAX	1,672,700	1,672,700
MUNICIPAL STREET AID	673,100	673,100
CIVIL TRAFFIC PENALTIES	496,900	496,900
WATER/WASTEWATER	875,000	875,000
ELECTRIC	10,000,000	10,000,000
TRANSFERS FROM SUBTOTAL	**13,717,700**	**13,717,700**
TOTAL REVENUES	**42,223,500**	**42,304,100**
TOTAL BEGINNING BALANCE & REVENUE	**$ 46,717,400**	**$ 47,728,900**

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

GENERAL FUND - EXPENDITURES AND BUDGET BALANCE FOR 2016-2017

DEPARTMENT EXPENSES	2016/17 BUDGET	2016/17 REVISED
CITY CLERK	$ 412,300	$ 415,900
COUNCIL	141,100	141,100
TAX ASSESSOR	244,000	247,200
FIRE	721,700	721,700
GROUNDS MAINTENANCE	1,201,300	1,210,000
LIBRARY	1,635,000	1,666,100
RECREATION	750,900	756,800
LIFE SAFETY	485,200	488,100
CODE ENFORCEMENT	421,100	423,800
PLANNING	546,800	552,400
INSPECTIONS	697,900	700,800
POLICE	16,091,600	16,236,900
POLICE EXTRA DUTY	783,600	804,500
STREETS	1,163,500	1,165,800
SANITATION	2,032,800	2,036,000
CITY MANAGER	792,400	796,100
INFORMATION TECHNOLOGY	716,300	719,700
FINANCE	1,011,100	1,017,200
PUBLIC WORKS - ADMINISTRATION	680,000	682,100
FACILITIES MANAGEMENT	607,100	610,100
PUBLIC WORKS - ENGINEERING	207,000	207,000
PROCUREMENT & INVENTORY	585,100	585,100
FLEET MAINTENANCE	776,300	777,400
CUSTOMER SERVICE	1,143,800	1,263,900
HUMAN RESOURCES	392,500	400,900
MAYOR	74,000	74,000
DEPARTMENT SUBTOTALS	**34,314,400**	**34,700,600**
OTHER EXPENSES		
DEBT SERVICE	685,300	685,300
CONTRIBUTION TO DDP	150,000	150,000
MISCELLANEOUS GRANT RELATED EXP	25,000	25,000
INSURANCE	700,000	700,000
RETIREES HEALTH CARE	2,039,700	2,039,700
OTHER EMPLOYMENT EXPENSES	400,700	135,500
BANK & CREDIT CARD FEES	15,000	15,000
UNCOLLECTIBLES - TRASH AND OTHER	50,000	50,000
STREET LIGHTS	804,000	804,000
OTHER EXPENSE SUBTOTAL	**4,869,700**	**4,604,500**
TRANSFERS		
TRANSFER TO CAPITAL FUND - PROJECTS	1,859,400	2,344,400
TRANSFER TO THE CAPITAL ASSET RESERVE	-	253,400
APPROP. TO THE POLICE PENSION FUND	670,000	670,000
APPROP. POLICE PENSION - STATE GRANT	500,000	500,000
TRANSFER TO INVENTORY WRITE-OFFS	10,000	10,000
TRANSFERS SUBTOTAL	**3,039,400**	**3,777,800**
TOTAL EXPENDITURES	**42,223,500**	**43,082,900**
CURRENT YEAR BALANCE	**4,493,900**	**4,646,000**
TOTALS	**$ 46,717,400**	**$ 47,728,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

GOVERNMENTAL CAPITAL PROJECTS FUND
REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Four Million Ninety Three Thousand Three Hundred dollars ($4,093,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

REVENUES

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE - PROJECTS	**$ 383,900**	**$ 1,472,100**
REVENUES		
INCOME FROM SALE OF ASSETS	-	70,100
GRANT RECEIPTS	105,000	105,000
INTEREST EARNINGS	5,000	5,000
MISCELLANEOUS REVENUE	-	16,700
TRANSFER FROM GENERAL FUND	1,859,400	2,344,400
TRANSFER FROM PARKLAND RESERVE	80,000	80,000
SUBTOTAL PROJECT RECEIPTS	**2,049,400**	**2,621,200**
TOTAL FUNDING SOURCES	**2,049,400**	**2,621,200**
TOTAL BEGINNING BALANCE AND REVENUES	**$ 2,433,300**	**$ 4,093,300**

EXPENSE SUMMARY

EXPENDITURES	2016/17 BUDGET	2016/17 REVISED
FIRE	$ 145,700	$ 145,700
GROUNDS MAINTENANCE	58,200	153,800
LIFE SAFETY	29,500	29,500
LIBRARY	-	15,000
POLICE	299,800	299,800
RECREATION	165,000	165,000
STREETS	1,026,000	1,842,600
CITY MANAGER	-	502,800
SANITATION	261,500	261,500
FACILITIES MANAGEMENT	27,700	27,700
FLEET MAINTENANCE	31,000	31,000
DEPARTMENT SUBTOTAL	**2,044,400**	**3,474,400**
BUDGET BALANCE	388,900	618,900
TOTAL BUDGET BALANCE & EXPENDITURES	**$ 2,433,300**	**$ 4,093,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

GENERAL FUND CONTINGENCY
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Seven Hundred Forty Two Thousand Nine Hundred dollars ($742,900) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 731,000**	**$ 732,900**
INTEREST EARNED	10,000	10,000
TOTALS	**$ 741,000**	**$ 742,900**

EXPENSE SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CARRY FORWARD TO NEXT YEAR	741,000	742,900
TOTALS	**$ 741,000**	**$ 742,900**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

GENERAL CAPITAL ASSET RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating One Million Five Hundred Twenty Two Thousand Two Hundred dollars ($1,522,200) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 1,251,300**	**$ 1,253,800**
RECEIPTS		
INTEREST EARNINGS	15,000	15,000
TRANSFER FROM GENERAL FUND	-	253,400
TOTAL RECEIPTS	**15,000**	**268,400**
TOTALS	**$ 1,266,300**	**$ 1,522,200**

EXPENSE SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CARRY FORWARD TO NEXT YEAR	$ 1,266,300	$ 1,522,200
TOTALS	**$ 1,266,300**	**$ 1,522,200**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

PARKLAND/RECREATION RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Three Hundred Twenty Nine Thousand Four Hundred dollars ($329,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
PRIOR YEAR BALANCE	**$ 324,900**	**$ 326,400**
INTEREST INCOME	3,000	3,000
TOTALS	**$ 327,900**	**$ 329,400**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
TRANSFER TO GENERAL CAPITAL PROJECT FUND	80,000	80,000
CURRENT YEAR BALANCE	247,900	249,400
TOTALS	**$ 327,900**	**$ 329,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WATER/WASTEWATER FUND
REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Seventeen Million Sixty Seven Thousand Seven Hundred dollars ($17,067,700) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE - WATER	$ 566,500	$ 881,300
BEGINNING BALANCE - WASTEWATER	663,200	719,200
TOTAL BEGINNING BALANCES	**1,229,700**	**1,600,500**
BASE REVENUE		
WATER SERVICES	5,800,000	5,800,000
WASTEWATER SERVICES	3,800,000	3,800,000
WASTEWATER TREATMENT SERVICES	3,000,000	3,000,000
GROUNDWATER INFLOW ADJUSTMENT	1,938,000	1,938,000
WATER TANK SPACE LEASING	366,200	366,200
SEWER IMPACT FEES	228,000	228,000
WATER IMPACT FEES	252,000	252,000
INTEREST - WATER	10,000	10,000
INTEREST - WASTEWATER	10,000	10,000
MISCELLANEOUS SERVICE FEE	63,000	63,000
TOTAL REVENUES	**15,467,200**	**15,467,200**
TOTAL BEGINNING BALANCES AND REVENUES	**$ 16,696,900**	**$ 17,067,700**

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2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WATER/WASTEWATER FUND - EXPENSES AND BUDGET BALANCE FOR 2016-2017

	2016/17 BUDGET	2016/17 REVISED
DIRECT EXPENSES		
ENGINEERING & INSPECTION	$ 516,500	$ 521,500
WATER DEPARTMENT	655,400	677,200
WASTEWATER DEPARTMENT	962,400	983,400
WATER TREATMENT PLANT	1,727,400	1,735,800
DIRECT EXPENDITURE SUBTOTAL	**3,861,700**	**3,917,900**
OTHER EXPENSES		
DEBT SERVICE - WATER	590,300	590,300
DEBT SERVICE - WASTEWATER	636,900	636,900
RETIREES HEALTH CARE	192,400	192,400
OTHER EMPLOYMENT EXPENSES	21,200	5,000
OPEB UNFUNDED LIABILITY	-	101,800
KENT COUNTY TREATMENT CHARGE	4,130,000	4,130,000
INTERFUND SERVICE FEES	1,653,800	1,673,400
BANK & CREDIT CARD FEES	25,000	25,000
BOND ISSUE COSTS	40,000	40,000
OTHER EXPENSES SUBTOTAL	**7,289,600**	**7,394,800**
TRANSFER TO:		
GENERAL FUND FROM WATER	500,000	500,000
GENERAL FUND FROM WASTEWATER	375,000	375,000
WATER IMP AND EXT	1,000,000	980,000
WASTEWATER IMP AND EXT	1,000,000	980,000
CONTINGENCY RESERVE WATER	110,000	131,100
CONTINGENCY RESERVE WASTEWATER	60,000	60,000
ELECTRIC IMP AND EXT	231,200	231,200
TRANSFER TO SUBTOTAL	**3,276,200**	**3,257,300**
TOTAL EXPENSES	**14,427,500**	**14,570,000**
BUDGET BALANCES		
BUDGET BALANCE WATER	1,103,100	1,331,500
BUDGET BALANCE WASTEWATER	1,166,300	1,166,200
BUDGET BALANCE SUBTOTALS	**2,269,400**	**2,497,700**
TOTAL CURRENT YEAR BALANCES AND EXPENSES	**$ 16,696,900**	**$ 17,067,700**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Twelve Million Four Hundred Twenty Thousand Three Hundred dollars ($12,420,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year begining July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE - WATER	$ 1,179,900	$ 3,584,500
BEGINNING BALANCE - WASTEWATER	952,600	3,129,800
TOTAL BEGINNING BALANCES	**2,132,500**	**6,714,300**
REVENUES		
STATE LOAN FUND - WATER	2,400,000	2,400,000
STATE LOAN FUND - WASTEWATER	884,000	884,000
TRANS FR OPERATING FUND - WATER	1,000,000	1,000,000
TRANS FR OPERATING FUND - WASTEWATER	1,000,000	1,000,000
TRANSFER FROM WATER IMPACT FEE	190,800	190,800
TRANSFER FROM WASTEWATER IMPACT FEE	211,200	211,200
INTEREST INCOME	20,000	20,000
TOTAL REVENUES	**5,706,000**	**5,706,000**
TOTAL BEGINNING BALANCES & REVENUES	**$ 7,838,500**	**$ 12,420,300**

EXPENSE SUMMARY

EXPENSES	2016/17 BUDGET	2016/17 REVISED
W/WW ENGINEERING	$ 30,400	$ 30,400
WATER	1,338,800	3,908,100
WASTEWATER	2,021,200	4,004,700
WATER TREATMENT PLANT	1,200,000	1,200,000
TOTAL EXPENSES	**4,590,400**	**9,143,200**
BUDGET BALANCE - WATER	2,035,900	2,062,000
BUDGET BALANCE - WASTEWATER	1,021,400	1,215,100
CURRENT YEAR BALANCE SUBTOTALS	**3,057,300**	**3,277,100**
TOTAL BUDGET BALANCES & EXPENSES	**$ 7,647,700**	**$ 12,420,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WATER/WASTEWATER CAPITAL ASSET RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating One Million Forty Five Thousand Eight hundred dollars ($1,045,800) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE - WATER	$ 514,600	$ 519,600
BEGINNING BALANCE - WASTEWATER	513,400	518,400
TOTAL BEGINNING BALANCES	**1,028,000**	**1,038,000**
RECEIPTS		
INTEREST EARNINGS - WATER	3,900	3,900
INTEREST EARNINGS - WASTEWATER	3,900	3,900
TOTAL RECEIPTS	7,800	7,800
TOTALS	**$ 1,035,800**	**$ 1,045,800**

EXPENSE SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CURRENT YEAR BALANCE - WATER	$ 518,500	$ 523,500
CURRENT YEAR BALANCE - WASTEWATER	517,300	522,300
CURRENT YEAR BALANCE SUBTOTALS	**1,035,800**	**1,045,800**
TOTALS	**$ 1,035,800**	**$ 1,045,800**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WATER/WASTEWATER IMPACT FEE RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Three Million Five Hundred Twenty Five Thousand One Hundred dollars ($3,525,100) or so much thereof as may be necessary are hereby appropriated fromcurrent revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE - WATER	$ 430,700	$ 434,200
BEGINNING BALANCE - WASTEWATER	1,590,900	3,075,500
TOTAL BEGINNING BALANCES	**2,021,600**	**3,509,700**
RECEIPTS		
INTEREST EARNINGS - WATER	3,300	3,300
INTEREST EARNINGS - WASTEWATER	12,100	12,100
TOTAL RECEIPTS	**15,400**	**15,400**
TOTALS	**$ 2,037,000**	**$ 3,525,100**

EXPENSE SUMMARY

	2016/17 BUDGET	2016/17 REVISED
TRANSFER TO I & E FUND FROM WATER IMPACT FEES	$ 190,800	$ 190,800
TRANSFER TO I & E FUND FROM WASTEWATER IMPACT FEES	211,200	211,200
CURRENT YEAR BALANCE - WATER	243,200	246,700
CURRENT YEAR BALANCE - WASTEWATER	1,391,800	2,876,400
CURRENT YEAR BALANCE SUBTOTALS	**1,635,000**	**3,123,100**
TOTALS	**$ 2,037,000**	**$ 3,525,100**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WATER/WASTEWATER CONTINGENCY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Five Hundred Twenty Six Thousand Two Hundred dollars ($526,200) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE - WATER	$ 138,000	$ 117,900
BEGINNING BALANCE - WASTEWATER	191,600	214,700
TOTAL BEGINNING BALANCES	**329,600**	**332,600**
RECEIPTS		
INTEREST EARNINGS	2,500	2,500
TRANSFER FROM OPERATING ACCOUNT TO WATER	110,000	131,100
TRANSFER FROM OPERATING ACCOUNT TO WASTEWATER	60,000	60,000
TOTAL RECEIPTS	**172,500**	**193,600**
TOTALS	**$ 502,100**	**$ 526,200**

BUDGET SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CURRENT YEAR BALANCE - WATER	249,000	250,000
CURRENT YEAR BALANCE - WASTEWATER	253,100	276,200
CURRENT YEAR BALANCE SUBTOTALS	**502,100**	**526,200**
TOTAL EXPENSES AND CURRENT YEAR BALANCES	**$ 502,100**	**$ 526,200**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC REVENUE FUND
REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Ninety Nine Million Three Hundred Twenty Five Thousand dollars ($99,325,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 13,302,200**	**$ 19,896,400**
BASE REVENUE		
DIRECT SALES TO CUSTOMER	77,193,200	77,193,200
UTILITY TAX	1,287,900	1,287,900
MISCELLANEOUS REVENUE	548,600	548,600
RENT REVENUE	223,000	223,000
GREEN ENERGY	128,000	128,000
INTEREST EARNINGS	47,900	47,900
TOTAL REVENUES	**79,428,600**	**79,428,600**
TOTAL BEGINNING BALANCE & REVENUES	**92,730,800**	**99,325,000**

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2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC REVENUE FUND EXPENSES AND BUDGET BALANCE FOR 2016-2017

EXPENSES	2016/17 BUDGET	2016/17 REVISED
POWER SUPPLY	$ 16,557,600	$ 16,492,600
SOLAR ENERGY	2,313,900	2,313,900
SOLAR RENEWAL ENERGY CREDITS	363,400	363,400
POWER SUPPLY MANAGEMENT	996,000	996,000
REC'S (Renewable Energy Credits)	673,400	673,400
RGGI (Regional Greenhouse Gas Init.)	175,000	175,000
PJM CHARGES - ENERGY	12,357,900	12,357,900
PJM CHARGES - TRANSMISSION & FEES	7,603,800	7,603,800
CAPACITY CHARGES	10,160,600	10,160,600
SUB-TOTAL POWER SUPPLY	**51,201,600**	**51,136,600**
PLANT OPERATIONS	6,215,700	6,280,700
GENERATIONS FUELS	256,900	256,900
PJM SPOT MARKET ENERGY	(804,900)	(804,900)
PJM CREDITS	(360,000)	(360,000)
CAPACITY CREDITS	(7,355,100)	(7,355,100)
GENERATION SUBTOTAL	**(2,047,400)**	**(1,982,400)**
POWER SUPPLY & GENERATION SUBTOTAL	**49,154,200**	**49,154,200**
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	3,605,700	3,615,100
ELECTRICAL ENGINEERING	1,247,900	1,283,000
ADMINISTRATION	929,700	933,700
METER READING	378,600	379,500
SYSTEMS OPERATIONS	651,700	661,100
DIRECT EXPENDITURE SUBTOTALS	**6,813,600**	**6,872,400**
OTHER EXPENSES:		
UTILITY TAX	1,287,900	1,287,900
ALLOW FOR UNCOLLECTIBLES	250,000	250,000
RETIREES HEALTH CARE	600,000	600,000
OTHER EMPLOYMENT EXPENSES	58,900	100
OPEB UNFUNDED LIABILITY	-	109,300
GREEN ENERGY PAYMENT TO DEMEC	128,000	128,000
INTERFUND SERVICE FEES	3,564,900	3,625,900
INTEREST ON DEPOSITS	21,000	21,000
BANK & CREDIT CARD FEES	275,000	275,000
DEBT SERVICE	1,618,000	1,618,000
OTHER EXPENSES SUBTOTAL	**7,803,700**	**7,915,200**
TRANSFER TO:		
IMPROVEMENT & EXTENSION	2,500,000	2,500,000
GENERAL FUND	10,000,000	10,000,000
FUTURE CAPACITY RESERVE	750,000	2,750,000
DEPRECIATION RESERVE	750,000	2,750,000
RATE STABILIZATION RESERVE	1,250,000	3,250,000
TRANSFER TO SUBTOTAL	**15,250,000**	**21,250,000**
TOTAL EXPENSES	**79,021,500**	**85,191,800**
BUDGET BALANCE - WORKING CAPITAL	**13,709,300**	**14,133,200**
TOTALS	**$ 92,730,800**	**$ 99,325,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

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2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named aggregating Thirteen Million Eighteen Thousand Six Hundred dollars ($13,018,600) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

REVENUES

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 5,540,500**	**$ 9,314,400**
REVENUES		
TRANSFER FROM ELECTRIC	2,500,000	2,500,000
TRANSFER FROM WATER/WASTEWATER	231,200	231,200
INCOME FROM SALE OF ASSETS	-	28,000
GENERAL SERVICE BILLING	900,000	900,000
DEVELOPMENT GRANTS	5,000	5,000
INTEREST EARNINGS	40,000	40,000
TOTAL REVENUES	**3,676,200**	**3,704,200**
TOTALS	**$ 9,216,700**	**$ 13,018,600**

EXPENSE SUMMARY

EXPENSES	2016/17 BUDGET	2016/17 REVISED
ELECTRIC ADMINISTRATION	$ -	$ 23,000
ELECTRIC GENERATION	1,842,800	2,580,000
TRANSMISSION AND DISTRIBUTION	1,975,000	2,175,000
ELECTRICAL ENGINEERING	910,700	1,731,700
METER READING	41,800	64,800
ERP SYSTEM	1,000,000	1,000,000
TOTAL EXPENSES	**5,770,300**	**7,574,500**
BUDGET BALANCE	**3,446,400**	**5,444,100**
TOTAL BUDGET BALANCE & EXPENSES	**$ 9,216,700**	**$ 13,018,600**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC UTILITY CONTINGENCY RESERVE
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Eight Hundred Fifty Six Thousand Four Hundred dollars ($856,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 841,900**	**$ 850,000**
RECEIPTS		
INTEREST EARNINGS	6,400	6,400
TOTAL RECEIPTS	**6,400**	**6,400**
TOTALS	**$ 848,300**	**$ 856,400**

EXPENSE SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CURRENT YEAR BALANCE	848,300	856,400
TOTALS	**$ 848,300**	**$ 856,400**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC UTILITY DEPRECIATION RESERVE
SOURCES AND USE OF FUNDS FOR 2016-2017

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

The amount hereinafter named aggregating Twelve Million Nine Hundred Fifty Seven Thousand Three Hundred dollars ($12,957,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 10,083,600**	**$ 10,130,700**
INTEREST EARNINGS	76,600	76,600
TRANSFER FROM ELECTRIC OPERATING FUND	750,000	2,750,000
TOTALS	**$ 10,910,200**	**$ 12,957,300**

BUDGET SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CURRENT YEAR BALANCE	10,910,200	12,957,300
TOTALS	**$ 10,910,200**	**$ 12,957,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC UTILITY FUTURE CAPACITY RESERVE
SOURCES AND USE OF FUNDS FOR 2016-2017

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

The amount hereinafter named aggregating Thirteen Million One Hundred Ten Thousand Three Hundred dollars ($13,110,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 10,134,700**	**$ 10,283,300**
INTEREST EARNINGS	77,000	77,000
TRANSFER FROM ELECTRIC OPERATING FUND	750,000	2,750,000
TOTALS	**$ 10,961,700**	**$ 13,110,300**

BUDGET SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CURRENT YEAR BALANCE	10,961,700	13,110,300
TOTALS	**$ 10,961,700**	**$ 13,110,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC UTILITY INSURANCE STABLIZATION RESERVE
SOURCES AND USE OF FUNDS FOR 2016-2017

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

The amount hereinafter named aggregating Seven Hundred Sixty Nine Thousand Three Hundred dollars ($769,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 756,300**	**$ 763,600**
INTEREST EARNINGS	5,700	5,700
TOTALS	**$ 762,000**	**$ 769,300**

BUDGET SUMMARY

	2016/17 BUDGET	2016/17 REVISED
CURRENT YEAR BALANCE	762,000	769,300
TOTALS	**$ 762,000**	**$ 769,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

ELECTRIC UTILITY RATE STABLIZATION RESERVE
SOURCES AND USE OF FUNDS FOR 2016-2017

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

The amount hereinafter named aggregating Ten Million Five Hundred Seventy Four Thousand dollars ($10,574,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CASH RECEIPTS

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 7,207,100**	**$ 7,269,200**
INTEREST EARNINGS	54,800	54,800
TRANSFER FROM ELECTRIC OPERATING FUND	1,250,000	3,250,000
TOTALS	**$ 8,511,900**	**$ 10,574,000**

BUDGET SUMMARY

	2016/17 BUDGET	2016/17 REVISED
TRANSFER TO ELECTRIC FUND	$ -	$ -
CURRENT YEAR BALANCE	8,511,900	10,574,000
TOTALS	**$ 8,511,900**	**$ 10,574,000**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

WORKERS COMPENSATION FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Two Million One Hundred Thirty Two Thousand Three Hundred dollars ($2,132,300) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
BEGINNING BALANCE	**$ 1,256,300**	**$ 1,251,900**
INTEREST INCOME	25,000	25,000
PREMIUM FROM CITY	855,400	855,400
TOTALS	**$ 2,136,700**	**$ 2,132,300**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
PROGRAM EXPENSES/SUPPLIES - CLAIMS	$ 475,000	$ 475,000
INSURANCE	105,500	105,500
STATE OF DEL - SELF INSURANCE TAX	39,000	39,000
CONTRACTUAL SERVICES	25,000	25,000
TOTAL EXPENSES	**644,500**	**644,500**
CURRENT YEAR BALANCE	1,492,200	1,487,800
TOTALS	**$ 2,136,700**	**$ 2,132,300**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

COMMUNITY TRANSPORTATION IMPROVEMENT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Nine Hundred Twelve Thousand Four Hundred dollars ($912,400) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
PRIOR YEAR BALANCE	**$ 92,100**	**$ 90,700**
GRANTS REVENUE	500,000	500,000
TOTALS	**$ 592,100**	**$ 590,700**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
PROGRAM EXP. GRANT RELATED	$ 500,000	$ 505,500
CURRENT YEAR BALANCE	92,100	85,200
TOTALS	**$ 592,100**	**$ 590,700**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

LIBRARY GRANT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Three Hundred Thirty Seven Thousand Two Hundred dollars ($337,200) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
PRIOR YEAR BALANCE	**$ 17,300**	**$ 37,600**
STATE GRANT	305,500	297,100
FEDERAL GRANT	2,500	2,500
TOTALS	**$ 325,300**	**$ 337,200**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
STATE GRANTS		
FURNITURE/FIXTURES	$ 10,500	$ 12,500
OFFICE SUPPLIES	30,800	30,800
PRINTING AND DUPLICATING	12,500	14,000
PROGRAM EXPENSES/SUPPLIES	27,500	30,000
BOOKS	150,600	150,300
SOFTWARE	-	1,000
HARDWARE	-	4,400
AUDIO VISUAL SUPPLIES	77,200	77,200
POSTAGE	100	200
TRAINING/CONF/FOOD/TRAV	5,300	6,000
OFF EQP/REPAIRS & MAINT	6,300	6,300
OTHER EQUIP - LEASE	2,000	2,000
SUBTOTAL EXPENSES STATE GRANTS	**322,800**	**334,700**
FEDERAL GRANTS		
PROGRAM EXPENSES/SUPPLIES	2,500	2,500
SUBTOTAL EXPENSES FEDERAL GRANTS	**2,500**	**2,500**
GRAND TOTAL EXPENSES	**325,300**	**337,200**
CURRENT YEAR BALANCE	-	-
TOTALS	**$ 325,300**	**$ 337,200**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

POLICE GRANTS FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Eight Hundred Thirty Two Thousand dollars ($832,000) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
PRIOR YEAR BALANCE	**$ 295,300**	**$ 513,000**
STATE AND FEDERAL GRANTS RECEIVED	319,000	319,000
TOTALS	**614,300**	**832,000**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
EXPENDITURES		
PERSONNEL EXPENDITURES		
CADET PROGRAM SALARIES	71,400	71,400
CADET PROGRAM FICA	5,500	5,500
CADET PROGRAM W/COMP	4,200	4,200
MATERIALS AND SUPPLIES		
POLICE EQUIPT & PROG SUPP	284,000	268,800
ADMINISTRATIVE EXPENDITURES		
CELL PHONE CHARGES	16,000	16,000
TRAINING	17,000	46,100
AUDIT FEES	1,000	1,000
CONTRACTUAL SERVICES	5,000	145,000
TOTAL EXPENDITURES	**404,100**	**558,000**
OTHER FINANCING USES		
OPERATING TRANSFERS-OUT	82,000	274,000
TOTAL FINANCING USES	**82,000**	**274,000**
CURRENT YEAR BALANCE	128,200	-
TOTALS	**$ 614,300**	**$ 832,000**

The above budget represents the combination of all State & Federal Grants.

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

CDBG GRANT FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating Two Hundred Eighty One Thousand Eight Hundred dollars ($281,800) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
PRIOR YEAR BALANCE	**$ 2,100**	**$ 2,100**
CDBG GRANTS RECEIVED	236,500	279,700
TOTALS	**238,600**	**281,800**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
EXPENDITURES		
PRIOR YEAR CLOSING COST/DOWN PAYMENT PROGRAM	-	900
PRIOR YEAR NCALL RESEARCH INC.	-	1,000
PRIOR YEAR CONNECTION SUPP PROGRAM	-	2,500
PRIOR YEAR MHDC EMERGENCY HOME REPAIR	-	22,300
PRIOR YEAR HABITAT FOR HUMANITY	-	3,000
PRIOR YEAR MHDC HOMEOWNER REHAB.	-	13,400
CURRENT YEAR CLOSING COST/DOWN PAYMENT PROGRAM	50,000	50,000
CURRENT YEAR CONNECTION SUPP PROGRAM	7,200	7,300
CURRENT YEAR DOVER INTERFAITH MINISTRY	22,000	22,000
CURRENT YEAR MHDC EMERGENCY HOME REPAIR	25,000	25,000
CURRENT YEAR HABITAT FOR HUMANITY	30,000	30,000
CURRENT YEAR MHDC HOMEOWNER REHAB.	55,000	55,000
CURRENT YEAR SALARIES	47,300	47,300
TOTAL EXPENDITURES	**236,500**	**279,700**
CURRENT YEAR BALANCE	2,100	2,100
TOTALS	**$ 238,600**	**$ 281,800**

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

2016-2017 BUDGET ORDINANCES - FIRST AMENDMENT

SUBSTANCE ABUSE GRANTS FUND
CASH RECEIPTS/REVENUES AND BUDGET FOR 2016-2017

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

The amount hereinafter named aggregating One Hundred Sixty Thousand Five Hundred dollars ($160,500) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATING REVENUES

	2016/17 BUDGET	2016/17 REVISED
PRIOR YEAR BALANCE	**$ 60,300**	**$ 99,500**
STATE GRANTS RECEIVED	28,000	28,000
RECREATION REVENUE	33,000	33,000
TOTALS	**121,300**	**160,500**

OPERATING EXPENSES

	2016/17 BUDGET	2016/17 REVISED
EXPENDITURES		
TEMPORARY HELP/BENEFITS	60,200	60,200
PROGRAM EXPENSES/SUPPLIES	55,000	55,000
TOTAL EXPENDITURES	**115,200**	**115,200**
CURRENT YEAR BALANCE	6,100	45,300
TOTALS	**$ 121,300**	**$ 160,500**

The above budget represents the combination of all State & Federal Grants.

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED:

DRAFT

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2017-02

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

That Chapter 2 - Administration, Article V - Finance, Section 2-422 - Disposal of Excess Property of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 2-422. - ~~**Disposal of excess property**~~ **Sale and disposition of real property.**

(a) ***Authorized.*** Except as otherwise provided and upon approval of the city council, the city manager is hereby authorized to sell or dispose of excess property.

(b) ***Determination of excess status*. The city manager, upon determining that a city owned parcel of land is excess in nature and that the disposal of such land would be beneficial to the City of Dover, will request, through the legislative, finance, and administration committee, that city council consider disposal of such land.**

(c) ***Costs of Conveyance.*** **Unless otherwise specified by the city council, all fees and costs, legal or otherwise, associated with the sale and conveyance of all excess lands shall be paid by the purchaser.**

(d) ***Standard method of disposition*.**

(1) The legislative, finance, and administration committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to city council, request all pertinent information including, but not limited to, the following:

a. Determination that subject parcel is not required by any other city department.
b. Written explanation of why subject parcel is now surplus.
c. Determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.
d. Determination if the parcel's exact location and size is known and, if not, recommend whether said parcel should be surveyed by the City prior to any sale attempts.

(2) City council, after receiving a positive recommendation from the legislative, finance, and administration committee to dispose of a surplus parcel of land, shall, as part of its deliberations:

a. Determine if disposal of the parcel is in the City's best interests.
b. Determine if disposal by sale, gift, or some other means would best serve the City's interests.
c. Determine if the city planner should be requested to initiate rezoning procedures.
d. Publicize the pertinent information concerning the surplus parcel and its availability for purchase to the general public at least once a week for two weeks in a local newspaper.

Draft

e. Make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 2 (d) are met, hold a public hearing to receive any other citizen input.

(3) City council, after voting to proceed with the sale of surplus land, shall determine:

a. If an unbiased appraisal is needed to establish a minimum acceptable price.
b. Whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.
c. The degree and scope of advertising, with a minimum of exposure being advertisement once a week for two weeks in a newspaper of general circulation within the county.
d. Whether the circumstances of and surrounding a particular sale may be such that the best interests of the City would be served by listing the property for sale with a licensed real estate agent.

(4) City staff shall, with city council's direction:

a. Arrange for advertisement of the sale.
b. Draft the sale bill setting out a description of the parcel to be sold, time, date, and place of sale or bid opening, the terms and conditions of sale, and the City's reservation of acceptance or rejection of any or all bids received at the time of sale or bid opening.
c. Order and distribute a sufficient number of sale bills for posting and distribution in the County Courthouse, at the site, and in the general area of the parcel.
d. Obtain the services of a professional auctioneer if said sale is to be a public auction.
e. Conduct the sale and submit the results to city council.
f. Obtain the services of a licensed real estate agent if the sale is to be brokered.

(5) City council, after confirming the sale, shall:

a. Request the city solicitor to prepare a deed for execution and to arrange for final settlement with the purchaser, at which time the City will deliver the deed, the purchaser will pay all balances due, and the city solicitor will record said deed in the Recorder of Deeds Office for Kent County.

(e) *Exceptions to standard method of disposition*.

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

Examples of detrimental affect might be when the surplus City parcel lies between an abutting property and the street and development of the parcel would obstruct visibility of

the abutter's property, or when the surplus parcel is zoned multi-family and abuts a single family parcel.

(2) *Exception B - Trade of lands*. Trade of lands may be approved when it is shown beyond doubt that such a trade will be equal to or better than the lands to be traded either on a "square foot for square foot" measure and/or on a "dollar for dollar" measure.

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

(4) *Exception D - Sale of small or irregular shaped lot to an abutting owner*. If any excess parcel of land is too small or irregular in shape to be of any value to anyone other than an abutting owner, it may be sold to such owner at either its fee appraised fair market value, or at its fair market value as established by the City's assessment records, whichever city council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

(5) *Exception E - Donation of land to non-profit organizations*. If, in the opinion of city council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City, council then reserves unto itself the right to make such donation.

(Code 1981, § 2-80; Ord. of 3-12-2001)

ADOPTED: *

S:\ORDINANCES\2017\DRAFT\ORDINANCE #2017-02 CHP 2 - ADMIN, ART V - FINANCE, SEC 2-422 - DISPOSAL OF EXCESS PROPERTY\Ordinance #2017-02 - Chp 2-Admin, Art V-Finance, Sec 2-422-Disposal of Excess Property-First Reading.wpd

SYNOPSIS

The proposed amendment codifies the City's procedure for the sale and disposition of excess city-owned real property.

(SPONSORS: NEIL, KOENIG, AND MCDOWELL)

Actions History

01/23/2017 - Scheduled for First Reading - City Council
01/10/2017 - Introduced - Council Committee of the Whole/Legislative, Finance, and Administration Committee

DRAFT

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2017-03

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

That the Dover Code of Ordinances be amended by creating a new Chapter 80 - Personnel.

BE IT FURTHER ORDAINED:

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan of the Dover Code be moved to Chapter 80 - Personnel, Division 3. – General Employee Pension Plan.

BE IT FURTHER ORDAINED:

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan of the Dover Code be moved to Chapter 80 - Personnel, Division 2. - Deferred Compensation Plan (IRC 457 (b)).

BE IT FURTHER ORDAINED:

That Chapter 2 - Administration, Article VI - Other Post-Employment Benefits Fund of the Dover Code be moved to Chapter 80 - Personnel, Division 5. – Other Post-Employment Benefits Fund.

BE IT FURTHER ORDAINED:

That Chapter 80 - Personnel of the Dover Code be amended by inserting the text in bold, blue font and deleting the text indicated in red strikeout, as follows:

Chapter 80 – **PERSONNEL**
~~DIVISION 7. - GENERAL EMPLOYEE PENSION PLAN[5]~~
~~Footnotes:~~
~~--- (5) ---~~
~~**Charter reference** — Authority of city to establish pension plans, subpart A.~~

~~Subdivision~~ **ARTICLE** I. - ~~In General~~ **IN GENERAL**

Sec. ~~2-321~~ **80-1**. - Definitions.

The following words, terms and phrases, when used in this ~~division~~ **chapter**, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning **or the plan documents contradict**:

Accumulated contributions means the aggregate contributions made by a member under the plan~~, with interest thereon at the rate of five percent per annum, compounded~~

~~annually from the last day of the plan year in which such contribution was made to the earlier of the date of commencement of retirement income or the date on which contributions are payable pursuant to the provisions of the plan~~.

Compensation **means a participant's base pay, plus scheduled overtime, payment for being on-call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments.**

Continuous service means regularly employed without interruption, except for allowable interruptions aggregating not over five years. Allowable interruptions shall include:

(1) Leaves of absence granted to employees for illness, research, travel, training or study;

(2) Employment in an office to which the employee had been elected by popular vote at a regular city election;

(3) Involuntary severance which shall include a required leave of absence on account of maternity, and the employee returns to active employment at the end of that leave of absence.

(4) To the extent required by federal law, if an employee leaves the employ of the city to enter the military service of the United States and, upon ~~his~~ **their** discharge from service, is reemployed by the city at a time when ~~his~~ **their** reemployment rights are protected by federal law, the employee shall be considered to have been employed by the city during ~~his~~ **their** period of military service and shall be credited with continuous service which ~~he~~ **they** would have been credited with as an employee of the city but for ~~his~~ **their** military service. The period for which disability pension benefits shall have been paid shall be considered as an allowable interruption which is permitted in addition to the allowable interruptions aggregating not over five years in determining subsequent eligibility for retirement benefits under the terms of this ~~division~~ **chapter**.

Deferred Compensation Plan (IRC 457 (b)) **means the deferred contribution plan.**

~~*Defined benefit pension plan* and *plan* mean the city's general employee pension plan.~~

Eligible employee means any person ~~regularly~~ employed in rendering service to the city on a full-time, ~~permanent~~ **regular** basis, who is ~~not~~ participating in ~~any other~~ **a** retirement plan to which the city contributes for them, and whose compensation is paid directly by the city. An employee will be considered a full-time employee if ~~he~~ **they** regularly work~~s~~ 40 ~~or more~~ hours each week.

General employee pension plan board **means the general employee pension Trust board.**

~~*Defined benefit*~~***General employee*** *pension plan* and *plan* mean the city's general employee **defined benefit** pension plan.

Group annuity contract means the group annuity contract entered into between an insurance company and the **general employee** pension **plan** board~~ of trustees~~.

Money Purchase Plan **(IRC 401(a)) means the defined contribution plan.**

OPEB board **means the board of trustees of the other post-employment benefits trust as established in Section 80-701. – OPEB Board; established; duties.**

OPEB fund **means the other post-employment benefits Trust established in Section 80-700. – OPEB Fund; established.**

Participant means any eligible employee of the city who has met all of the requirements for participation in ~~the pension plan as defined in this section and who has satisfied all of the conditions and requirements set forth in this division~~ **a City retirement benefit plan**.

~~*Pension board* means the pension board of trustees.~~

~~*Pension plan* and *plan* mean the city's general employee pension plan.~~

Plan year means the period of one year, commencing on any July 1 and ending immediately prior to the following July 1.

Retired participant means a participant of the plan who has terminated service and is eligible to receive retirement income under this ~~division~~ **chapter**.

(Code 1968, § 2-87; Ord. of 1-12-1970; Code 1981, § 2-176; Ord. of 7-11-1983; Ord. of 7-26-1993, § 1; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. No. 2010-13, 6-28-2010)

ARTICLE II. – RESERVED

ARTICLE III. – RESERVED

ARTICLE IV. – PENSION PLANS AND RETIREMENT BENEFITS (EXCEPT POLICE) [5]

Footnotes:

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Charter reference— Authority of city to establish pension plans, subpart A.

DIVISION 1. – GENERALLY

Sec. 80-400. – Applicable to all pension plans.

~~Sec. 2-340. –~~**–(a)** Correction of payment errors.

Should any change or error in the records result in any member or beneficiary receiving from the plan more or less than he would have been entitled to receive had the records been correct, the ~~pension board of trustees~~**human resources director, with the concurrence of the controller/treasurer,** ~~-~~shall have the power to correct the error, and as far as practicable and just, to adjust the payments in a manner that the equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

(Code 1968, § 2-113; Ord. of 1-12-1970; Code 1981, § 2-195)

~~Sec. 2-343.~~**(b)** ~~–~~Limitation on benefits.

To the extent necessary, the participant's benefit under this plan and all plans of the city shall be limited in accordance with section 415 of the Internal Revenue Code (26 USC 415) and the regulations thereunder, and such code section and regulations shall hereby be incorporated herein.

(Code 1981, § 2-198; Ord. of 7-26-1993, § 7)

~~Sec. 2-344.~~**(c)** ~~-~~Distributions.

All distributions from this plan shall be made in accordance with section 401(a)(9) of the Internal Revenue Code (26 USC 401(a)(9)) and the regulations thereunder, and such code section and regulations shall hereby be incorporated herein.

(Code 1981, § 2-199; Ord. of 7-26-1993, § 8)

~~Sec. 2-345. –~~**–(d)** Maximum compensation.

The maximum earnings utilized for purposes of determining benefits shall be limited in accordance with section 401(a)(17) of the Internal Revenue Code (26 USC 401(a)(17)) and the regulations thereunder, and such code section and regulations shall hereby be incorporated herein.

(Code 1981, § 2-200; Ord. of 7-26-1993, § 9)

DIVISION ~~8~~**2**. - DEFERRED COMPENSATION PLAN **(IRC 457 (b))**

Sec. ~~2-392~~**80-450**. - Established; purpose.

There is hereby established the city employee deferred compensation plan **(IRC 457 (b))**. The purpose of the plan is to establish the basic terms and conditions under which employees shall participate in this plan. Further details, terms and conditions under which retirement, termination, and survivor benefits shall be provided to eligible employees are defined in the deferred compensation plan.

(Code 1981, § 2-212; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000)

Sec. ~~2-393~~**80-451**. - Eligibility of participants.

Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994, who makes a~~n irrevocable~~ decision to join the deferred compensation plan, shall, upon compliance with the provisions of this division, become a deferred compensation plan participant on May 1, 1994. Thereafter, each eligible employee who selects the deferred compensation plan upon employment shall become a participant in accordance with the plan. ~~All new employees, except police officers, hired after September 28, 2009 are required to join the defined contribution pension plan as defined in subsection 2-324~~ **Refer to 457 Plan Document for plan provisions, including age 50 catch-up and special catch-up contributions**.

(Code 1981, § 2-213; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 7-10-2000; Ord. No. 2016-10 , 6-13-2016)

Sec. ~~2-394~~**80-452**. - Contributions.

(a) *Employee contributions.* ~~For each year while a participant of the deferred compensation plan, a participant shall contribute, by payroll deductions, a percentage of his/her compensation as defined in the deferred compensation plan, which shall be a participant's base pay, plus scheduled overtime, payment for being on-call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments, up to the legal limits as defined in the deferred compensation plan~~ **Employees participating in a city pension plan are eligible to participate in the deferred compensation plan (IRC 457 (b)), in addition to the general employee pension plan, upon submission of the signed elective deferral documentation. Contributions shall be made by voluntary payroll deduction**.

~~(b) *Employer contributions.* The city shall contribute an amount equal to each individual's employee contributions, to a maximum percentage of an employee's compensation as defined in the deferred compensation plan, which shall be a participant's base pay, plus scheduled overtime, payment for being on-call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments for each participant.~~

(c) *Treatment.* Treatment of contributions shall be handled in accordance with federal and state laws and the applicable provisions of ~~section 2-341 pertaining to the general employee pension plan~~ **IRC 457(a)(1)(A)**.

Sec. 80-453. – *Interpretation*.

As originally enacted, the deferred compensation plan was a part of the general employee pension plan. The two plans have now been legislatively separated. In the event that it is determined that the separation of the two plans has caused any ambiguity, then reference is made to the applicable provisions of the general employee pension plan in defining, implementing, interpreting, and administering the deferred compensation plan. (Moved from Sec. 2-391)

(Code 1981, § 2-214; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000; Ord. No. 2016-10 , 6-13-2016)

Secs. ~~2-395—2-420~~**80-453-80-499**. - Reserved.

DIVISION 3. – GENERAL EMPLOYEE PENSION PLAN

Sec. ~~2-322~~**8-500**. ~~-~~**– General employee pension plan** ~~E~~**e**stablished; purpose.

(a) *Generally.* There is hereby established the city **general** employee pension plan. The purpose of the plan is to establish the terms and conditions under which retirement and disability benefits ~~and other benefits~~ shall be provided to eligible employees of the city. The benefits under the plan shall be in addition to amounts received as social security benefits or from any other pension plan.

(b) *For employee exclusively.* This plan is created for the exclusive benefit of the employees of the city and shall be interpreted in a manner consistent with it being an employee's trust, as defined in section 401(a) of the Internal Revenue Code (26 USC 401(a)). Therefore, under no circumstances shall any funds contributed to this plan or any assets of the plan or trust ever revert to or be used or enjoyed by the city, nor shall any such funds or assets ever be used other than for the benefits of the employees of the city and their beneficiaries, prior to the satisfaction of all liabilities under this plan to the employees.

(Code 1968, § 2-88; Ord. of 1-12-1970; Code 1981, § 2-177; Ord. of 7-26-1993, § 2)

Sec. ~~2-323~~80-501. - Eligibility of participant.

Each eligible employee not drawing any retirement benefits from the mayor and city council as of January 1, 1967, shall, upon compliance with the provisions of this division, become a **general employee** pension plan participant under this division, commencing on July 1, 1967, or at any subsequent time immediately upon his employment. Effective September 28, 2009 the ~~defined benefit~~ **general employee pension** plan is closed to new participants.

(Code 1968, § 2-97; Ord. of 1-12-1970; Code 1981, § 2-178; Ord. of 6-8-1987; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-324~~80-502. - Participation mandatory; exceptions.

The pension plan shall not be construed to give any employee the right to be retained in the employ of the city. All new employees hired after July 1, 1991, shall be required, as a condition of employment, to join the ~~defined benefit~~ **general employee pension** plan or the ~~defined contribution~~ **deferred compensation** plan. All new employees hired after September 29, 2009~~,~~ are required to join the ~~defined contribution pension plan~~ **Money Purchase Plan (IRC 401(a)), as defined in Division 4.** All participants of the ~~defined benefit~~ **general employee** pension plan as of September 28, 2009~~,~~ will remain members of either plan thereafter unless they shall leave the employment of the city, retire, pass away, or elect to terminate their participation in the ~~defined benefit~~ **general employee pension** plan and become a member of the ~~defined contribution pension plan~~ **Money Purchase Plan (IRC 401(a)),** as defined in ~~subsection 2-341(f)~~ **Division 4**.

(Code 1968, § 2-97; Ord. of 1-12-1970; Code 1981, § 2-179; Ord. of 5-28-1991; Ord. of 5-22-2000; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-325~~ 80-503. - Defraudment.

It shall be unlawful for any person to knowingly make any false statement or falsify, or permit to be falsified, any record of the pension plan in an attempt to defraud the plan.

(Code 1968, § 2-98; Ord. of 1-12-1970; Code 1981, § 2-180)

Sec. ~~2-326~~ 80-504. - Normal retirement.

The normal retirement date for each participant shall be the first day of the month following the attainment of the age of 65 years, provided that he has completed ten years of continuous service.

(Code 1968, § 2-99; Ord. of 1-12-1970; Code 1981, § 2-181; Ord. of 6-24-1996)

Sec. ~~2-327~~ 80-505. - Early retirement.

(a) *Reduced benefits.* A participant who has completed ten years of continuous service and who has attained the age of 55 years may retire at any time within the ten years preceding his normal retirement date; provided, however, that his retirement benefits shall be computed at a reduced rate of one-half percent for each month computed from the date of early retirement to age 65 years.

(b) *Unreduced benefits.*

(1) *Hired May 1, 1994, or later.* For eligible employees hired on or after May 1, 1994, a participant who has attained the age of 55 years, and whose attained age plus years of continuous service is equal to or greater than 80, may retire at any time prior to his normal retirement date with no reduction in retirement benefits.

(2) *Hired before May 1, 1994.* For eligible employees hired before May 1, 1994, a participant who has completed 25 years of continuous service, or has attained

the age of 50 years and completed 20 years of continuous service may retire at any time prior to his normal retirement date with no reduction in retirement benefits.

(Code 1968, § 2-100; Ord. of 1-12-1970; Code 1981, § 2-182; Ord. of 10-12-1982, § 1; Ord. of 4-25-1994)

Sec. ~~2-328~~ 80-506. - Later retirement.

If a participant works beyond his normal retirement date, the payment of the participant's retirement benefits shall be deferred until his actual retirement.

(Code 1968, § 2-101; Ord. of 1-12-1970; Code 1981, § 2-183; Ord. of 7-26-1993, § 3; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-329~~ 80-507. - Forced retirement with pension.

The **general employee** pension **plan** board ~~of trustees~~, upon recommendation of the city council or the city manager, may require retirement in any case where deemed necessary due to the lack of work or inability of the employee to perform with a satisfactory degree of efficiency, provided that the employee qualifies for either normal retirement pursuant to section ~~2-326~~ **80-504**, or early retirement pursuant to section ~~2-327~~ **80-505**. The employee shall then be entitled to receive, commencing on the first day of the month coinciding with or next following his date of retirement, pension benefits equal to the benefits computed in accordance with the provisions of section ~~2-330~~ **80-508** on the basis of the employee's service completed prior to actual retirement.

(Code 1968, § 2-102; Ord. of 1-12-1970; Code 1981, § 2-184)

Sec. ~~2-330~~ 80-508. - Amount of retirement benefits.

Retirement January 1, 1995, or later. The amount of retirement benefits payable to a participant who retires on or after January 1, 1995~~,~~ shall be computed on the basis of one-fiftieth of his average actual monthly earnings multiplied by the total number of years of continuous service. Average actual monthly earnings shall be a participant's base pay plus scheduled overtime, payment for being on call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments during any period of 36 consecutive months in his final ten years of continuous service~~,~~ which results in the highest average monthly earnings.

If an employee's approved absence is the result of a workers compensation injury, the base wages that the employee would have earned had he not been on workers compensation leave will be included when determining the highest 36 consecutive months within his final ten years of continuous service.

The value of lost base salary as a result of mandatory furlough shall be added to an employee's final average compensation and considered in the calculation of the amount of retirement benefits, if the time period in which the mandatory furlough was required is

within the highest 36 consecutive months or earnings within the final ten years of continuous service.

(Code 1968, § 2-103; Ord. of 1-12-1970; Code 1981, § 2-185; Ord. of 10-12-1982, § 2; Ord. of 7-26-1993, § 4; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 7-10-2000; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-331~~ 80-509. - Form of benefits.

(a) *Normal form.* A monthly benefit shall be payable on the first day of the second month preceding the date on which application for such benefit is filed. Payment will be retroactive to the retirement date. Payments of benefits shall be payable monthly thereafter during his lifetime, and terminating with the last payment on the first day of the month of the death of the participant.

(b) *Death of participant, etc.* Upon the death of a participant who has retired, or who is eligible to be retired under any of the provisions of this division, payment shall be made to ~~his~~ **their** eligible survivors in the amount of 50 percent of the monthly payments to which the participant was or would have been entitled. Upon the death of a participant who has completed a minimum of 20 years of service but is not yet eligible to retire because of age, payment shall be made to ~~his~~ **their** eligible survivors in the amount of 50 percent of the monthly payment that would have resulted by using ~~his~~ **the participant's** service time; however, the benefit is to be computed at a reduced rate of one-half percent for each month the participant was under the correct age for normal retirement. In no instance shall actual monthly payments be less than $200.00, to be effective July 1, 2000. Upon the death of both the participant and eligible survivor, if the benefit payments received in aggregate are less than the member's contributions, the balance of the member's contributions, plus 5 percent interest, will be paid to the surviving beneficiary designated or his estate if no designation has been made and submitted to the **general employee** pension **plan** board. The amount of benefit payments received and the amount of the member's contributions shall be determined from the record of the pension board ~~of trustees~~.

(c) *Eligible survivor.* An eligible survivor shall be one of the following in the order of preference listed:

(1) *Spouse.* The participant's spouse who was married to the participant for at least one year. Surviving spouse shall be required to provide supporting documents of marriage.

(2) *Children, unmarried.*

a. The surviving children, biological or legally adopted, of the participant, who have not attained their 18th birthday.

b. If said child is attending school on a full-time basis and provides proof of attendance each year of eligibility, with the payment due for the month in which he ceases to attend school on a full-time basis or with the payment due for the month in which his 22nd birthday shall occur, whichever shall occur first.

(d) *Commencement of payment.* Benefits payable to eligible survivors shall commence on the first day of the month following the date of the participant's death.

(e) *Benefits payable.* Benefits payable to eligible survivors shall cease:

(1) *Spouse.* With respect to an eligible survivor who is a spouse~~-~~, with the payment due for the month in which their remarriage or death shall occur, whichever occurs first.

(2) *Children.* With respect to an eligible survivor who is a child(ren), with the payment due for the month in which his 18th birthday or death shall occur, whichever shall occur first. Payments shall be made in accordance with subsections (2)a. and b.

(f) *Eligibility for benefits.* The eligibility of any person or persons to receive payment of benefits as an eligible survivor shall be determined conclusively by the **general employee** pension **plan** board based on application of such person or persons and any other information which the pension board deems to be appropriate.

(Code 1968, § 2-104; Ord. of 1-12-1970; Code 1981, § 2-186; Ord. of 6-8-1987; Ord. of 7-26-1993, § 5; Ord. of 4-25-1994; Ord. of 12-11-1995; Ord. of 4-14-1997; Ord. of 5-22-2000; Ord. of 7-10-2000; Ord. of 3-12-2001; Ord. of 5-12-2003; Ord. No. 2010-13, 6-28-2010; Ord. No. 2011-28, 12-12-2011; Ord. No. 2013-10, 7-22-2013)

Sec. ~~2-332~~ 80-510. - Early retirement due to permanent disability.

Any employee who, after completing at least ten years of continuous service, shall be injured or whose health shall become permanently impaired to such an extent as to render him totally and permanently disabled, shall be retired upon application and approval of the **general employee** pension **plan** board ~~of trustees~~. The pension amount will be based upon section ~~2-330~~ **80-508**. There shall be no reduction in benefit.

(Code 1968, § 2-105; Ord. of 1-12-1970; Code 1981, § 2-187; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-333~~ 80-511. - Total and permanent disability.

(a) *Definition.* As used in this division, a participant shall be deemed to be "totally and permanently disabled" when the **general employee** pension **plan** board ~~of trustees~~, on the basis of a medical examination by a physician or physicians selected by the pension board ~~of trustees~~, finds the employee:

(1) *Work generally.* To be totally and permanently prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily or mental injury or disease, whether occupational or nonoccupational in cause; or

(2) *Employment.* To be totally and permanently prevented from continuing in ~~his~~ **their** capacity as an employee as a result of bodily or mental injury or disease, whether occupational or nonoccupational in cause.

(b) *Exclusions.* Total and permanent disability, within the terms of this division, shall exclude disability resulting from or consisting of chronic alcoholism, addi**c**tion to narcotics, engaging in a felonious criminal act for which ~~he is~~ **they are** found guilty,

or a willful effort on ~~his~~ **their** part to bring about the injury or illness to ~~himself~~ **themselves** or any other person or service in the armed forces of any foreign country.

(Code 1968, § 2-107; Ord. of 1-12-1970; Code 1981, § 2-188; Ord. of 5-22-2000)

Sec. ~~2-334~~ 80-512. - Commencement of disability benefits.

(a) *Removed from payroll.* A participant who files for a disability pension shall not work and be kept on the active payroll and receive credited service from the inception of the disability to the end of the first full calendar month following the date of application.

(b) *Change in compensation; leave.* During the application period above, the participant's compensation shall not be increased.

(c) *Commencement of benefits.* The eligibility for payment of disability benefits under this *division shall commence, if approved, on the first day of the month following the application period set forth in subsection (a).

(Code 1968, § 2-107; Ord. of 1-12-1970; Code 1981, § 2-189; Ord. of 8-10-1987; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-335~~ 80-513. - Termination of employment.

(a) *Forfeiture of participation.* Any participant whose employment is terminated prior to the date he becomes eligible for retirement benefits shall forfeit his status as a participant in the pension plan and all accumulated credit for continuous service.

(b) *Ten years' service.* Any participant with a minimum of ten years of continuous service and whose employment is terminated prior to the date he becomes eligible for retirement benefits under section ~~2-326~~ **80-504 - Normal retirement**, ~~2-327~~ **80-505 - Early retirement**, ~~2-328~~ **80-506 - Later retirement** or ~~2-332~~ **80-510 - Early retirement due to permanent disability**, upon attaining the age of 65 years, shall be eligible for ~~retirement~~ **pension** benefits under the provisions of section ~~2-330~~ **80-508 - Amount of retirement benefits**, upon application to the pension board of trustees. The form of the benefit will be based on the formula which was in effect at the time of termination.

(c) *Layoffs.* Upon recall, any participant whose employment is terminated due to a layoff and is recalled within five years of layoff, may apply to the pension board to have their previous service credits restored immediately. If they have withdrawn their contributions, they must repay them as calculated by the city's actuary. A returning employee must make an election to return previously refunded amounts, plus calculated interest, within 30 days of approval of the **general employee** pension **plan** board. Contributions will be reimbursed based on the gross amount received. Participants who are laid off and not recalled within five years shall forfeit their status as a participant in the pension plan and all accumulated credit for continuous service.

(d) *Request for refund.* When an employee leaves the employment of the city and is entitled to withdraw his contributions **with interest thereon at the rate of five**

percent per annum, compounded annually from the last day of the plan year in which such contribution was made to the earlier of the date of commencement of retirement income or the date on which contributions are payable pursuant to the provisions of the plan, then he shall submit a written notarized request for a refund of these contributions before payment shall be made. Refunds will be issued 90 days from the date when the notarized request is received. Contributions will automatically be refunded five years from date of separation.

(Code 1968, § 2-108; Ord. of 1-12-1970; Code 1981, § 2-190; Ord. of 10-12-1982, § 3; Ord. of 11-28-1988; Ord. of 7-26-1993, § 6; Ord. of 4-25-1994; Ord. of 4-14-1997; Ord. of 7-10-2000; Ord. of 5-12-2003; Ord. of 10-8-2007(3); Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-336~~ 80-514. - Cessation of disability pension benefits.

(a) A participant shall cease to qualify for disability pension benefits:

(1) *Recovered.* At the time that ~~a~~ **the general employee** pension **plan** board ~~of trustees~~ determines, on the basis of a medical examination by a physician or physicians selected by the pension **plan** board, that a participant is no longer totally and permanently disabled or has sufficiently recovered, but refuses to resume ~~his~~ **their** regular occupation as an employee or to be reemployed by the city in some other position for which ~~he is~~ **they are** suited or which is appropriate to ~~his~~ **their** training and experience;

(2) *Refuses examination.* When the participant refuses to undergo a medical examination requested by the **general employee** pension **plan** board ~~of trustees~~; or

(3) *Age 65 years.* On the first day of the month ~~coinciding with or next~~ following the participant's 65th birthday.

(b) Upon the occurrence of the earliest of the above events, disability pension benefits shall cease, except that, if the event of subsection (a)(3) of this section occurs, payment of the normal retirement benefits shall commence on that date, in the same amount as the disability pension benefits.

(Code 1968, § 2-109; Ord. of 1-12-1970; Code 1981, § 2-191)

Sec. ~~2-337~~ 80-515. - Effect of state workers' compensation on disability benefits.

Any disability pension benefits received by a participant under the terms of this *****division as the result of an injury or illness compensable under the workers' compensation laws of the state shall be reduced by the amount of the workers' compensation payments actually received by the participant.

(Code 1968, § 2-110; Ord. of 1-12-1970; Code 1981, § 2-192)

Sec. ~~2-338~~ 80-516. - Benefits to cease upon reemployment; exceptions.

The Internal Revenue Code has provided guidance that to be considered retired for purposes of prohibitions against "in-service distributions", one must have an at least six (6) month break before returning to employment with the same employer and that such a return cannot be pre-planned at the time of retirement. If the individual is under the normal retirement age of 65, the individual will be subject to an annual earnings limit of $30,000.

Any employee of the city who is receiving, or who shall receive, benefits under this *****division, and who is thereafter reemployed by the city or appointed to any position by the mayor or council bearing remuneration, shall cease to draw benefits during the period of reemployment. Upon termination of the reemployment, the benefits shall be restored. The provisions of this section shall not apply to any employee who receives remuneration as a result of being elected or appointed to an elective or appointed office in the city, nor to any employee reemployed by the city in a ~~temporary~~ **casual/seasonal** capacity, not to exceed 180 calendar days. Employees would be eligible to return to ~~temporary~~ **casual/seasonal** status immediately following retirement.

Casual/seasonal employees may be employed by the City on a temporary basis in order to provide assistance for the following situations:

(a) *Casual assistance*. Employee is needed on a sporadic or on-call basis where hours cannot be predetermined and vary greatly from week to week. Such employees may be used as needed.

(b) *Seasonal assistance*. Employee is needed for peak operating seasons.

(c) *Project assistance*. Employee performs duties related to a specific project that has defined objectives and an established time period of completion that does not exceed 180 calendar days.

(d) *Primary incumbent replacement*. Employee is needed to fulfill the job responsibilities of the primary incumbent who is unable to perform such responsibilities for an extended period of time. Such employees may be used for a maximum of 180 calendar days or the length of time the incumbent is unable to perform the job responsibility, whichever is less.

***(e) Contracting*. Any individual participating in the plan who contracts with the City or represents any private enterprise that has a contract with an employer participating in the plan must have a 6-month separation from their effective date of retirement if the individual is under 65. The City shall maintain, in a form prescribed by the Human Resources Director, a**

certification of the worker's status. The certification will be used for a determination of the individual meeting the definition of eligible employees under this section.

(Code 1968, § 2-111; Ord. of 1-12-1970; Code 1981, § 2-193; Ord. of 8-27-1990; Ord. of 4-25-1994; Ord. of 6-11-2007; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-339~~ 80-517. - Benefit assignment, transfer, etc.

No participant or beneficiary under the plan shall assign, transfer, hypothecate, encumber, commute or anticipate any interest he may have in payments, funds or contracts under this plan. No interest shall in any way be subject to any legal process, levy of execution, attachment or garnishment proceedings for the payment of any claim against the participant or any beneficiary under the plan, nor shall any such interest be subject to the jurisdiction of any bankruptcy court or insolvency proceedings.

(Code 1968, § 2-112; Ord. of 1-12-1970; Code 1981, § 2-194)

~~Sec. 2-340. - Correction of payment errors.~~

~~Should any change or error in the records result in any member or beneficiary receiving from the plan more or less than he would have been entitled to receive had the records been correct, the pension board of trustees shall have the power to correct the error, and as far as practicable and just, to adjust the payments in a manner that the equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.~~

~~(Code 1968, § 2-113; Ord. of 1-12-1970; Code 1981, § 2-195)~~

Sec. ~~2-341~~80-518. - Contributions.

(a) *Payroll deductions*

(1) *Amount.* For each year, while a participant of the plan, a participant shall contribute, by payroll deductions, an amount equal to 3½ percent of his average actual monthly earnings as described in section ~~2-330~~ **80-508 - Amount of retirement benefits** (effective May 1, 1994).

(2) *Employer contributions.* The city, pursuant to the provisions of section 414(h)(2) of the United States Internal Revenue Code (26 USC 414(h)(2)), shall pick up and pay the contributions which would otherwise be payable by the employee under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to be withheld from the employee's compensation.

(3) *Employee contributions picked up by city.* Employee contributions picked up by the city shall be paid from the same source of funds used for the payment of compensation to an employee. A deduction shall be made from each employee's compensation equal to the amount of the employee's compensation picked up by the employer. This deduction, however, shall not reduce the

employee's compensation for purposes of computing benefits under the retirement system pursuant to this *division.

(4) *Employee contributions credited.*

a. Employee contributions shall be credited to a separate account within the employee's individual account so that the amount contributed prior to the effective date for the pickup of employee's contributions may be distinguished from the amounts contributed on or after the effective date.

b. The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the employee. The employee will not be given the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system.

(b) *City contributions.* The city shall make such contributions as necessary to meet the requirements of the plan. Effective May 1, 1994, the city shall pick up the employee contributions by a reduction in current earnings. Such picked up contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code; however, the contributions so picked up shall be included in earnings for purposes of the plan. Participant contributions which are picked up shall be treated, for all purposes of this plan, in the same manner as participant contributions made prior to May 1, 1994.

(c) *Other contributions.* The **general employee** pension **plan** board ~~of trustees~~ shall receive all appropriations, contributions and interest allowances as may be received from time to time by the city from the state or any other source, and designated specifically for employee pensions.

(d) *Withdrawal from plan.* A member who withdraws from the **general employee** pension plan for any reason, other than retirement, death or disability, may request ~~his~~ **their** accumulated contributions, plus 5 percent interest, be paid to ~~him~~ **them** after such date of withdrawal; provided, however, ~~his~~ **their** contributions shall not be refunded to ~~him~~ **them** earlier than 90 days after receipt of ~~his~~ **their** notarized application for the same.

(e) *Death of ineligible member.* Upon the death of a member not eligible to retire under any provision of this *division, ~~his~~ **their** employee contributions shall be payable in a single sum to ~~his~~ **their** designated beneficiary or ~~his~~ **their** estate if no designation has been made.

~~(f) *Defined contribution.* Each eligible employee not drawing any retirement benefits from the city as of February 1 of each year who makes an irrevocable decision to join the defined contribution plan shall become a defined contribution plan participant on February 1 of that same year and shall forfeit participation in the city employee's pension plan. A member who withdraws from the pension plan in this manner shall have his accumulated contributions paid to him after such date of withdrawal and he shall forfeit any other payments from the pension plan.~~

(Code 1981, § 2-196; Ord. of 10-12-1982, § 4; Ord. of 12-13-1982; Ord. of 7-11-1983; Ord. of 4-25-1994(2); Ord. of 12-11-1995; Ord. of 7-10-2000; Ord. of 5-12-2003; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-342~~ 80-519. - City paramedics transferred to county.

Notwithstanding any other provision of this division, all persons employed by the city as paramedics, who are transferred to the county emergency medical services department and who make a written election to remain in the city general employee pension plan, shall continue to be considered eligible employees within the meaning of the pension plan as long as they are employed by the county emergency medical services department. All ~~pension~~ benefits for any such paramedic shall be calculated as if the paramedic had remained a city employee during his employment with the county emergency medical services department.

(Code 1981, § 2-197; Ord. of 8-26-1991)

~~Sec. 2-343. - Limitation on benefits.~~

~~To the extent necessary, the participant's benefit under this plan and all plans of the city shall be limited in accordance with section 415 of the Internal Revenue Code (26 USC 415) and the regulations thereunder, and such code section and regulations shall hereby be incorporated herein.~~

~~(Code 1981, § 2-198; Ord. of 7-26-1993, § 7)~~

~~Sec. 2-344. - Distributions.~~

~~All distributions from this plan shall be made in accordance with section 401(a)(9) of the Internal Revenue Code (26 USC 401(a)(9)) and the regulations thereunder, and such code section and regulations shall hereby be incorporated herein.~~

~~(Code 1981, § 2-199; Ord. of 7-26-1993, § 8)~~

~~Sec. 2-345. - Maximum compensation.~~

~~The maximum earnings utilized for purposes of determining benefits shall be limited in accordance with section 401(a)(17) of the Internal Revenue Code (26 USC 401(a)(17)) and the regulations thereunder, and such code section and regulations shall hereby be incorporated herein.~~

~~(Code 1981, § 2-200; Ord. of 7-26-1993, § 9)~~

~~Secs. 2-346—2-360. - Reserved.~~

~~Subdivision II.~~**Sec. 80-520 ~~–~~ General employee pension plan ~~B~~b**oard~~ of Trustees~~**; established; duties.**

~~Sec. 2-361. - Established; duties.~~

There is hereby established a **general employee** pension **plan** board**,**~~ of trustees~~ the duties of which shall be to manage the ~~city~~**general** employee~~s~~ pension plan.

(Code 1968, §§ 2-72, 2-89; Ord. of 1-12-1970; Code 1981, § 2-201; Ord. of 5-22-2000)

Sec. ~~2-362~~80-521. - Composition.

The **general employee** pension **plan** board ~~of trustees~~ shall consist of the following persons:

(1) *Manager.* The city manager.

(2) *City officials.* Two elected city officials who shall be appointed by the council president, subject to confirmation of a voting majority of the city council at its annual meeting.

(3) *Participants.* Three participants or retired participants of the plan who shall be elected by the participants and retired participants of the plan.

(4) *Controller/treasurer.* The city controller/treasurer.

(5) *Election.*

(a) Such election shall be for three-year staggered terms, beginning July 1 and ending June 30 three years later. A regular election for filling these positions will be held the third week of June each year.

(b) In the first week of April of each year, the city clerk shall notify those eligible to vote of the exact time and place of the election. Any general employee pension plan member that is eligible to vote and appears on the listing of qualified voters who will be unable to appear at the polling place on the date and time of the election may cast his or her vote by absentee ballot in the general employee~~(s~~ pension plan election for the following reasons: 1) armed forces, 2) public service, 3) occupation, 4) sickness, 5) disability, 6) religion, 7) vacation, or 8) residency outside of the Dover area which makes it infeasible to vote in person.

(Code 1968, §§ 2-89, 2-90; Ord. of 1-12-1970; Code 1981, § 2-202; Ord. of 5-10-1982; Ord. of 8-23-1982; Ord. of 11-26-1990, § 5; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 10-8-2007(1); Ord. No. 2009-23, 10-26-2009)

Sec. ~~2-363~~ 80-522. - Term of office of members.

The term of office of each member of the **general employee** pension **plan** board ~~of trustees~~, except the city controller/treasurer, city manager, and elected city officials, shall commence on the first day of the month following ~~his~~ **their** election and continue for a period of three years or until ~~his~~ **their** successor shall be elected and qualified.

(Code 1968, § 2-91; Ord. of 1-12-1970; Code 1981, § 2-203; Ord. of 8-23-1982; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. No. 2009-23, 10-26-2009)

Sec. ~~2-364~~ 80-523. - Officers and ex officio members.

The **general employee** pension **plan** board ~~of trustees~~ shall elect a chairperson~~, a vice-chairperson who shall serve when the chairperson is absent, a secretary and a treasurer or fiscal agent designated by the pension board~~. The city controller/treasurer

shall be the pension fund treasurer and ~~his~~ **their** bond shall cover all monies deposited with ~~him~~ **them**.

(Code 1968, § 2-1992; Ord. of 1-12-1970; Code 1981, § 2-204; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. No. 2009-23, 10-26-2009)

Sec. ~~2-365~~ 80-524. - Vacancies.

If a vacancy occurs in the offices of the **general employee** pension **plan** board ~~of trustees~~, the vacancy shall be filled for the unexpired term within 60 days and in the same manner as the office was originally filled. Should a member of the pension **plan** board ~~of trustees~~ cease to be in the employ of the city, other than by retiring in accordance with this ***division**, ~~his~~ **their** office as a member of the board shall be declared vacant.

(Code 1968, § 2-95; Ord. of 1-12-1970; Code 1981, § 2-205; Ord. of 5-22-2000; Ord. of 10-8-2007(2))

Sec. ~~2-366~~ 80-525. - Compensation of members.

Members of the **general employee** pension **plan** board ~~of trustees~~ shall serve without compensation.

(Code 1968, § 2-89; Ord. of 1-12-1970; Code 1981, § 2-206; Ord. of 5-22-2000)

Sec. ~~2-367~~ 80-526. - Meetings.

The **general employee** pension **plan** board ~~of trustees~~ shall make all rules as to the time and place of meetings; and a majority of its membership shall be required to transact pension board business.

(Code 1968, § 2-94; Ord. of 1-12-1970; Code 1981, § 2-207; Ord. of 5-22-2000)

Sec. ~~2-368~~ 80-527. - Powers.

The **general employee** pension **plan** board~~ of trustees~~, in administering the pension plan, shall have the following powers in carrying out the purposes thereof:

(1) *Payment of funds.* To pay funds to those entitled to receive them. The ~~pension board chairperson~~ **controller/treasurer** shall sign all vouchers for the disbursements of the funds and ~~his written order shall fully protect the pension board treasurer or fiscal agent designated by the pension board in the payment of those funds~~**shall report to the general employee pension board all financial transactions on an annual basis**;

(2) *Purchase annuity contracts.* To purchase and pay the costs of group annuity contracts from any insurance company for the benefit of participants;

(3) *Employment of agents, employees, etc.* To employ agents, employees or experts to assist the pension board ~~of trustees~~ in carrying out the provisions of this ***division**, including an agent to advise and make recommendations

concerning the investment of funds, and to pay reasonable compensation for those services, and the compensation may be paid from income or corpus of the pension fund or by direct appropriation by the city council as the pension board ~~of trustees~~ and the city council may determine;

(4) *Investments.* To invest and reinvest money in the pension fund, without any limitation, in United States or state municipal bonds or group annuity contracts. Money in the pension fund may also be invested and reinvested in other types of bonds, stocks, and securities to the extent the pension board ~~of trustees~~ may deem best and as is not prohibited by any law now or hereafter in force limiting the investments of the trustees. The pension board ~~of trustees~~ may from time to time change the investments of the fund and, to this end, may make sales of any investment privately, without advertisement and without the necessity of any court order, upon the terms that the pension board deems proper. The funds and investments may also be from time to time turned over to and placed in the custody of any fiscal agent designated by the pension board;

(5) *Contracts.* To generally contract in matters relevant to effectuating and achieving the purposes of this plan;

(6) *Pension benefits.* To receive and pay out pension benefits in accordance with the provisions of this ***division**, or designate a fiscal agent to receive and pay out the pension benefits;

(7) *Rules and regulations.* To make rules and regulations as may be necessary to effectuate this ***subdivision**.

(Code 1968, § 2-93; Ord. of 1-12-1970; Code 1981, § 2-208; Ord. of 5-22-2000; Ord. of 5-12-2003; Ord. No. 2010-13, 6-28-2010)

Sec. ~~2-369~~ 80-528. - City solicitor to render legal services.

The city solicitor shall render whatever legal service the **general employee** pension **plan** board ~~of trustees~~ shall require.

(Code 1968, § 2-115; Ord. of 1-12-1970; Code 1981, § 2-209; Ord. of 5-22-2000)

Sec. ~~2-370~~ 80-529. - Appeals.

Any employee dissatisfied with the action of the **general employee** pension **plan** board ~~of trustees~~ shall have the right to appeal to the city council within 30 days from the date of formal notification of that action.

(Code 1968, § 2-116; Ord. of 1-12-1970; Code 1981, § 2-210; Ord. of 5-22-2000)

~~Secs. 2-371—2-390. - Reserved.~~ **Sec. 80-530-80-599. – Reserved.**

~~DIVISION 8. - DEFERRED COMPENSATION PLAN~~

~~Sec. 2-391. - Definitions; interpretation.~~

~~(a) *Terms defined.* As indicated in this division, unless the context otherwise clearly indicates or the deferred compensation plans contradict, the following terms shall mean as indicated below:~~

~~*Eligible employee* means any person regularly employed in rendering service to the city on a full-time basis who is not participating in any retirement plan to which the city contributes for them and whose compensation is paid directly by the city. An employee will be considered a full-time employee if he/she regularly works 40 hours each week.~~

~~*Participant* means any eligible employee of the city who has met all of the requirements for participation in the deferred compensation plan and has, upon employment, made an irrevocable election to participate in the deferred compensation plan as defined in this subsection (a) and who has satisfied all the conditions and requirements set forth in this division and in the provisions of the plans.~~

~~(b) *Interpretation.* As originally enacted, the deferred compensation plan was a part of the general employee pension plan. The two plans have now been legislatively separated. In the event that it is determined that the separation of the two plans has caused any ambiguity, then reference is made to the applicable provisions of the general employee pension plan in defining, implementing, interpreting, and administering the deferred compensation plan.~~ **(Moved to Sec. 80-453.)**

(Code 1981, § 2-211; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000; Ord. No. 2016-10 , 6-13-2016)

~~Sec. 2-392. - Established; purpose.~~

~~There is hereby established the city employee deferred compensation plan. The purpose of the plan is to establish the basic terms and conditions under which employees shall participate in this plan. Further details, terms and conditions under which retirement, termination, and survivor benefits shall be provided to eligible employees are defined in the deferred compensation plan.~~

~~(Code 1981, § 2-212; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000)~~

~~Sec. 2-393. - Eligibility of participants.~~

~~Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994, who makes an irrevocable decision to join the deferred compensation plan, shall, upon compliance with the provisions of this division, become a deferred compensation plan participant on May 1, 1994. Thereafter, each eligible employee who selects the deferred compensation plan upon employment shall become a participant in accordance with the plan. All new employees, except police officers, hired after September 28, 2009 are required to join the defined contribution pension plan as defined in subsection 2-324.~~

~~(Code 1981, § 2-213; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 7-10-2000; Ord. No. 2016-10 , 6-13-2016)~~

~~Sec. 2-394. - Contributions.~~

~~(a) *Employee contributions.* For each year while a participant of the deferred compensation plan, a participant shall contribute, by payroll deductions, a percentage of his/her compensation as defined in the deferred compensation plan, which shall be a participant's base pay, plus scheduled overtime, payment for being on call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments, up to the legal limits as defined in the deferred compensation plan.~~

~~(b) *Employer contributions.* The city shall contribute an amount equal to each individual's employee contributions, to a maximum percentage of an employee's compensation as defined in the deferred compensation plan, which shall be a participant's base pay, plus scheduled overtime, payment for being on call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments for each participant.~~

~~(c) *Treatment.* Treatment of contributions shall be handled in accordance with federal and state laws and the applicable provisions of section 2-341 pertaining to the general employee pension plan.~~

~~(Code 1981, § 2-214; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000; Ord. No. 2016-10, 6-13-2016)~~

~~Secs. 2-395—2-420. - Reserved.~~

DIVISION 4. – MONEY PURCHASE PLAN (IRC 401(A))

Sec. 80-600. - Established; purpose.

There is hereby established a Money Purchase Plan (IRC 401 (a)). The purpose of the plan is to provide pension (retirement) benefits and to establish the basic terms and conditions under which employees shall participate in this plan. Terms and conditions under which retirement, disability, termination, and survivor benefits shall be provided to eligible employees are defined in the Money Purchase Plan documents. The benefits under the plan shall be in addition to amounts received as social security benefits or from any other employers pension plan.

Sec. 80-601. - For employee exclusively.

This plan is created for the exclusive benefit of the employees of the city and shall be interpreted in a manner consistent with it being an employee's trust, as defined in section 401(a) of the Internal Revenue Code (26 USC 401(a)). Therefore, under no circumstances shall any funds contributed to this plan or any assets of the plan or trust ever revert to or be used or enjoyed by the city, nor shall any such funds or assets ever be used other than for the benefits of the employees of the city and their beneficiaries, prior to the satisfaction of all liabilities under this plan to the employees.

Sec. 80-602. - Eligibility of participants.

Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994, who makes an irrevocable decision to join the Money Purchase Plan, shall, upon compliance with the provisions of this division, become a Money Purchase Plan participant and shall forfeit participation in the general employee pension plan. A member who withdraws from the general employee pension plan in this manner shall have his/her accumulated contributions paid to him/her after such date of withdrawal and he/she shall forfeit any other payments from the general employee pension plan. Thereafter, each eligible employee who selects the Money Purchase Plan upon employment shall become a participant in accordance with the plan.

Sec. 80-603. - Participation mandatory; exceptions.

Each eligible employee not drawing any retirement benefits from the city as of February 1 of each year who makes an irrevocable decision to join the Money Purchase Plan shall become a plan participant on February 1 of that same year and shall forfeit participation in the general employee pension plan. A member who withdraws from the pension plan in this manner shall have his accumulated contributions paid to him after such date of withdrawal and he shall forfeit any other payments from the general employee pension plan.

The Money Purchase Plan shall not be construed to give any employee the right to be retained in the employ of the city. All employees hired after September 28, 2009, except those police officers who are participating in the State of Delaware pension plan, shall be required, as a condition of employment, to join the Money Purchase Plan.

Sec. 80-604. - Defraudment.

It shall be unlawful for any person to knowingly make any false statement or falsify, or permit to be falsified, any record of the pension plan in an attempt to defraud the plan.

Sec. 80-605. - Contributions.

(a) Employee contributions. For each year while a participant of the Money Purchase Plan, a participant shall contribute, by payroll deductions, a percentage of their compensation, in accordance with the applicable collective bargaining agreements or Money Purchase Plan documents.

For each year while also a participant of the deferred compensation plan, a participant may elect to contribute, by payroll deductions, a percentage of their compensation, which shall be a participant's base pay, plus scheduled overtime, payment for being on-call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments, up to the legal limits as defined in the collective bargaining agreement or personnel policy.

Employee contributions picked up by the city shall be paid from the same source of funds used for the payment of compensation to an employee. A deduction shall be made from each employee's compensation equal to the amount of the employee's compensation picked up by the employer. This deduction, however, shall not reduce the employee's compensation for purposes of computing benefits under the retirement system pursuant to this division.

(b) Employer contributions. The city shall contribute an amount equal to each individual's employee contributions, in accordance with the appropriate collective bargaining agreements or Money Purchase Plan documents.

The city, pursuant to the provisions of section 414(h)(2) of the United States Internal Revenue Code (26 USC 414(h)(2)), shall pick up and pay the contributions which would otherwise be payable by the employee under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to be withheld from the employee's compensation.

(c) Treatment. Treatment of contributions shall be handled in accordance with federal and state laws.

Sec. 80-605-80-699. - Reserved.

~~ARTICLE VI~~DIVISION 5. - OTHER POST-EMPLOYMENT BENEFITS ~~FUND~~ (OPEB)

~~Sec. 2-501. - Definitions.~~

~~*Board* means the board of trustees of the other post employment benefits trust as established by this article.~~

~~*OPEB fund* means the other post-employment benefits fund established by section 2-502.~~ **(Moved to definitions in Article I – In General, Sec. 80-1 – Definitions)**

(Ord. No. 2009-10, 5-11-2009)

Sec. ~~2-502~~80-700. - ~~Establishment of~~ OPEB fund~~.~~; established.

(a) There shall be established an OPEB fund, a trust fund, separate and distinct from the **General Employee Pension** fund~~s~~ **and the Police Pension fund,** ~~established under chapter 2, article IV, division 7, and chapter 62, article III of the City of Dover Code of Ordinances,~~ the contributions to which are subject to city appropriations and rules regarding employer and/or employee contributions as may be promulgated, changed or amended from time to time, and to which earnings on investments, refunds and reimbursements shall be deposited upon receipt, and from which the city's premiums shall be paid, and any fees and expenses authorized by the board shall be paid. No money shall be disbursed from this fund except for the purpose of payment of the city's premiums for postretirement health insurance for ~~employees~~ retired **employees** ~~under chapters 2 and 62~~**, Medicare B**

premiums for eligible employees, and actuarial and investment consulting fees.

(b) The amounts remaining in the OPEB fund, if any, after all premiums, fees, and expenses have been paid for any year shall be retained in such trust for future payments until all city liabilities for post-retirement health insurance premium benefits have been satisfied.

(c) The OPEB fund shall be an irrevocable trust exempt from federal income tax under § 115 of the Internal Revenue Code [26 U.S.C. § 115], remote from city creditors, and subject to the financial reporting, disclosure and actuarial requirements of ~~g~~**G**overnment ~~a~~**A**ccounting ~~s~~**S**tandards ~~b~~**B**oard ~~s~~**S**tatements 43 and 45 or any subsequent ~~g~~**G**overnment ~~a~~**A**ccounting ~~s~~**S**tandards ~~b~~**B**oard updates or statements that may be applicable.

(Ord. No. 2009-10, 5-11-2009)

Sec. ~~2-503~~ 80-701. - ~~Management of the OPEB fund~~ OPEB Board; established; duties.

(a) The board shall be comprised of the controller/treasurer, human resources director, city manager, and two elected city officials. This board shall adopt a trust agreement for the OPEB fund ~~(~~and may amend the trust agreement from time to time~~)~~, shall take all actions necessary and appropriate to establish and maintain the OPEB fund, and shall have control and management of the OPEB fund and may utilize its powers pursuant to this chapter in the administration of the OPEB fund.

(b) The board shall take the actions necessary and appropriate to establish and maintain the OPEB fund as a trust that is exempt from taxation under Internal Revenue Code § 115 [26 U.S.C. § 115]. The trust shall be maintained and administered by the board solely for the benefit of participants, retirees, and beneficiaries by providing payments for retiree health insurance for medical care in compliance with Internal Revenue Code § 105 [26 U.S.C. § 105] and with this chapter as presented and verified by representatives and/or retiree health insurance service providers of the city.

(c) The board shall have no ability or responsibility for setting benefit levels, handling claims, or arbitrating, mediating or otherwise adjudicating claims appeals. Those responsibilities continue to be handled in accordance with the personnel policies of the city.

(d) The city shall indemnify a board member in the additional duties contained in this chapter pertaining to the administration and management of the OPEB fund or to sit on a committee of the board who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that the board member is or was a board member against expenses**,** ~~(~~including attorneys' fees if the city solicitor determines that the city solicitor may not provide representation~~)~~, judgments, fines and amounts paid in settlement actually and reasonably incurred by that board member in connection with such action, suit or proceeding, if the board member acted in good faith and in a manner the board member reasonably

believed to be in the best interest of the city and with respect to any criminal action or proceeding had no reasonable cause to believe that board member's own conduct was unlawful. Expenses incurred in defending a civil, administrative or investigative action, suit or proceeding shall be paid by the city in advance of final disposition of such action, suit or proceeding if:

(1) Initially authorized by a majority vote of the board exclusive of the member or members to be indemnified unless more than a majority of the board shall also be parties to the same action, suit or proceeding, in which instance, such authorization shall be by the ~~C~~**c**ity ~~C~~**c**ouncil of the City of Dover; and

(2) Such board member agrees to repay such amount if it is ultimately determined by the board or the city council, as the case may be, pursuant to paragraph (1) that such member is not entitled to indemnification under this section.

(Ord. No. 2009-10, 5-11-2009)

Sec. ~~2-504~~ 80-702. - Actuarial valuations.

(a) The actuary shall prepare a~~n~~ **biennial** actuarial valuation of the assets and liabilities of the OPEB fund ~~as of June 30 each year~~ **as prescribed by the Governmental Accounting Standards Board**. On the basis of reasonable actuarial assumptions and tables approved by the board, the actuary shall determine:

(1) The city's annual ~~required~~ **determined** contribution for payment of the city's premiums for post-~~-~~retirement health insurance for employees under the personnel policies of the city;

(2) Any unfunded actuarial accrued liability.

(b) The city anticipates making contributions to the OPEB fund in such a manner that it will ultimately contribute its full annual ~~required~~ **determined** contribution within a period of years. In the interim, use of the OPEB fund assets to pay retiree health-care-related premiums will be subject to the appropriations process of the city and the contribution and distribution processes necessary to carry out the efficient processing of retiree premium payments by the city. It is further anticipated that for auditing and reporting convenience, each current year's retiree healthcare expenses will be contributed and distributed from the OPEB fund without respect to whether the full annual required contribution has been deposited.

(Ord. No. 2009-10, 5-11-2009)

Sec. 80-703. – Post-retirement benefits.

(a) *Retiree health care*.

Health care shall be provided in accordance with the appropriate collective bargaining agreement or City of Dover Personnel Policy.

The City shall provide group hospital, surgical, and health insurance coverage for eligible retired employees and their families in accordance with the appropriate

collective bargaining agreement or City of Dover Personnel Policy. The cost of dependent care coverage in retirement is the retiree's responsibility. This applies to all retirees, unless otherwise specified in employee labor agreements.

(1) *Eligibility*. Employees retiring under the following conditions may be eligible for retiree health care:

a. *Normal retirement*. The normal retirement date for each participant shall be the first day of the month following the attainment of the age of 65 years, provided that he has completed ten years of continuous service.

b. *Early retirement*.

(1) *Age 55 with 10 years of service.* A participant who has completed ten years of continuous service and who has attained the age of 55 years may retire at any time within the ten years preceding his normal retirement date.

(2) *Hired May 1, 1994, or later*. For eligible employees hired on or after May 1, 1994, a participant who has attained the age of 55 years, and whose attained age plus years of continuous service is equal to or greater than 80.

(3) *Hired before May 1, 1994*. For eligible employees hired before May 1, 1994, a participant who has completed 25 years of continuous service, or has attained the age of 50 years and completed 20 years of continuous service.

(4) *Permanent disability.* Any employee who, after completing at least ten years of continuous service, shall be injured or whose health shall become permanently impaired to such an extent as to render him/her totally and permanently disabled, shall be eligible upon application to the Human Resources Director and approval by the City Manager.

(5) *Later Retirement.* If a participant works beyond his normal retirement date, the participant's post-employment benefits shall be deferred until his actual retirement.

~~**Sec. 2-505.**~~**(b) ~~-~~ Medicare part B premium reimbursements.**

Effective July 27, 2009, Medicare Part B premium reimbursement was discontinued for non-bargaining employees hired after that date. Employees hired on or before July 27, 2009 who were not previously entitled to Medicare Part B premium reimbursement **and** who were promoted or transferred to a non-bargaining position after May 28, 2013 (date of adoption), shall not be entitled to the reimbursement.

The city will ~~continue the practice of providing~~ **provide the standard** Medicare Part B premium reimbursement for non-bargaining employees hired on or before July 27, 2009 and those eligible due to promotion or transfer to a non-bargaining position on or before May 28, 2013 (date of adoption), with the understanding that it is not considered a vested right and can be changed or eliminated by council at any time by ordinance or resolution enacted to that effect and, further, as required by Section 3 of the Charter, that the fund for payment of the costs of such premium reimbursement shall be continued, as in the past.

(Ord. No. 2010-05, 4-12-2010; Ord. No. 2013-07, 5-28-2013)

ADOPTED: *

S:\Ordinances\2017\Ordinance #2017-03 – New Chapter 80 - Personnel

SYNOPSIS

The Proposed Ordinance consolidates all pension related ordinances into a new Chapter 80 - Personnel

*****

(SPONSORS: COLE, HOSFELT, AND HUTCHISON)

Actions History

01/23/2017 - Scheduled for First Reading – City Council

01/10/2017 - Introduction -– Council Committee of the Whole/Legislative, Finance, and Administration Committee