REGULAR COUNCIL MEETING

The Regular Council Meeting was held on February 13, 2017 at 7:38 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 Deputy Police Chief Mailey, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:50 p.m.).

OPEN FORUM

The Open Forum was held at 7:00 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.

Mr. Willie M. Alexander, Jr., Exalted Ruler, Pride of Dover #1125 introduced Mr. Harold Mack, Secretary of Dover Elks Lodge #1125, and Mr. Carlton Stanley, President of the Tri-State Association covering Maryland, Delaware, and the District of Columbia.

Mr. Stanley advised that he was present on behalf of the Grand Lodge for the Improved Benevolent Protective Order of the Elks of the World (I.B.P.O.E.W.), of which Honorable Dr. Donald Paul Wilson is the Exalted Ruler. Mr. Smith stated that they had learned that part of the Delaware Lodge had evidently violated some code or law. He indicated that he was present to try to find out what these code violations were and what those at the national level, which is the grand level, could do to work with the City and the Lodge to alter the violations so that the Lodge could continue to operate in the City of Dover and further aid its community.

Mr. Mack reviewed a memorandum dated Monday, February 13, 2017, regarding Determination of Nonconforming Use and Notice to Cease Operations 217 North Kirkwood Street - P.O. Box 881, Dover, Delaware 19904 ***(Exhibit #1)***. He informed members that the Pride of Dove had been in existence since 1944 and had undergone many changes. Mr. Mack indicated that the Lodge remained a reminder to everyone that its African American heritage has had a profound effect on those who partake in it, including the City of Dover Community. He stated that there was a zoning violation and they were trying to work with the Police Chief, the administration, and others so that all could come together working for the community as a whole. Mr. Mack explained that they wanted to do whatever they needed to do to bring a state of resolution with this body, the Mayor, and the constituents and move forward. He thanked members for the opportunity to speak and asked them to find room in their hearts for resolution.

Ms. Lorraine Gloede, 126 Stone Ridge Drive, stated that she was present to talk about the International Walking Charter, noting that she was sorry that there would not be an opportunity for public comments during consideration of that item during the official meeting. She read a prepared statement, as follows:

> The main concern I have with the International Walking Charter is that this is a plan coming from a higher authority, and you are very subtly being manipulated - probably without your awareness. There is a message in it that is repeated often enough so that

you will come to believe it. These types of things have nice-sounding names in order to draw you in. I'm sure a beautiful, Norman Rockwell type picture of Dover was painted for you when it was presented.

You don't need to sign an international charter to do any of the things in it, like providing outdoor seating and toilets that meet everyone's needs, developing and maintaining accessible urban green spaces and waterways, designing and locating new housing, shops, business parks, and public transport stops that are easily accessible by foot, conducting pedestrian audits, collecting data about walking (motivations, purposes of trips, number of trips, time and distance walked, time spent in public spaces, etc.), and financially rewarding people who walk more. This will cost a lot of money. Where will that money come from? Does it mean that you are obligated to do what it asks you to do if you sign it? If you don't, could you be sued? If yes, who would be the judge - the International Court?

As I stated in my email to you, the charter opens with, "We, the people of the world". We are not people of the world. We are citizens of Delaware first and the U. S. second. There are plenty of walking opportunities in Dover. We don't need to reinvent the wheel.

I have the same criticism of the Complete Streets plan. Are your streets "incomplete" now? They would have you believe that.

This is all part of an international agenda for the 21st century that has planners talking about climate change preparedness and sustainable development as a right for protected classes. One of you recognized it right away. For these reasons and with these questions in mind, I urge you to vote no.

Thank you.

Ms. Janice Gallagher, 3 Partridge Court, Camden, Delaware, advised that she was also present to discuss the Walk21 project. She stated that, on the surface, the International Charter for Walking appears innocent enough but, under the guise of better health and increased social interaction, it is a plan to eliminate cars and create walkable cities. Ms. Gallagher stated that, reading carefully through the bullet points under "Actions," for each principle, the true meaning begins to reveal a plan to give government officials the right to make decisions regarding many areas of our lives. She indicated that the language in this charter will allow bureaucracies to make sweeping decisions outside the democratic process and will increase taxes, fees, and regulations. Ms. Gallagher stated that, just to highlight a few, under Principle #2, one of the actions references "Relocating road space, implementing pedestrian priority areas, address the impact of climate." She noted that Principle #4 wants to reduce car dependency and, under actions in Principle #7, it states that involvement by all relevant agencies, transport, planning, health, education and police, should recognize the importance of supporting and encouraging walking and encourage policies and actions. Ms. Gallagher stated that also included were training and development for transport and road safety officers, health practitioners, urban planners, and designers to provide the necessary resources to implement the adopted plan, and the actions under Principle #8 wanted to financially reward people who walk more

through local businesses, workplace and government incentives. She questioned who would pay these rewards and where this money would come from. Mrs. Gallagher indicated that ultimately this was about control of the land, natural resources, and populations. She stated that controlling our impact on the environment means controlling every aspect of our lives, and the language in this charter is the first step in allowing bureaucracies to make decisions that will impact our community in the broadest way.

Ms. Alexis Simms informed members that she was present on behalf of the homeless and to ask for a meeting with members to come to an agreement regarding something to feed the homeless, a resource center for a few hours or a few days a week, or whatever could be agreed to. Ms. Simms stated that by not giving the homeless anything, members were putting their jobs in jeopardy, stating that the people behind her were the ones who had given members their jobs and salaries and could take them away. She noted that people were paying their taxes so that members could feed their families and asked why they could not help to feed the families of the homeless, explaining that this did not make sense. Ms. Simms stated that members had a few options and limited time, reiterating that the homeless voted them in and she guaranteed that they would vote them out when the time came to vote again if they did not provide anything.

Mr. Eric Abernathy, 436 West Duck Creek Road, Clayton, Delaware, advised that he was speaking as a homeless veteran. He stated that his homeless situation had not been satisfied, explaining that he had a place to stay; however, it was not his. Mr. Abernathy indicated that there are countless homeless people in Dover, and when counts are made they are never correct. He stated that the homeless need help and assistance so they can be out of the cold and need a building, affordable housing, or a place to go. Mr. Abernathy advised that the homeless are pushed away, and he asked where they would be pushed to. He stated that if they are pushed out of Dover, other places do not want them; however, everybody deserves to have a roof over their head, three (3) meals a day, and a place to rest their head. Mr. Abernathy advised that he considers himself homeless because, although he has a place to rest his head at night, it is not his home. He explained that every day he and others are out on the street, feeding people and helping them, but cannot get the assistance they need. Mr. Abernathy indicated that they would continue to do this and one day would get the help they need, although help is needed now. He asked members to look into their hearts and find out what is there, and what it is about being homeless that bothers people. Mr. Abernathy stated that homelessness is no respecter of persons and can happen to anyone, anywhere. He stated that he was homeless in Las Vegas and it was not fun, noting that he is not in that position anymore and is in a position to help others.

Mr. Steven Hall stated that he had been before Council time and time again. He stated that he was touched by an article that he read in the *Delaware State News* about Council looking into the issue of homelessness. He advised that he could see why many people lose hope and why many react to homelessness in the way that they do. Mr. Hall asked if members recalled meteorologists telling them to bring their pets and plants inside because of the frigid temperatures, and he asked them to imagine him trying to sleep in the midst of those frigid temperatures. He noted that many people's thoughts throughout the day are about what they will have for dinner, whether they will order out or cook, and asked members to imagine what it would be like, day after day, to question where they would sleep tonight, noting that the police make the homeless leave. Mr. Hall agreed with Mr. Abernathy that homelessness could happen to anybody. He stated that he is a former educator

who taught basic English grammar for eight (8) years and was now here. Mr. Hall advised that no one deserved to be in this state. He stated that when members get out of their warm beds at night they feel heat surrounding them from floor and ceiling vents or other sources of heat; however, when he gets up he does not feel any heat but frigid temperatures. He indicated that he was grateful to God for keeping him and noted that, if he lives to see it, he would be celebrating another birthday on Saturday and had no idea that he would be celebrating it in this state.

Pastor Aaron Appling stated that those speaking on behalf of the homeless would not be going away and their numbers would probably swell when the weather gets warmer. He advised that they are diligent in their focus and could come for the next three (3) years and say the same things over and over again. Pastor Appling stated that housing is a human right and not a privilege. He noted that he had done extensive missionary work in the Philippines and in Haiti, and noticed that in incredibly poor third world nations they never tear down people's shacks. He stated that it was appalling that this is a nationwide problem and appalling that people's livelihoods are torn down and their homes taken away. Pastor Appling advised that when a homeless person has a place, such as a tent, taken down, this is the same as someone coming and burning someone's house down, noting that the homeless are then told that no one will help them. He reiterated that they would continue to keep coming since they believe that morally they are right and God is on their side because they are helping the least of those.

Pastor Appling advised that Mr. Abernathy is aged 65 and goes out twice a day every day of his life, noting that it was a privilege to work with this veteran who does not have much money or his own home. He advised that they go out into the streets every day and will be here until the end, with the goal of getting to some ground where people can work together and reconcile differences and where the homeless can learn from Council and vice versa. Pastor Appling indicated that he had been hearing stories from all over Delaware about people changing their attitudes and helping the homeless. He stated that a movement was happening, people were wanting to be compassionate, and he believed that people want their leadership to be compassionate as well.

Pastor Appling referred to Mr. Jim Plaisted, a veteran, and his wife, Lisa, who are homeless, noting that Jim is a wonderful man and his wife had been denied for disability six (6) times. He suggested that the Mayor or someone have a meeting with them and their family and stated his belief that they would reach the conclusion that the Plaisteds should be getting a disability check. Pastor Appling advised that Jim can work but had been hit by a Mack truck when riding his bicycle to work and was now living at the Dover Interfaith Mission for Housing.

Mr. James Plaisted, 684 Forrest Avenue, Dover Interfaith Mission for Housing, stated that he lost his home exactly one (1) month ago and had been struggling financially. He informed members that he was hit on May 23, noting that it had rained that morning and he was unable to work. Mr. Plaisted stated that he had been working at Barratt's Chapel Cemetery, was dismissed, and 10 minutes after that his life changed. He explained that he had thought his life was changing for the better; however, he stated that had medical issues and outstanding medical and other bills, and he and his wife had given up their trailer earlier in the day, which had items in it from their marriage. Mr. Plaisted advised that he was currently attending Harris School of Business and would be pinned in 10 weeks, noting that the Lord had helped him all the way.

Mr. Theodore Henderson, Chair, Dover Human Relations Commission, advised that he was familiar with the Plaisted family and could speak to their character. He explained that they had struggled and tried to do everything they could do, but it had been difficult.

Mayor Christiansen asked the Plaisteds to meet him in the corridor after the meeting, so he could see what could be done about getting them the things that they need.

Mr. Hutchison noted that Mayor Christiansen had been working on addressing concerns of the homeless and requested an update. Responding, Mayor Christiansen indicated that several weeks ago an announcement was made that a commission would be put together independent of the Mayor and Council to study the issue of homelessness in the City of Dover. He explained that the commission met one (1) or two (2) weeks ago and would continue to do so, noting that it was under the leadership of Dr. Jerry Abrams and would be meeting in the Dover Public Library. Mayor Christiansen indicated that a number of goals had been set, and the commission would come up with some of their own goals. He advised that some of the goals were to identify who the homeless are by name, which is the template that was used in the Mayor's Challenge to End Veterans' Homelessness, and to identify the issues that have made people homeless, what we are doing as a community to properly help those who are less fortunate than we are, what we are doing wrong, other strategies that can be developed, and what resources are available throughout the entire community to help those who are less fortunate.

Mayor Christiansen stated that he is not a Pollyanna who believes that veterans' or civilians' homelessness can be ended; however, he wanted the community to know that this Mayor and Council are making an effort to address the issues of those who are less fortunate. He advised that the ultimate goal is to develop partnerships and come together with services to help. Mayor Christiansen stated that he understood the frustration, indicating his belief that he and every member of Council were frustrated that it appeared that they were sitting impassively; however, they were not. He advised that every member of Council works on a daily basis to help all of their citizens. Mayor Christiansen stated that he did not want the homeless to think they were being left behind and there were efforts being made to develop a strategy to do the best that can be done to help fellow human beings.

Mr. Lewis commended the Mayor for creating a blue ribbon commission, which he thought was a first step in the right direction, and he hoped something good would come from it. Mr. Lewis advised that he serves on this commission and stated the need to do more for the homeless men and women of the community. He indicated that he had been sitting and listening to them for the past couple of months, noting that his heart goes out to them, and he commended the initiatives being brought forth. Mr. Lewis expressed the need to do something more.

The invocation was given by Chaplain Wallace Dixon followed by the Pledge of Allegiance led by Boy Scout Troop Number 436. Councilman Lewis led a moment of silence for Lieutenant Steven R. Floyd.

AGENDA ADDITIONS/DELETIONS

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

Mr. Anderson requested that items #6-A-3-A and B - Council Committee of the Whole Report - January 24, 2017, Safety Advisory and Transportation Committee, Bicycle and Pedestrian Subcommittee Recommendations, Walk21 International Charter for Walking, and Proposed Resolution No. 2017-01 - Complete Streets, be removed from the Consent Agenda.

Mr. Hare requested that items #6-B-1 and 2 - Council Committee of the Whole Report - January 24, 2017, Legislative, Finance, and Administration Committee, Discussion - Use of Levy Court Chambers, and Possible Move of Council Committee of the Whole Meetings to Monday Evenings, be removed from the Consent Agenda.

Mr. Sudler moved for approval of the Consent Agenda, as amended. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Hosfelt absent).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JANUARY 23, 2017

The Minutes of the Special Council Meeting of January 23, 2017 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JANUARY 23, 2017

The Minutes of the Regular Council Meeting of January 23, 2017 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.

CERTIFICATE OF CONGRATULATIONS - MADISON BRENGLE

The City Clerk read the following Certificate of Congratulations into the record:

CERTIFICATE OF CONGRATULATIONS

presented to

Madison Brengle

for defeating Serena Williams,
who is ranked second in the world in women's singles tennis,
in a stunning upset during the second round of
the 2017 Auckland Open ASB Classic
on January 4, 2017 in Auckland, New Zealand.

The City of Dover extends sincere congratulations
on this remarkable achievement
and extends best wishes for all future endeavors.

February 13, 2017

Mr. Slavin noted that Ms. Brengle is a native of Dover.

Mr. Neil stated that long ago he had served as general manager of the Baltimore Banners of World Team Tennis which was founded by Billie Jean King, noting that her team in Delaware was the Wilmington Smash. He stated that he had been Jimmy Connors' boss at that time. Mr. Neil noted that this league did not make it; however, he offered his personal congratulations to Ms. Brengle, who did make it and made it big.

TRIBUTE NO. 2017-02 - LIEUTENANT STEVEN R. FLOYD

The City Clerk read Tribute No. 2017-02 into the record.

By motion of Mr. Lewis, seconded by Mr. Sudler, Tribute No. 2017-02 was unanimously adopted, as follows:

A TRIBUTE EXPRESSING SYMPATHY AND CONDOLENCES UPON THE PASSING OF LIEUTENANT STEVEN R. FLOYD

WHEREAS, the Mayor and Council of the City of Dover have been deeply saddened by the tragic death of Lieutenant Steven R. Floyd, who passed away while on duty at the James T. Vaughn Correctional Center near Smyrna, Delaware on February 2, 2017. Lieutenant Floyd was born on November 7, 1969 and was a resident of Dover, Delaware at the time of his passing. He was a 16-year-veteran of the Delaware Department of Corrections, having served all 16 years at the James T. Vaughn Correctional Center; and

WHEREAS, Lieutenant Floyd's untimely passing resulted from injuries sustained when taken hostage by inmates at the Correctional Center. His mindset during the siege was to save the lives of others, and he remained steadfast and never wavered in his duties as a sworn law enforcement officer. He was posthumously awarded the Department of Corrections Medal of Valor for his heroism and promoted from sergeant to lieutenant; and

WHEREAS, Lieutenant Floyd was described by those he worked with as firm, fair and consistent, and as a correctional officer whose professionalism was beyond reproach. He was also described as a wonderful husband, father, and grandfather, who loved his family with all his heart.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council extend their deepest sympathy and condolences to the family, friends, and colleagues of Lieutenant Steven R. Floyd on their grievous loss, and hope that they will be consoled by the memories of his exemplary life.

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 Lieutenant Steven R. Floyd.

ADOPTED: FEBRUARY 13, 2017

On behalf of the Mayor and Council, Mayor Christiansen and Councilman Lewis presented Tribute No. 2017-02 to Mrs. Saundra Floyd. Mayor Christiansen advised Mrs. Floyd that Lieutenant Floyd and his service to our community were valued, and that Lieutenant and Mrs. Floyd were considered part of Dover's family. He urged Mrs. Floyd to reach out to the Mayor, Council

President, and members of Council if she needs anything, noting that they would be there for her not just today but in the months of struggle ahead.

Mr. Lewis stated that there was no higher honor than to present a tribute to Mrs. Floyd and the Floyd family in memory of Lieutenant Floyd, who moved on to be with his maker on February 2, 2017. He noted that he personally knew Steven Floyd, who was man who worked hard to support his family and try to make a difference in society, like many of us. Mr. Lewis indicated that he was a union representative for the Correctional Officers Association with Lieutenant Floyd, who fought hard for positive change in the Department. He stated that many had been calling Steven Floyd a hero for the past few days, which Mr. Lewis stated he was; however, he was also a leader who urged many to fight for what they believed to be right. Mr. Lewis advised that it is said that leadership is a privilege; however, it carries responsibilities, from imposing a structure suitable to an organizational purpose, to forming a team of people who bring out the best in each other, to taking the right unexpected risk. He stated that a leader must develop strong beliefs and articulate and act on those beliefs with candor and courage. In Mr. Lewis's opinion, this was Steven Floyd. He indicated that the past couple of days had been long and hard for some, and no doubt there would be more such days. Mr. Lewis reminded everyone that there is a great God in heaven who is looking over us, loves and cares about us no matter what we do, picks us up when we fall, and will carry us through the difficult times if we allow him. He advised that if we believe in God and in ourselves, we can move forward. Mr. Lewis expressed the need to remember who we are: the most blessed, creative, free, and optimistic beings on the face of this earth. Mr. Lewis stated that he knew he would see Steven Floyd again one day, and when he does he will have a big smile on his face. Until then, he stated that we will keep great memories in our hearts, and he asked God's blessing on the Floyd family.

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-29 - PROPERTY LOCATED AT 301 NORTH BRADFORD STREET

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 301 North Bradford Street, consisting of $11{,}362.5^{+/-}$ s.f., owned by Harry O. Meeks, Jr. and Bonnie G. Meeks. The property is currently zoned RG-1 (General Residence) and the proposed zoning is C-1 (Neighborhood Commercial) (Tax Parcel: ED-05-068.17-02-34.00-000, Third Council District; Planning Reference: Z-17-01).

Mr. Hare moved that the Final Reading of Proposed Ordinance #2016-29 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 December 12, 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 reminded members that staff was in the process of cleaning up non-conforming uses within residential zones, and the property at 301 North Bradford Street was identified as a non-conforming use within the RG-1 (General Residence) zone. Mrs. Townshend advised that the property owner was contacted and, after reviewing the property with the Planning staff, it was determined that the appropriate zoning classification would be C-1. Mrs. Townshend advised that the owner applied for a rezoning to the C-1 classification, which is consistent with the

Comprehensive Plan Land Development Plan, and as a neighborhood commercial use is consistent for a residential zone. She noted that on January 17, 2017, following a public hearing where no members of the public spoke, the Planning Commission voted six (6) to zero (0) to recommend in favor of the proposed rezoning.

Mr. Neil stated that The Grocery Basket is more than just a commercial outlet and is an anchor store for the neighborhood and a lot of the students at Wesley College who appreciate and need it. He advised that he was amazed that the store can exist and add so much, and he attributed this to the personality and leadership of the Meeks family within the community and the respect that they had earned from the community. Mr. Neil stated that he saw no reason not to make this formal change, which would fit into the City.

Public Hearing

Council President Slavin declared the public hearing open.

Mr. Harry Meeks stated that he and his wife reside at 301 North Bradford Street, The Grocery Basket, and had owned this business for the past 31 years. He indicated that his son is now the general manager; however, Mr. and Mrs. Meeks are actively employed. Mr. Meeks stated that the business employs 12 people and had been a beacon of light to the community for 31 years. He advised that they had helped to solve two (2) major crimes, explaining that approximately 12 to 15 years ago a gentleman shot out 75 car and business windows. Mr. Meeks stated that this gentleman had worked for The Grocery Basket at one time, Mrs. Meeks called his girlfriend, and she admitted he had done it. Mr. Meeks advised that they referred this information to the police and they made the arrest. In addition, he stated that they had been actively involved in an apprehension related to a double homicide on Governor's Avenue.

Mr. Meeks informed members that they are very proactive, noting that he had been serving for the past three (3) years as President of the Old Dover Community Association. He explained that they had always watched over and looked out for their neighborhood, had been donors to Wesley College for over 30 years, were in the Wesley Society, and had also been donors to Dover High School for 30 years and to Dover Little League for over 20 years. Mr. Meeks stated that they enjoy doing these types of things for their community and showed members a thank you notification received from the Academy of Dover Charter School last year for treating a class to lunch.

Mr. Meeks advised that, in conjunction with the State of Delaware, he and his wife had hired single mothers with children and given them an opportunity to succeed. He noted that some of these individuals had passed away and did not do well; however, they had a night manager and morning supervisor who had done a great job. Mr. Meeks stated that in 2015 they were awarded the State of Delaware Employer of the Year award, noting that they are totally invested in what they do, enjoy helping people and, as graduates of Dover High School, they love this community and want nothing but the best.

Mr. Matthew Lindell, former Wesley College student, stated that he had made it through many nights and had lunch on many days at The Grocery Basket, which was a great place, and he supported the request.

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

Mr. Sudler moved for approval of the rezoning request, as recommended by the Planning Commission, seconded by Mr. Hare.

Mr. Sudler stated that the Meeks family had contributed a great deal to the City of Dover and are a pillar in this community. He expressed support and thanks for the Meeks family and stated he was proud to know them, for they are a true representation of great citizens in Dover.

Mr. Anderson stated that he supported the rezoning, expressing his wish that all neighborhood delis would take the Meeks' lead. He stated that he looked forward to buying another of their great sandwiches.

By a unanimous roll call vote (Mr. Hosfelt absent), Council approved the rezoning request and adopted Ordinance #2016-29, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 301 NORTH BRADFORD STREET

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 RG-1 (General Residence Zone) to C-1 (Neighborhood Commercial 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 RG-1 (General Residence Zone) to C-1 (Neighborhood Commercial Zone) on that property located at 301 North Bradford Street, consisting of $11{,}362.5^{+/-}$ S.F., owned by Harry O. Meeks, Jr. and Bonnie G. Meeks.
   (Tax Parcel: ED-05-068.17-02-34.00-000; Planning Reference: Z-17-01; Council District: 3)

ADOPTED: FEBRUARY 13, 2017

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-30 - PROPERTY LOCATED AT 11-15 NORTH QUEEN STREET

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 11-15 North Queen Street, consisting of $9{,}020^{+/-}$ s.f., owned by E. Vernon Ingram, Jr. The property is currently zoned RG-1 (General Residence) and the proposed zoning is C-3 (Service Commercial) (Tax Parcel: ED-05-076.08-05-04.00-000, Fourth Council District; Planning Reference: Z-17-02).

Mr. Hare moved that the Final Reading of Proposed Ordinance #2016-30 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 December 12, 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 explained that this rezoning application that was part of staff's clean-up of non-conforming uses within residential zones. Mrs. Townshend advised that this auto business is located at the corner of Queen and Division Streets, and the parcel that fronts Division Street is zoned commercial; however, across the alley to the north the property is zoned RG-1 (General Residence), which is a non-conforming use. She explained that staff talked to the property owner and went through the appropriate zoning classifications, and she noted that this area is designed as mixed-use for land use classification in the Comprehensive Plan. Mrs. Townshend indicated that C-3 zoning was requested, which is consistent with that land use classification. She stated that this is one (1) of the more intense zones; however, because of the size of the property, it would be unlikely for an incompatible use to develop in the area.

Mrs. Townshend informed members that there was a public hearing before the Planning Commission on January 17, 2017, where no members of the public spoke with regard to the rezoning application. She noted that there were a number of positive comments from the Commissioners about the contributions that this business and the proprietors make to the surrounding community. Mrs. Townshend indicated that, following the public hearing, the Planning Commission unanimously recommended approval of the proposed rezoning.

Public Hearing

Council President Slavin declared the public hearing open.

Mr. Vernon Ingram, speaking in favor of the rezoning, thanked the City for putting up with them for so many years. He stated that it had been a long run for him and many of those present had been his customers for years.

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

Mr. Hare noted that his daughter's first car was purchased from this business, he had probably purchased six (6) or seven (7) vehicles there, and he fully supported the rezoning.

Mr. Sudler 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 #2016-30, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 11-15 NORTH QUEEN STREET

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 RG-1 (General Residence Zone) to C-3 (Service Commercial 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 RG-1 (General Residence Zone) to C-3 (Service Commercial Zone) on that property located at 11-15 North Queen Street, consisting of $9{,}020^{+/-}$ S.F., owned by E. Vernon Ingram, Jr.
(Tax Parcel: ED-05-076.08-05-04.00-000; Planning Reference: Z-17-02; Council District: 4)

ADOPTED: FEBRUARY 13, 2017

SPECIAL DOVER HUMAN RELATIONS COMMISSION REPORT - JANUARY 19, 2017

A Special Dover Human Relations Commission (DHRC) meeting was held on January 19, 2017 at 6:00 p.m. with Chairman Henderson presiding. Members present were Ms. Bogle, Mr. Gaddis, and Reverend Paige. Ms. Mullen and Mrs. Sadusky were absent.

Election of Committee Chair - Government Policy, Programs, and Practices Committee

Mr. Henderson informed members that he had asked Mr. Gaddis if he was interested in serving as Chair for the Government Policy, Programs, and Practices Committee and Mr. Gaddis indicated that he was interested.

Mr. Henderson opened the floor for nominations for Chair of the Government Policy, Programs, and Practices Committee.

Ms. Bogle nominated Mr. Gaddis to serve as Chair of the Government Policy, Programs, and Practices Committee.

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

The Commission elected Mr. Gaddis to serve as Chair of the Government Policy, Programs, and Practices Committee.

DHRC Committee Updates

Community Engagement Committee (Mullen)
No update was provided.

Communications Committee (Paige)

Reverend Paige stated that she had been reading over her responsibilities as Chair of the Communications Committee and thinking about what she needed to do. She advised members that she would have a report for the next meeting.

Reverend Paige stated her understanding that members were going to try to find out of it was permissible for people outside of the Commission to serve on the Communications Committee, noting that she had a couple of people with whom she may want to work on the Committee. Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, suggested that Reverend Paige send specific recommendations to determine how they would fit in with the Commission's charge.

Mr. Henderson stated that DHRC meetings are open to the community and noted that he did not see any harm in Commissioners enlisting resources from outside the Commission to do their jobs. Responding, Mrs. Stein stated that the question would be whether these outside individuals could actually be members in terms of voting, etc. Responding, Reverend Paige indicated that she was not thinking that they would vote but would just be able to serve on the Communications Committee. Mrs. Stein indicated that she believed there would not be a problem using outside resources, that she would discuss membership with the City Clerk, and that a legal opinion may have to be obtained regarding whether there were any restrictions in terms of individuals being on the Commission and how resources could best be used. Ms. Bogle asked if this would be the same case with the Education Committee and Mr. Henderson indicated that he would think so, noting that he applauds creativity. *(City Clerk's Office Note: Subsequent to the meeting, DHRC members were advised that, in accordance with Sec. 58-31(3) of the Dover Code, members of the community may serve on DHRC subcommittees in an advisory capacity only and would not be voting members of the Commission.)*

Education Committee (Bogle)

Ms. Bogle stated that she was personally involved with the Delaware Every Student Succeeds Act (ESSA) Advisory Committee, which is a governor-appointed committee looking at the education equity plan for Delaware. She informed members that she had been part of a discussion group within the committee through other volunteer work that she was doing, and she felt that it would benefit her work on the DHRC Education Committee. Ms. Bogle explained that the equity plan is a strategic plan for education in Delaware, everything was up in the air with the new federal administration and no one knew what funding would look like, and Delaware is scheduled to turn the equity plan in to the federal Department of Education in April. She stated that she had not done anything specific to the Dover community or her DHRC district.

Ms. Bogle recalled that members had previously discussed looking at the DHRC Strategic Plan and narrowing down what they wanted to do before going back out to the community. She noted that members had discussed setting some direct focus as a group and she was unsure if they would revisit that conversation, but this was the

reason why she had paused on everything. Ms. Bogle indicated that she had a meeting with Dr. Dan Shelton, Superintendent, Capital School District, noting that the district had mentioned wanting some support from the City regarding pulling together a focus group addressing some of the violence and things that were going on with students and seeing how the City could help. Ms. Bogle indicated that when this was previously discussed during the DHRC meeting of September 21, 2016, members questioned whether this was the role of the DHRC and whether this was something they should be helping to facilitate elsewhere. She explained that it was her understanding that members had put this matter on hold until they took more time to dig into what their focuses would be.

Old Business

DHRC Diversity Research Project

During the Dover Human Relations Commission meeting of November 17, 2016, members considered the DHRC Diversity Research Project and agreed that Mrs. Sadusky, 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.

Mr. Henderson advised members that he and Mr. Gaddis had met to summarize the recommendations and observations for the report; however, Mrs. Sadusky had been unable to be present.

Mr. Gaddis explained that he and Mr. Henderson had reviewed the information, conclusions, and opinions provided by Mr. James McGiffin, Jr., former DHRC Commissioner, based on the answers to 20 DHRC Diversity Survey questions that were submitted by survey respondents and by Mrs. Kim Hawkins, Human Resources Director. Mr. Gaddis stated that he and Mr. Henderson developed nine (9) recommendations/conclusions that reflected Mr. McGiffin's observations related to the Diversity Survey questions. For example, he explained that Recommendation #1 reflected Mr. McGiffin's Observations #1, #2, and #5, and survey questions #13 and #16. Mr. Gaddis indicated that he and Mr. Henderson had decided that Recommendations #6 through #9 were procedural items and the DHRC would not have to do them directly but would have to see what goes on with them. For example, Mr. Gaddis noted that Recommendation/Conclusion #7 indicated that each department's main page should reflect the City of Dover's Mission and Vision Statements. He stated that it would be up to the City and its departments to review what the DHRC submits to Council to see if these items coincide with their Vision and Mission Statement. Mr. Henderson reminded members that he and Mrs. Sadusky had put forth recommendations regarding the study, and these were then matched to the observations that had been submitted by Mr. McGiffin.

The Commission submitted the DHRC Diversity Research Project Report to Council.

In response to Reverend Paige regarding when the report would be considered by Council, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, stated that the report could possibly go on the agenda for the Council meeting scheduled for February 13, 2017, noting that the current meeting minutes must be completed.

During the Council meeting, Mr. Theodore Henderson, Chair of the DHRC, explained that members of the DHRC's Government Policies, Practices, and Procedures (GPPP) Committee had asked various leaders in the government approximately 20 questions regarding diversity and there were resulting observations and recommendations.

Mr. Alan Gaddis, Chair of the GPPP Committee, stated that they put together recommendations that reflected the questions and observations, and the footnotes included in the report indicated which questions related to the recommendations. For example, he explained that recommendation #1 reflected observations #1, #2, and #5 from former Commissioner James McGiffin, as well as survey questions #13 and #16. Mr. Gaddis explained that there were lengthy recommendations that members had pared down.

Mr. Anderson, referring to survey question #6 regarding whether the City has a diversity recruiting plan, goals, or record, stated that there had been a response that no one could point this out. He asked if there was any more information on this yet. Responding, Mr. Henderson explained that members had asked these questions of various department heads and staff members and were advising Council that this was how they had responded.

Mr. Gaddis noted that recommendation #5 reflected that the Economic Development Department would develop a statement and goal that reflects the value of fair hiring practices by contractors, exemplifying the diversity of contractors in Dover, Kent County, and Delaware. He stated that since there was an ignorance shown regarding this issue, this would have to be worked on.

Mr. Anderson noted that recommendation #7 also reflected his understanding that the City still did not have a consistent strategy that anyone could point out. Responding, Mr. Gaddis stated that it could be better.

Mr. Henderson advised that he and Mr. McGiffin had interviewed people from just about every major department, and this was the information they received from those interviewed.

Referring to recommendation #5 regarding fair hiring practices, Mr. Sudler questioned if these practices would be for all contractors or minority contractors. He asked who seemed to have a big concern in this regard and whether members had conducted a poll and if minority contractors had stated that they were not getting information, and did not know when bid proposals were being retrieved or submitted or about the bid process. Mr. Sudler questioned what their concerns were. Mr. Henderson noted that it was difficult to say what the problem was because it had been a while; however, he suggested that it may be a combination of things and that the City of Dover does not reflect diversity in hiring various contractors and minorities.

Mr. Sudler suggested coordinating or facilitating a workshop through the DHRC to help contractors get a better understanding of the bid process, including meeting deadlines and requirements, whether

contractors must be bonded or State or local licensed, and some of the procedures, and that this be broadcasted with the City. He commended members on the DHRC diversity report.

As a former DHRC Commissioner, Mr. Lewis commended Mr. Henderson and Mr. Gaddis on completing this task. He asked if, as a commission, they felt the City was on the right track or course for cultural diversity. Responding, Mr. Henderson advised that he thought considerable efforts had been made toward cultural diversity. He stated that he felt the City was trying to solve its issues before they become a problem.

Mr. Henderson advised that he was not a quitter; however, those on the DHRC needed help, noting that Mrs. Lynn Sadusky would be leaving the Commission. He advised Council members that people were needed from their areas, that the Mayor and Council were aware of this, and the DHRC needed slots to be filled so they can have a quorum. Mr. Henderson commented that the DHRC takes one step forward and two steps back and members want to know what their parameters are. He advised that it would help if Council could recommend people in the community to serve on the DHRC.

Mr. Slavin explained that Council was working very hard to come up with names and noted that, with the adoption of the Consent Agenda earlier in the meeting, Mr. Paul Fleming, who previously served as a DHRC Commissioner, had been appointed for the First District. He noted that Reverend Rita Paige, Ms. Wanda Mullen, and Ms. Dianne Bogle, had also been appointed to the DHRC.

Responding to Mr. Lewis, Mr. Henderson indicated that there were no current vacancies in the Second District.

Mr. Sudler moved for acceptance of the DHRC Diversity Research Project Report. The motion was seconded by Mr. Neil and unanimously carried.

Development of Concise Statement - Mission and Functions of DHRC

During the Dover Human Relations Commission meeting of November 11, 2016, members considered the Development of a Concise Statement - Mission and Functions of DHRC and agreed to establish a deadline of January 6, 2017 to provide input regarding a concise statement.

Mr. Henderson referred to the statement submitted by Reverend Paige, as follows:

> The mission of the City of Dover Human Relations Commission is to make sure that the City of Dover ensures equal opportunity and fair treatment for all people in the City of Dover. The Commission will ensure that the City will not discriminate based on race, color, age, religion, marital status, familial status, sexual orientation, national origin, gender, economic or persons with disabilities. The Commission will investigate, negotiate and resolve discriminatory and unfair treatment complaints within the city.

Mr. Henderson read the statement provided by Mr. Gaddis, as follows:

> The City of Dover Human Relations Commission works to sensitize all, employees and citizens alike, to the value of individuals whose cultures differ from their own due to ethnicity, gender, religion, origin, appearance, or abilities. It promotes acceptance of, respect for, and inclusion of all people utilizing varied means and methods. By espousing an environment of fairness and respect, the Commission promotes an appreciation of the benefits of diversity, inclusion, and positive intergroup relations.

Mr. Henderson expressed the need for members to know what their charter was, and what their powers were and were not. He noted that the State Human Relations Commission (SHRC) has the power to investigate and litigate matters and to listen to complaints; however, the DHRC is to advise Council, in addition to monitoring human rights for all people. Mr. Henderson indicated that a couple of years ago when the DHRC had a full commission, Mr. Nicholas Rodriguez, City Solicitor, had advised members what their powers and charter were. Mr. Henderson suggested that when the Commission had two (2) or three (3) vacancies filled, they could have Mr. Rodriguez come again and advise members on the power of the DHRC and the difference between the DHRC and the SHRC.

Responding to Mr. Henderson, Ms. Bogle indicated that having Mr. Rodriguez advise members in this regard would be helpful, and she reminded members that the DHRC had previously discussed holding a retreat. She stated that during a retreat members could hopefully dig into narrowing their focus, noting that there was only so much that members can do during an hour-long meeting. Ms. Bogle indicated that she had been on the DHRC for a year and had a hard time narrowing the focus or figuring out what to do.

Reverend Paige stated that, when developing her statement, she thought that the DHRC's mission should be similar to the State's but relate to the local level, so that residents of the City would come to the City to be served and State employees or those eligible for the State would go to the State. She stated that she thought those outside City limits would go to the County for help, as is done for housing programs. Reverend Paige questioned who determines the power and charter for the DHRC, what the City was looking for from a human relations commission, and if the Commission had to stay as it was. She indicated that if members were coming up with a new vision statement, it seemed to her that they were looking for change and asked if members had the ability to make the change or who did.

Mr. Henderson stated his understanding that the DHRC had previously become bogged down in listening to complaints and did not have the legal, financial, or other aspects to follow through on them.

Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, noted that Mr. Rodriguez had advised that the DHRC does not have the legal authority and resources that the State has to hear complaints. She suggested that members review Chapter 58 - Human Relations, of the Dover Code regarding the role and function of the Commission, noting that this had been determined by City Council.

Reverend Paige asked if the Code could be changed with the times. Responding, Mrs. Stein advised that it was within the prerogative of the DHRC to make recommendations to Council and to provide advice.

Mr. Gaddis indicated that he liked the last sentence of Reverend Paige's suggested statement, which stated that "the Commission will investigate, negotiate and resolve discriminatory and unfair treatment complaints within the city," noting that it reflected more than just a few people talking and trying to make nice. He indicated that this would give members an opportunity to be more helpful right off the bat or as needed; however, he questioned if it would be legal and whether Council would approve it. Mr. Gaddis asked if the DHRC was a commission that was supposed to do something or if they were window dressing to look nice. Responding, Mr. Henderson indicated that this was a challenge, noting that they had all asked that question because they were all people of conscience.

Responding to Mr. Henderson, Mrs. Stein advised that Chapter 58 of the Dover Code outlines the structure and function of the Commission and is available online, and she offered to email a link to members to access it. Mr. Henderson requested that members review this information so that they could start a discussion from there. He noted that he wanted to work with City Council but did not want to be just another pretty face.

Referring to the suggested statement submitted by Reverend Paige, Mr. Gaddis suggested changing the word "race" to "ethnicity", stating that we are all one (1) race, whether one goes by religion or science. Reverend Paige agreed and advised members that she had pulled this language straight from the State.

In regard to the sentence in Reverend Paige's suggested statement that "the Commission will investigate, negotiate and resolve discriminatory and unfair treatment complaints" Mr. Henderson stated that, under its current structure, the DHRC was not in a position to do this; however, they could look for change if possible. Ms. Bogle asked if the DHRC was not doing this, what they were doing exactly.

Reverend Paige asked what currently happens when City employees have complaints and where they go. Responding, Mrs. Stein stated that employees would typically go to the Human Resources Department, noting that there is a grievance procedure.

Mr. Gaddis questioned if members should choose one (1) of the statements submitted by him and Reverend Paige as a concise statement. Responding, Reverend Paige

expressed her opinion that the statements walked together and were just stated differently, noting that Mr. Gaddis' statement may have been a little more specific.

Mrs. Stein indicated that it might be helpful for members to review the minutes of the DHRC meeting when the City Solicitor spoke to members regarding the DHRC, as referenced by Mr. Henderson. Mr. Henderson agreed, stating his recollection that Mr. Rodriguez had laid out and made clear what he thought the Commission was. Mr. Henderson stated that he had found participating in the DHRC Diversity Research Project developed by former Commissioners Eugene Ruane and James McGiffin empowering and educational in finding out how the various City agencies were dealing with diversity issues as reflected in the questions and discussions with the department heads. He noted that former Commissioner S. Renee Smith had a lot of things going and planned, and noted that members had met with the Police Department, the National Association for the Advancement of Colored People (NAACP), and had helped to sponsor a feeding program. Mr. Henderson advised that these are the types of events where the DHRC is out in the community, establishes who they are, hears things, and interacts with people.

Ms. Bogle suggested merging the two (2) suggested statements because they were not completely foreign from one another; however, she noted that members had discussed having the City Solicitor come in and asked if members should wait until they were a little more informed about their roles. Responding, Mr. Henderson reiterated that reviewing the minutes from the DHRC meeting that the City Solicitor previously attended would be helpful. Ms. Bogle suggested that more information about what City Council was looking for would also be helpful so that the DHRC would not just be spinning its wheels; however, she stated that she was unsure if this would be part of a meeting.

Mr. Gaddis suggested that he and Reverend Paige meet, put their statements together, and come back within a week or two (2). Mrs. Stein reiterated that members may wish to review Chapter 58 - Human Relations of the Dover Code, as well as the 2015-2018 DHRC Strategic Plan, and the minutes of the DHRC meeting when the City Solicitor spoke to members regarding the DHRC.

Mr. Henderson suggested that Mr. Gaddis and Reverend Paige present a consolidated statement at the next meeting.

The Commission recommended that Mr. Gaddis and Reverend Paige present a consolidated statement at the next meeting.

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

Responding to Mr. Gaddis regarding the time frame, Mrs. Stein stated that this information would need to be provided to the City Clerk's Office approximately a week to 10 days prior to the next meeting.

DHRC Vacancies

Responding to Mr. Henderson, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, stated that there were currently two (2) vacancies on the DHRC in the First District and one (1) in the Fourth District. Mr. Henderson stated that he would take the lead on this, noting the need to approach City Council members from those districts and tell them that people were needed. He expressed the need to have a full Commission, for members to define themselves, and move forward.

Future Meeting Dates

The Commission scheduled the next meeting for Thursday, February 23, 2017 at 6:00 p.m.

Mr. Anderson moved for acceptance of the Special Human Relations Commission Report. The motion was seconded by Mr. Neil and unanimously carried.

COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 24, 2017

The Council Committee of the Whole Meeting was held on January 24, 2017 at 6:00 p.m., with Council President Slavin presiding (departed at 8:18 p.m. and returned at 8:23 p.m.). Members of Council present were Mr. Anderson (arrived at 6:01 p.m., departed at 8:35 p.m. and returned at 8:37 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis (departed at 6:48 p.m. and returned at 6:51 p.m.), Mr. Cole, Mr. Hosfelt (departed at 6:50 p.m. and returned at 6:51 p.m.), Mr. Hare, and Mr. Hutchison (departed at 8:37 p.m. and returned at 8:39 p.m.). Mayor Christiansen (arrived at 6:43 p.m. and departed at 8:18 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*) and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Councilman Hosfelt presiding.

Report on Initial Assessment of Public Safety Issues Related to Holding Public Meetings in the City Council Chambers, City Hall, and 5 East Reed Street

Mr. Scott Koenig, City Manager, advised members that Mayor Christiansen and the Police Chief had authorized the Delaware Information and Analysis Center (DIAC) to conduct an assessment of City Hall and some of the perimeter around that building, with some reference to the facilities at 5 East Reed Street. He expressed his belief that DIAC is a component of the State Police and the Division of Homeland Security. Mr. Koenig advised that DIAC reviewed the facility, had interviews and discussions with various members of staff, and issued an unclassified for official use only report. He stated that staff had contemplated whether or not to include this information in the meeting packet, and ultimately the decision was made not to do so and to discuss security in broad terms. He indicated that there had been escalating concern regarding security in City Hall and other government facilities for a number of years, noting that City Hall had always been generally open for people

to enter. He stated that he felt the general consensus from the Mayor, Police Department, and other members of staff was that there was a need to implement a series of broad-reaching security measures in City Hall and other facilities. Mr. Koenig explained that physical improvements to the building and the surrounding areas were being recommended, as well as improvements in technology, policies, and procedures. He indicated that staff would proceed with costing out options, putting them into either the current budget or a future budget, and implementing them on a conscious schedule to provide a measure of security to staff, elected officials, and visitors to the facility. Mr. Koenig stated that a meeting was held the previous day with Captain David Spicer, Police Department; Mayor Christiansen; and Mrs. Kay Sass, Emergency Management and Public Affairs Coordinator, to discuss the general parameters of the report. He noted that this would slightly change how business is done in City Hall, but not at 5 East Reed Street. Mr. Koenig advised that the general feeling was that these measures would be implemented to the best of staff's ability to adhere to the assessment that was done because he felt it was important that people be comfortable in the building.

Mr. Hosfelt noted that for the last couple of months on Monday evenings there had been a large group present for at least the first portion of Council meetings. He suggested talking to the Fire Marshal, stating his concern that the City was not within the Code. Mr. Hosfelt stated that he thought if there had been a problem on any of those nights, there would have been issues getting people out. Responding, Mr. Koenig advised that the Fire Marshal's Office had put a unit count on the number of people who could be in the facility, noting that during the meeting held on the previous evening, a member of the Dover Police Department Motorcycle Unit had been present. He stated that there had been discussions about this with Captain Spicer and Deputy Police Chief Marvin Mailey to provide an additional measure of security. Mr. Koenig advised that some of the comments made during the Open Forum segment of the Council meeting had given people concern, noting that this may not have been intended since impressions sometimes get distorted as conversations go on. He indicated that staff would be doing what they could to address this issue in the short and long term.

Mr. Hosfelt stated that he was more concerned about those standing along the back wall rather than those sitting in the audience in Council Chambers. Mr. Koenig stated that the door area is narrow, noting that there is access to the outside but there are concerns with the capacity of the area.

Mr. Anderson asked what the general rating of the security assessment was for City Hall and for 5 East Reed Street. In response, Mr. Koenig stated that there were a series of recommendations in the summary area of the report; however, a score was not discussed or assigned. He indicated that he could ask if they were graded.

Mr. Sudler asked what kind of tangible tool or measurement was used to assess whether there were more pros or cons in this situation. Responding, Mr. Koenig advised that the gentlemen who came to do the assessment were trained individuals

who look at operating procedures, the operating characteristics of the building, and what they believe are the main threats to the type of building. He explained that they do a professional assessment and look at a number of graphs, space issues, and things that they believe represent the biggest concerns for this type of facility. Mr. Koenig stated that the concerns for City Hall may be different than those at 5 East Reed Street because the facilities are different. He stated his feeling that these types of evaluations varied based on the sites and the assessors' training.

Mr. Sudler asked if it would be safe to assume that something like a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis was done, and if this was provided to the City for review. Responding, Mr. Koenig advised that a series of recommendations was provided in numerical form.

Quarterly Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects

Mr. Rich Vetter, Executive Director, Dover/Kent County Metropolitan Planning Organization (MPO), advised that the MPO had been conducting two (2) ongoing transportation planning studies on behalf of the City that were recommended by City staff.

Downtown Dover Parking Study

Mr. Vetter reviewed a presentation entitled, "Downtown Dover Parking Study - January 24, 2017." Referring to the map of the study area, he explained that a 10-block area in the downtown commercial area was depicted. He indicated that the scope of the study included four (4) questions, as follows:

1) Is there enough parking?
2) How to communicate available parking?
3) Is the current fee structure adequate?
4) Is a parking garage warranted?

Mr. Vetter noted that the final question related to parking capacity, whether a parking garage was warranted and, if so, where it would make the most sense. He indicated that the City had conducted counts regarding existing and baseline conditions for the MPO as part of this project, noting that the MPO also had a parking consultant on board. Mr. Vetter explained that they were looking at key areas in 10 focus blocks including Loockerman Street, Bradford Street, and South Governors Avenue, as well as five (5) City lots. Counts were done over the past couple of weeks, and they had looked at occupancy, in terms of whether people were just parking to drop things off or were staying for two (2) or three (3) hours at a time. In addition, Mr. Vetter stated that they were looking at the key focus areas where people were parking and staying. Referring to the photographs depicting existing conditions, he stated that the top right photo was a permanent lot on South Governors Avenue near the fire station that remained fairly vacant all day; the bottom right photo was the North Street lot which was for the most part filled throughout the day and a vibrant lot with parking, apartments, and businesses; the bottom left photo depicted Loockerman Street, which

had high occupancy and turnover; and the top left photo was of Bradford Street, with a mixture of metered, permit, and two-hour free parking. Mr. Vetter noted that they had heard that there was confusion was associated with certain lots based on the signage.

In terms of public involvement, Mr. Vetter advised that the MPO has a ten-member steering committee that consists of residents, business owners, and agency or City staff that would help to formulate recommendations regarding the study. He indicated that two (2) or three (3) workshops would be held, with the first workshop probably being held in the spring. Mr. Vetter explained that meetings would also be held with residents and individual business owners. He advised that the Downtown Dover Partnership (DDP) has a Parking Committee, is represented on the steering committee, and would be active in the study.

In regard to changes in existing parking, Mr. Vetter stated that redevelopment in the downtown area would cause potential gains or losses of parking. He advised that there would probably be a loss of parking in the lot on North Street as part of development at Loockerman and a new demand for parking if the former Acme site is redeveloped, noting that these things would be incorporated in the study and included in the analysis. Mr. Vetter advised that the potential alternatives presented included a menu of options that could be expanded, and there were no final alternatives at this point. He indicated that the data had been collected and the consultant was reviewing it for the MPO and the City. Mr. Vetter indicated that the photo of the meter in the presentation depicted a smart meter in Rehoboth being used to pay by phone, which could be a potential recommendation. He stated that technology could be used to their advantage and also suggested the possibility of sharing parking with private property owners. Mr. Vetter indicated that they were considering changes in policies and regulations dealing with finances, and that the City could potentially gain additional revenue through these changes. He explained that surface parking lots could be physically reconfigured to gain additional parking, noting that the Mayor had mentioned a parking garage. Mr. Vetter indicated that zoning may have to be tweaked to allow parking modifications that could be advantageous toward businesses.

In response to Mr. Sudler's request for clarification regarding the use of the term "turnover" in the presentation, Mr. Vetter indicated that turnover was defined as quick ins and outs, such as going to the dry cleaners or bakery. He indicated that they counted the number of license plates within an hour for eight (8) hours at a time to determine the length of time that people were parking during the study.

In response to Mr. Shelton, Mr. Vetter stated that they had not yet looked at the cost of the meter depicted in the presentation versus the revenue that it could generate. He noted that the consultant had experience working in Christiana, Newark and Philadelphia. Mr. Vetter advised that a lot of cities were using smart meters.

Mr. Lewis asked what the biggest obstacle was that had been observed when conducting the study as far as parking within the City. In response, Mr. Vetter stated that there was a lot of parking towards the west and the north; however, when doing the counts he found that it was hard to find parking going toward Loockerman Street and near Bradford Street. He also advised that they had met with businesses all over and heard that public safety was an issue, noting that some business owners did not want to park or have their patrons park two (2) blocks from their businesses and preferred to park as close as possible. Mr. Vetter indicated that they also heard from business owners that other business owners were parking in front of their properties, for instance on Loockerman Street, which negates their own ability to park in front. Mr. Vetter stated that this was a minor obstacle.

Mr. Neil expressed appreciation for the study, stating that he hears from some that there is not enough parking or perceived parking, and from others that there is a lot of parking. He noted that Mr. Vetter had referenced the need to do a better job of indicating to people where the parking is and suggested looking to see what other areas, such as Hagerstown, Maryland and the Baltimore suburb of Towson, have done to attract parking or make it more visible. Mr. Neil stated that Towson has centralized, safe parking. He explained that it is important for people know where parking is and to be comfortable with it if downtown is to be redeveloped, especially in regard to tourism and the need to direct people to the quaint attractions of Dover, such as The Green and museums. Mr. Neil stated that the study was phenomenal and important to the growth of the City.

Mr. Anderson asked if parking apps had been considered, noting that they would allow someone to find out where available parking spaces are in Dover by phone. Responding, Mr. Vetter advised that this would be an option.

Mr. Anderson agreed with Mr. Neil about the need to let the public know where parking is available and for traffic patterns to make it accessible, noting that once people park, businesses are safe and accessible. He indicated that people may not know that parking is available on North Street due to the lack of signage and it is difficult to make left turns to access lots during the day. Responding, Mr. Vetter advised that the Schwartz Center had expressed that they feel limited during the day because people cannot park within a reasonable distance.

Mr. Anderson expressed his hope that MPO would also do a study on the difficulty of making public transportation connections from outside to inside the City. Responding, Mr. Vetter advised that there were efforts being made to improve connections on Route 13, but not necessarily downtown at this point.

Mr. Cole noted that there were a lot of good ideas and questioned when this matter would move forward. Responding, Mr. Vetter advised that the intent was to complete the study this summer, noting that what occurs beyond that would depend on the recommendations.

Mr. Hutchison asked if the City's current agreement with EZ Pass was working with their parking issues. In response, Mr. Vetter advised that it seemed to be working, stating that they had met with EZ Pass and had heard no issues at this point.

Mr. Neil stated that during consideration of agenda item #3B, Bicycle and Pedestrian Subcommittee Recommendations, Proposed Resolution No. 2017-01 - Complete Streets later in the evening, members would be discussing the value of walking, noting that walking for health was a position in terms of the parking issue.

Mr. Slavin questioned if a vertical parking structure was within the span of the parking concerns. Responding, Mr. Vetter indicated that it was within the scope to look at the thresholds and see if such a structure would meet warrants; if building it could be justified and, if so, where it would make the most sense to build it; and whether the demand was there. He advised that they cannot say whether or not they can build it but whether it is warranted, looking at the demand.

Mr. Slavin noted that he had been involved in parking issues for a long time and had heard that it appeared that there was plenty of parking; however, it was not the kind of parking that instills the directional confidence that would indicate to someone that they have arrived and are, therefore, comfortable and secure. He explained that a visitor may arrive at Disney World 20 miles before they park their car, but the signage is designed to create confidence that they do not have to worry anymore and the signs will take them exactly where they need to go. Mr. Slavin stated that this was the same at the Dover Mall and other venues, and that a vertical parking structure would contribute to the ability of people to know where they could park. He indicated that what is different now than it was 10 years ago was that the DDP has a number of ground surface areas that could be built upon, noting that it would be worthwhile to look at a public/private partnership for that kind of structure. Responding, Mr. Vetter stated that it was part of their scope.

Garrison Oak Traffic Study

Mr. Vetter reviewed a presentation entitled "Garrison Oak Traffic Study - January 24, 2017," noting that this was a traffic feasibility study. Referring to the map of the study area, he stated that the study related to whether it would make sense from a warrant, traffic, and development standpoint to build a connector road between White Oak Road and North Little Creek Road, noting that North Little Creek Road was labeled as Route 8 in the presentation. He explained that the problem was where traffic would go if there was significant development in Garrison Oak. Mr. Vetter pointed out that there were residential streets off Route 1, noting that Acorn Lane was highlighted but was not conducive to heavy truck, industrial, or other traffic.

Referring to the slide labeled "Acorn Lane," Mr. Vetter noted that this road is residential, low volume, and low speed in nature, with no shoulders for the most part, and not conducive or set up for heavy truck traffic. He indicated that this would not be the most desirable alternative if Garrison Oak developed, and this was what the study looked at. He stated that they took traffic counts for the baseline condition as

part of the study, as they do for every traffic study. Mr. Vetter advised that five (5) counts were taken over the past couple of months at the entrance off of White Oak Road to the industrial park, north and south Acorn Lane, and at the Route 1 and Route 8 interchange locations.

In reference to the map of the Garrison Oak site, Mr. Vetter informed members that Lot 12 had been developed and Advantech was moving into Lot 13; however, 125 acres and 11 lots remained with significant potential for development and these areas were incorporated in the scenarios developed in the study. He indicated that they looked at the baseline condition to see what is currently at the location, including approximately 60 employees expected with Advantech. Mr. Vetter stated that it was hard to anticipate what would be built there, so assumptions were made in the traffic scenarios regarding 50%, 75%, and 100% build-outs. He noted that the 100% build-out included a residential development consisting of 400 or so residential units that was, at one time, known as Bay Village.

Mr. Vetter informed members that levels of service were graded A through F in the same fashion as a report card, with A meaning no delay whatsoever and F is failing delay where volume would exceed capacity. He indicated that the report card based on existing traffic and the 60 or so employees from Advantech coming in was good. Mr. Vetter pointed out a B rating at Acorn Lane at Route 8. He indicated that the projected level of service with a 100% build-out of the industrial park and the 400 units of Bay Village was essentially the same as the level for today. Based on current assumptions, Mr. Vetter stated that there would be a good level of service with the 100% build out, although a few movements might be slightly worse than the current situation. He cautioned members that if a business went in that would generate a high number of trucks, such as a mini Amazon, it may lead to a worse level of service, noting that this business would have to do their own traffic study. Mr. Vetter advised that, based on what was currently known, it would probably be hard to make a case for a connector road on the east side of Route 1, although this was subject to change.

Mr. Neil commented that there was a minor problem during the Firefly Music Festival and NASCAR races for the area above the Garrison Tract relating to Persimmon Tree Lane. He indicated that the people who live in Persimmon Tree Apartments, Persimmon Park Place, Wild Meadows, and down toward Route 9 are basically cut off from Route 13. Mr. Neil stated that a road had been "promised" that would not be a formal road but a forestry type of road that would allow emergency vehicles and traffic to come down to White Oak during events. He asked if there had been any thought or discussion regarding temporary egress for the people who are trapped there and literally have to travel 13 miles round trip rather than the usual two (2) miles to get back to their area.

In response, Mr. Vetter advised that he had not heard of this issue and had no specifics. He stated that this matter could be incorporated into their study if necessary and if Council had specifics. Mr. Neil indicated that he would like to

formally request that this issue be incorporated because temporary egress had been discussed in Council Chambers and by the communities as something that would be done; however, nothing had moved forward. He noted that it would be strictly for temporary use and he was not looking for a four-lane, paved highway but something that would allow people to get in and out, particularly emergency vehicles such as ambulances, police, and fire vehicles. Mr. Vetter reiterated that this could be discussed or incorporated into the study and asked if there had been discussions with the Delaware Department of Transportation (DelDOT). Responding, Mr. Neil stated that there had not; however, it had been mentioned by the Mayor and several people even before Mr. Neil was elected.

Referring to Mr. Vetter's comment about the possibility of a large business like Amazon becoming interested in the area, Mr. Hare asked if there had been any thought about possibly getting entrances and exits just to Route 1 without constructing a big access road. Referring to Route 8, he noted that coming southbound, one can get on, and going northbound, one can get off; however, someone coming from the south is stuck, and Mr. Vetter concurred. Mr. Hare asked if there was any potential for an entrance or exit at White Oak Road. Responding, Mr. Vetter indicated that he could not speak for the Federal Highway Administration (FHA), who has purview over Route 1 including funding; however, they have limits where interchanges and ramps can be put, in terms of physical spacing. He stated he thought there would be some issues with this idea and the FHA would have to look at the proximity to other interchanges, noting that the FHA is very stringent. Mr. Hosfelt indicated that Mr. Vetter's comment might also apply to a connector road from White Oak to Route 8, and Mr. Vetter agreed.

Mr. Anderson echoed Mr. Neil's concerns, noting that the Persimmon Tree issue was one (1) of the goals in the annual planning meeting and a concern of a lot of members. Mr. Vetter asked if the City had any alignment or mapping that could be shared showing this issue. Responding, Mr. Neil stated that a broad area alongside the Wild Meadows community is rented by Chesapeake Utilities and it is the location of their gas piping from the Cheswold area to the Calpine plant. He indicated that the temporary road could go right alongside of this area as a gravel or paved road. Mr. Neil stated that the pipeline was buried deep enough that this idea could work for the four (4) to six (6) days per year when it would be needed for events including NASCAR and the Firefly Music Festival. He indicated that a fence may have to be put around the road to make sure no one tries to get down there at other times. Mr. Neil indicated that there is a problem with pedestrians in the area who will not get out of the way, and he and Mr. Hosfelt had discussed a possible sidewalk to keep people off the road; however, this would require dealing with private property. He advised that the proposed road would connect to the circular road that goes around Calpine and the whole Garrison Tract. Mr. Neil stated that there was a question of whether permission could be obtained from those who own the land, since the land is not owned by the City or County, and Chesapeake had indicated that this was not their problem. Mr. Neil offered to show Mr. Vetter the area being discussed, which had been cleared and would be kept clear for the pipelines.

Bicycle and Pedestrian Subcommittee Recommendations

Walk21 International Charter for Walking

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Walk21 International Charter for Walking includes a set of strategic principles related to improving communities through promoting walking as a form of transportation. She noted that these principles include:

1. Increased inclusive mobility
2. Well designed and managed spaces and places for people
3. Improved integration of networks
4. Supportive land-use and spatial planning
5. Reduced road danger
6. Less crime and fear of crime
7. More supportive authorities
8. A culture of walking

Mrs. Townshend explained that the principles are consistent with many of the principles promoted through Dover's various planning efforts, the Comprehensive Plan, and the Zoning Ordinance. She informed members that the Bicycle and Pedestrian Subcommittee had recommended that the City sign the Walk21 International Charter for Walking to demonstrate its commitment to the principles articulated in the charter and to foster an environment that is safe and appealing for pedestrians.

Staff recommended authorizing staff to sign the Walk21 International Charter for Walking on behalf of the City of Dover.

Mr. Anderson expressed concern with this item, noting that it appeared to be packaged as of part of Agenda 21. He indicated that he was skeptical of the idea of government wanting to tell people what to do, building a culture of walking and car free zones, and getting people out of their cars. Mr. Anderson advised that this was not the purpose of government and stated the need for government to follow what the people want, not tell them what they want. He indicated that he did not like the idea of parts of the Charter, including lowering speeds. Referring to Section 5 of the Charter, he indicated that he did not like the idea of having more and more junctures. Mr. Anderson advised that he liked the idea of longer times for crossing but not necessarily more frequent crossings. He stated that the Charter was designed in a way to create more traffic problems to manipulate people to do what the government wants and that he did not believe this was the proper scope and role of government, which was his greatest concern. Mr. Slavin stated for the record that he disagreed with everything Mr. Anderson had said.

The Committee recommended authorizing staff to sign the Walk21 International Charter for Walking on behalf of the City of Dover.

During the Council meeting, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that this item was endorsed by the Bicycle and Pedestrian Subcommittee, who recommended that staff be authorized to sign the International Charter for Walking on behalf of the City. She explained that this charter goes back a decade or so and encompasses a number of principles related to walkable communities that the City had worked through the Bicycle and Pedestrian Subcommittee to achieve. Mrs. Townshend reminded members that concerns had been expressed earlier in the evening and explained that this is a set of principles that gives people alternatives of getting from point A to point B without necessarily having to use a car. She noted that the idea is that the City has sidewalks; however, wants to commit to continuing to improve the bicycle and pedestrian infrastructure in the City so that people can use it for recreation, fitness, and transportation.

Mr. Anderson expressed grave concerns about this issue, stating that, as a person who believes in a limited role of government, he is concerned anytime the government wants to make people's choices for them instead of listening to the people about what their choices are. He indicated that he had many times seen this type of initiative coming out of an international environment that is, by their own words, an attack on the middle class way of life in Western society. Mr. Anderson stated that when looking at some of the specific proposals, such as Item #2 which references designing streets for people, not for cars, it includes reallocating road space and implementing pedestrian priority areas to create car-free environments. He stated that he pays gas taxes to use the road for a car, noting that streets are for cars and sidewalks are for people. Mr. Anderson indicated that those are important principles and he did not think there was a need to start changing the City's planning or committing to huge multi-disciplinary committees to look at walking. He advised that the City had many higher priorities for staff time, which include crime control and other issues. Mr. Anderson stated that if the City starts trying to keep cars out instead of focusing on providing more parking downtown, that is saying Dover is not open for business.

Referring to Section #4, Mr. Anderson advised that getting into ideas of social design and completely changing the heart of urban planning to give priority to slow modes of transportation over fast modes does not make sense. He indicated that this is not where the City needed to go or the type of direction that should be given to staff with the City's Comprehensive Plan coming up. Mr. Anderson noted that members had heard in the past from the City Manager that roads were not getting enough attention and there was not enough money to keep them up the way they should be kept. He indicated that the last thing members should do is to find ways to divert money away from roads and streets.

Mr. Hare stated that he had done some reading on this subject and would not have a problem with it if it was something to improve sidewalks and bicycle infrastructure, as Mrs. Townshend had presented; however, he did not know enough about it to support it. He noted that he was in favor of improving sidewalks and bike paths but did not know enough about Walk21 to adopt it right now. Mr. Hare advised that he had not read about it in detail. Mr. Slavin stated that he had also read about Walk21 and did not believe there was a vast conspiracy when walking and bicycle riding are promoted.

Mr. Cole advised that he had done quite a bit of research on this matter over the last couple of days and did not realize there was such a conspiracy theory behind it. He stated his belief that it did not

set the City up for anything other than providing a vision. Mr. Cole indicated that there was no money tied to it in terms of what the City would have to do.

Mr. Neil advised that he had heard a lot of conspiracy theories about getting rid of cars and did not think this charter had the weight of law but was more of a philosophic statement. He noted that, in looking at health issues, one of the best things one can do is walk. Mr. Neil advised that he did not think that Council needed to approve the International Charter for Walking because it was a philosophic statement that went farther than was practical in our society and was not really needed.

Mr. Lewis stated that he had read up on this matter and had received concerns from three (3) individuals. He noted that members had received an email from Ms. Lorraine Gloede, and he had also received one (1) from Ms. Janice Gallagher and another constituent in his district. Mr. Lewis indicated that he was not prepared to support something like this at this time, noting that he was unsure if there was an underlying motive.

Mr. Slavin stated that it sounded to him as if more and better information was needed.

Mr. Sudler moved to refer this item back to the Bicycle and Pedestrian Committee for further information. The motion was seconded by Mr. Cole.

Mr. Anderson stated that he thought this item just needed to go away because, as Councilman Neil had said, it was totally unnecessary and no good could come of it; therefore, there was no need to spend more time and action on it. He advised that the City already had walking trails and sidewalks and would continue to do those types of things; however, the proposed charter goes beyond that and calls for changing the City's planning philosophy and explicitly calls for many different ways of interfering with car traffic. Mr. Anderson stated that it included everything from car-free environments to reducing speed limits and increasing frequencies of pedestrian crossings at the same level, as opposed to trying to keep over-walks and catwalks. In his opinion, it was just nonsense that needed to go away.

Mr. Lewis stated that Mr. Anderson may have a good point and questioned how much time members really wanted to spend on this when they had more important issues that had to be dealt with in the City.

Mr. Slavin indicated that this was an important issue to the subcommittee and that is what members rely on subcommittees for. He stated that if they wanted to bring it back to members, it would be their option to do so, which is what the motion called for.

The motion to refer this matter back to the Bicycle and Pedestrian Subcommittee was carried by a vote of six (6) yes (Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hare, Mr, Hutchison, and Mr. Slavin), two (2) no (Mr. Anderson and Mr. Lewis), and one (1) absent (Mr. Hosfelt).

Proposed Resolution No. 2017-01 - Complete Streets

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that Proposed Resolution No. 2017-01 would encompass a Complete Streets Policy. She advised that the Delaware Department of Transportation

(DelDOT) has a Complete Streets Policy for State roads and State road projects which sets forth that any improvements in the right-of-way need to accommodate all users of the right-of-way. Mrs. Townshend stated that the State's policy addresses accessibility; therefore, anytime that DelDOT improves a road, they improve handicap ramps on the sidewalks in the vicinity of the road. In addition, she indicated that when DelDOT builds a new road, sidewalks are included in the landscaping as part of the project.

Mrs. Townshend informed members that the City of Dover has all of the components of a Complete Streets Policy through a variety of ordinances and policies. She noted that the City requires frontage sidewalk and sidewalks that come into the sites for all new development. Mrs. Townshend explained that staff is always looking at bicycle and pedestrian components but had never labeled this policy. She stated that the Bicycle and Pedestrian Subcommittee had been working on completing applications to be recognized as a walk-friendly and bike-friendly community and one of the questions asked was whether the City had an adopted Complete Streets Policy. Mrs. Townshend indicated that, while the elements are scattered throughout City ordinances and the City is proactive in terms of having an active concrete program to keep sidewalks in good condition, there is no formal policy. She explained that the Proposed Resolution would tie all of those things together and recognize what the City already has on the books.

Mr. Anderson asked if the City had a policy to keep bricks in good condition, stating that a lot of the brick sidewalks on the north side of Division Street are not in great condition. Responding, Mrs. Townshend advised that one street just north of Division Street was in particularly bad condition and was replaced with concrete sidewalk last year and that sidewalk improvements are based on the need and available funds. She indicated that in the areas where there are brick sidewalks, a lot of the replacements have been made with concrete because concrete is easier to maintain in the long term and is a more accessible surface. Mrs. Townshend stated that some improvements had been made; however, there were still some areas with bricks in poor condition.

Mr. Anderson commented that it had been proposed to spend money to expand brick around Bradford Street. Mrs. Townshend advised that the concept for Bradford Street was not to expand the brick but to have brick accents with a concrete walkway.

The Committee recommended adoption of Proposed Resolution No. 2017-01.

During the Council meeting, Mr. Sudler moved to refer this item back to the Bicycle and Pedestrian Subcommittee, seconded by Mr. Neil and unanimously carried.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Discussion - Use of Levy Court Chambers

Mr. Slavin stated that members may have read a news article about this item, which, in his opinion, was a little presumptive as to where the City was on this issue. He explained that this was an idea that he was attempting to vet with all members and with Kent County Levy Court about the possibility of addressing some of the needs in the Council Chambers by moving meetings to Levy Court. Mr. Slavin stated that this was not something he could have started without first going to Levy Court and asking them if it was okay, and it was okay by Levy Court to have that conversation.

Mr. Slavin explained that this idea was not intended to cause any hardship on City staff, noting that this was not part of the equation initially but it would be now, because staff will have their opinion, and he will honor and respect that opinion. Mr. Slavin stated that this idea was also not intended to send any kind of message that City Council meetings are more important than any other body that meets in the Council Chambers, noting that City Council meetings are the only meetings that are televised in the Chambers. Referring to the "Evaluation of Request for Proposals - Dover Broadcast and Production Equipment (RFP 17-0016CC)," scheduled for consideration during the latter part of the meeting, he indicated that the City was possibly getting ready to invest a significant amount of money on television equipment.

Mr. Slavin stated that this was only an idea at this point and was not something that the City is committed to, explaining that he cannot commit this body to it, members have to commit to it, and it is their vote to take as to whether they want to do this. He stated that, just for clarification, Levy Court voted unanimously simply to proceed with the conversation occurring at staff level to see if something could be worked out in this regard.

Mr. Slavin indicated that this would be a multi-part discussion and decision involving the "Evaluation of Request for Proposals - Dover Broadcast and Production Equipment (RFP 17-0016CC)," scheduled for consideration during the latter part of the meeting, and expressed his hope that this decision would not be made in a vacuum. He noted that Mr. Koenig had briefed members of the Council Committee of the Whole/Safety Advisory and Transportation Committee on safety issues related to the Chambers earlier in the evening, that there were other components to consider, and that he believed that doing nothing was not an option. Mr. Slavin stated that if members do nothing, they put their imprimatur on the safety issues they have; on the fact that they are condoning a public space that is not ADA compliant and has never been and they do not seem to want to make that a priority; and they put their imprimatur on the overcrowding and issues that they have seen and will likely continue to see. He stated that he was interested in hearing the discussion,

noting that if members make the decision to stay, he thought there were some cost factors that they would all need to discuss and understand.

Mr. Neil stated that members know that they are in a worn out building and things are going to change, noting that he hoped they would change in this area if possible. He explained that people with disabilities cannot get onto the floor of the Chambers and in order to get a wheelchair onto the floor, there would have to be a foot of length for every inch of height. Mr. Neil stated that he thought that accessibility and safety were of extreme importance.

Mr. Neil indicated that his community had previously rented the County's facilities to hold their meetings and the chambers are wonderful and have a marvelous sound system. He stated that the County has what the City basically needs, it is not terribly far away, and it is a temporary solution while members decide what they are going to do about a new municipal complex for the City. Mr. Neil indicated that since taxes are paid to the City and the County, he thought the County building would be available for the City to use if the County permits it. He stated that he knew there would be some type of cost but that he was certainly in favor of doing this on a temporary basis until members decide what they are going to do with the City's facilities and ensure that it is accessible for people with disabilities to come in and to listen to what is going on in this body.

Mayor Christiansen stated that he respected greatly and appreciated the efforts of the Council President to seek out the solutions that members need to address this issue, noting that, as Mr. Neil pointed out, it would be temporary. He stated that he thought it was incumbent on members to remember that taking advantage of the hospitality of the Levy Court should certainly be on a temporary basis. Mayor Christiansen advised that Mr. Neil sounded the alarm that members really need to do something with their own house. He expressed his opinion that members should keep the center of government here, explaining that was not to besmirch the efforts of the Council President because he thought that Mr. Slavin had gone out and sought a solution to an issue that had been put off for too long. Mayor Christiansen stated that he thought that it was incumbent on members, if they do anything, that it be on a trial and temporary basis. He advised that, despite the hospitality of the City's good friends at the County, the center of government for the City of Dover needs to remain here and members need to address the issues of City Hall the same way that the County took the bull by the horns and addressed the issues regarding their own building. Mayor Christiansen stated his belief that the tax payers would not appreciate a meld of government, noting that he did not mean to go against something that he says all the time, Dover is Kent County and Kent County is Dover. He reiterated that he supports the efforts and the tenacity of the Council President for opening up this discussion because he thinks that it is something that they need to do; however, he echoed Mr. Neil's concerns that ADA compliance needs, accessibility, and security need to be addressed in City Hall as well.

Mr. Hosfelt stated that he mentioned this during the Council Retreat of January 6, 2017, and he agreed with Mayor Christiansen regarding this matter. He stated that he thought that this was the City's home and members need to fix it and clean it up, and if they need to make it ADA accessible, that is what they will do. Mr. Hosfelt indicated that members should work it into the budget, figure it out, and go forward.

Mr. Anderson stated that he had some concerns about this idea, explaining that he would be open to doing it when members have a definite time frame. He noted that if they were doing construction in the Council Chambers, he thought this would be a very viable option; however, he was very skeptical of an open-ended time frame and, from what he was hearing, temporary could literally mean years while members are discussing and deciding what to do, which could provide a burden that is not foreseen. Mr. Anderson indicated that those who work out of temporary offices are moving from one location to another, with an office and materials set up in one location and operation at a remote location. He advised that there would be unforeseen consequences, complications, things forgotten, and extra costs, preparation, and staff burden that were not being considered. Mr. Anderson stated that this would place the City in a situation where it could not control its own destiny and would bring a level of cost and difficulty that he was not sure the City was ready to plunge into.

Mr. Lewis indicated that he had no objections to relocating on a temporary basis while addressing matters at City Hall; however, he stated that it was historic that governmental entities be kept separate between the City and County. He noted that City Hall is a historic building and place, and City residents realize this. Mr. Lewis reiterated that he would have no objection on a temporary basis but would not want to relocate there on a full-time basis or for over a year.

Mr. Sudler asked if the cost of making modifications and adjustments for ADA compliance had been looked at, which would probably be the doors and aisles. Responding, Mr. Koenig indicated that he did not have a current estimate on ADA compliance for the components of City Hall. He stated that this would go back to the question of how much members wanted to invest in City Hall. Mr. Koenig indicated that there had been discussion about a new facility in a single location that did not receive a lot of reaction from the members he spoke with. He stated that the issue went back to whether to invest in these facilities, because in the long term there was a question about whether there was a parking problem. Mr. Koenig pointed out that the ceiling in Council Chambers is high and the floor could be raised by two (2) feet, which would address the ADA accessibility issue. He related this to construction that was done for the new Dover Public Library and explained that a designer could come in and install a system that fits together like Tinker Toys, and the flooring system would sit on top of it. He advised that there are many ways that architecture can address this issue, outside of simply redesigning the entire Chamber, but the question would be whether to invest in this facility versus another facility.

Mr. Koenig explained that the most recent discussions had led him to believe that Council was leaning toward investing in the current facilities owned by the City versus purchasing a different facility. He stated that if this was Council's clear direction, they would engage an architect and start analyzing the costs. Mr. Koenig indicated that making a wooden door ADA compliant was not easy because it involves mechanized openings, etc. He stated that it may require a different entry to the facility; however, an architect could prepare drawings of improvements to the facility. Mr. Koenig stated that he was looking for clear direction from Council as to whether facility replacement was a top priority for the FY 18 budget, because staff was preparing that budget. In addition, he questioned how much of a priority this was, noting that there are certain triggers that would require a referendum. Mr. Koenig stated that, depending on which facility was being discussed and the composition of the staff in that facility, utility funds may be allowed to help offset the financing of facility improvements.

Mr. Koenig reminded members that another discussion about broadcast equipment relating to Council Chambers was on the agenda later in the evening, and all these discussions were really tied together. In regard to whether the City would invest in this facility or shop for a new facility, he advised that the most recent indications from members were that there seemed to be more favor towards investing in the current facilities and upgrading them versus purchasing and constructing a brand new facility. Mr. Koenig requested clarification from Council in this regard.

Mr. Slavin expressed the need to avoid making one decision that cascades and leads into a series of four or five decisions. He noted that in a few moments members would take up the issue of whether to commit to televising proceedings from the Chamber and would be asked to accept a bid of $151,000 for a one-time purchase, which would be the first expenditure. Mr. Slavin advised that this would not talk about the life span, annual maintenance cost, depreciation, and annual cost for operations. He indicated that he would think, by Council's own words, that once $150,000 is spent, they would be committed to addressing the ADA and safety issues and stated that he did not want the City to suffer death by a thousand cuts in reverse. Mr. Slavin estimated that a $150,000 project would be pushed closer $500,000 by the time all the improvements are made and issues addressed just to reach compliance. He advised that part of the issue was that the staff approaches businesses that want to open in town and tells them they must be up to the fire code, etc., but does not practice what these businesses are told to do. Mr. Slavin stated that this was patently unfair and asked that members take a look at the total cost of ownership of this. He advised that he agreed with Mr. Lewis's point, stating that his conversation with Kent County Levy Court was designed as a temporary measure until a decision is made regarding what Council wants to do. He indicated that the time may not be upon members that evening for the decisions mentioned by Mr. Koenig, but it was coming up quickly on the horizon.

Mr. Sudler stated that he thought it would behoove Council to get at least three (3) estimates in regard to the modifications and bring them back to Council to make a

clear decision on whether they want to invest and how much it would cost. In addition, he suggested asking Mrs. Townshend if there was a report from the City of Dover Fire Marshal in regard to which area would need to be adjusted to meet ADA compliance and, if not, if this could be provided at a later date. Mr. Sudler stated the need to see figures before making a decision. Being a contractor himself, he advised that there are ways to cut costs and still get the proper product being sought, noting the need then to figure out who could do the project at the cost.

Mr. Slavin stated that he had a couple of motions to make after the dialogue, and one would be to request staff to come up with rough order of magnitude estimates. He indicated that it would be difficult to get three (3) estimates from contractors without a set of commands, noting that there was a need to first gauge if this was a level of investment that members wanted to make.

Mr. Neil stated his understanding that the current building needs a lot of work and is very costly to maintain; therefore, there was a need to find out what had to be done to keep it going and if that is what members desire. He indicated that a separate issue was if Council could meet at the Kent County facility since the Chambers could not be used while construction is going on. Mr. Neil stated that there were two issues, noting that no one was talking about a permanent stay at Levy Court, but holding meetings there as a temporary device would make meetings immediately accessible. He indicated that there is certainly parking and it is easy, convenient, and not far away. Mr. Neil stated that he concurred with what was being said and thought everyone did.

Mayor Christiansen stated that a good point had been made regarding how the City could challenge people to come up to code when the City is in violation of its own code, noting that this was saying, "Do as I say, not as I do." He indicated that Mr. Neil was correct that a contingency needed to be in place. Mayor Christiansen thanked Mr. Slavin for bringing this matter to the Council floor because it was incumbent on Council to have transparency and some vehicle in place to show constituents what members are doing, whether they are sitting in the audience or at home watching on television. He advised that Councils in the past had formed committees to discuss this issue and gone nowhere, noting that the can had been kicked but landed back in members' laps. Mayor Christiansen stated the need to grow up and do what needs to be done to be transparent and open to the citizens through a temporary arrangement; however, he also stated the need to comply with the City's own rules in the Council Chamber and City Hall.

Mr. Hutchison reminded members that the old Dover Public Library should be part of the mix, noting that he did not have any idea of the cost or what future needs the City Manager has at that location. He stated that the building is large and lots of things could be done there.

Mr. Hare indicated, from a business point of view, that if this was his business he was unsure if he would pick up and move without having a plan in place and that it

was incumbent on members to have a plan first. He suggested that this matter may need to be discussed as a single item. Mr. Hare stated that he did not have a problem moving temporarily; however, a plan should be in place before packing everything up and moving, and he did not want to do so without knowing how long the City would be there. He advised that he thought there were other alternatives that should be discussed. Mr. Hare stated that looking into making the current facility ADA compliant might be a temporary fix, noting that the cost was unknown. He indicated that Council must also decide whether a new City Hall was needed, noting that this had been kicked down the road for years and it was time to make a decision one way or another.

The Committee recommended that the City Manager be directed to work with staff to create rough order magnitude estimates to address the ADA and safety issues that were discussed during the meeting.

Mr. Slavin moved to recommend that Mrs. Traci McDowell, City Clerk, and Mr. Scott Koenig, City Manager, initiate the dialogue with Mr. Michael Petit de Mange from the County to look at what the issues might be of a temporary space for a defined period of time for City Council meetings. The motion was seconded by Mr. Sudler.

Mr. Slavin reminded members that this was assuming there is a fit, noting there may not even be a fit for them to conduct their business there.

Mr. Anderson stated that he thought the recommendation was premature before members have any idea of time frames and plans. He explained that it may be appropriate at a later date but that he could not support it at this time. Responding, Mr. Slavin stated that it may help inform the first decision. Mr. Lewis noted that he did not think it would hurt to inquire. Mr. Sudler stated that he agreed with what Mr. Lewis and Mr. Slavin had said, explaining that he thought that knowing what they are looking at before making decisions is always good, so there is nothing wrong with doing some research and bringing something to the table. Mr. Hare stated that he tended to agree that it would not hurt, noting that members were not going to make any commitment, they were just going to get information.

Mrs. McDowell asked if members could be a little more specific about what she and Mr. Koenig were going to be looking for or asking. Responding, Mr. Slavin stated that the issue is really to have staff look at the specific logistical issues involved with holding Council meetings at the Kent County Levy Court.

Mr. Cole asked if this would include all committee meetings and Council meetings. Responding, Mr. Slavin stated that it would be Council meetings and it may include committee meetings, depending on the discussion related to the "Possible Move of Council Committee of the Whole Meetings to Monday Evenings," scheduled for consideration during the latter part of the meeting.

The Committee recommended that Mrs. Traci McDowell, City Clerk, and Mr. Scott Koenig, City Manager, initiate the dialogue with Mr. Michael Petit de Mange from the County to look at what the issues might be of a temporary space for a defined period of time for City Council meetings.

During the Council meeting, Mr. Slavin extended an apology to Council, stating that he had gotten a little in front on this issue because he felt that Council had to request information from Levy Court first to see if they were interested, and he noted that they were interested. He stated that he thought it was causing some undue distraction and the matter that he had heard clearly was that there was a need to improve the Council Chambers and get it to be the place where Council conducts its business.

Mr. Sudler moved to table this issue and communicate thanks back to Kent County Levy Court, with the understanding that if the City is under construction of some kind and unable to hold a meeting at City Hall, Council would know there is a safety valve in place to hold meetings. The motion was seconded by Mr. Hare.

Mr. Anderson stated that he did not think that Mr. Slavin inappropriately got ahead because information gathering to give Council options is not a bad thing, and the idea that Council has some options when work is needed is a positive, not a negative.

The motion to table this issue and communicate thanks back to Kent County Levy Court, with the understanding that if the City is under construction of some kind and unable to hold a meeting at City Hall, Council would know there is a safety valve in place to hold meetings carried unanimously.

Possible Move of Council Committee of the Whole Meetings to Monday Evenings

Mr. Slavin advised members that for the better part of a year, Council Committee of the Whole meetings were moved to a Tuesday evening format, which was new for many members. He stated his belief that many members had received an analysis regarding the effect of this format and that it may or may not have affected attendance. Mr. Slavin indicated that there had been concerns previously about this move being made since it doubled the nights that had to be blocked off on the calendar. He advised that before turning the corner into year two of this arrangement, he thought it would be fair to discuss this matter to determine the pleasure of Council.

Mayor Christiansen informed members that the City went to a Council Committee of the Whole (CCW) format in 1990. He explained that it was the feeling then that this format would allow members of Council two (4) fewer nights out. Mayor Christiansen indicated that previously the Safety Advisory, Utility, Parks and Recreation, and Legislative, Finance, and Administration Committees were all meeting on separate nights, causing members of Council and citizens to be out several nights during the week. He stated that CCW meetings were put in place prior to the Regular Council Meetings on Monday evenings. Mayor Christiansen stated

that it had worked out very well to have two (2) committees meet prior to the Regular City Council Meeting on the second Monday of the month and another committee on the fourth Monday of the month. He advised that this allowed members of Council not only to spend more time with their families and on personal issues, but it also allowed the them to address constituent concerns. As an ex officio member of the CCW, Mayor Christiansen stated that he would wholeheartedly support the proposed change to Mondays because it had worked in the past and would work to everyone's benefit in the future, including civilian committee members and citizens. Mr. Lewis concurred with Mayor Christiansen.

Responding to Dr. Stewart, Mr. Hare stated that the CCW meeting would move to the Monday evenings prior to the City Council meetings.

Mr. Slavin noted that a potential issue would be that the CCW meeting would have to be completed by 7:00 p.m., and any potential executive sessions would have to be scheduled either on another evening or after the Council meetings. He stated that Council meetings typically adjourn around 8:30 p.m., which would leave time at the end of the evening for executive sessions. Mr. Slavin stated that very few Council meetings had gone past 8:30 p.m. according to the pattern over the last year.

Mr. Hutchison noted that most Council representatives have jobs and that there are executive sessions before almost every Council meeting that take up the time between 6:00 p.m. and 7:00 p.m. He questioned how much time would be given to Committee meetings. Mr. Hutchison stated the possibility of having Safety Advisory and Transportation Committee meetings and Parks, Recreation, and Community Enhancement Committee meetings on one (1) Monday night and Utility and Legislative, Finance, and Administration Committee meetings on the other Monday. He stated that the CCW is probably the most important meeting because there is more open dialogue than at any other time. Mr. Hutchison indicated that the Council meeting is about approving the agenda and voting on the issues, and there is very little discussion when action takes place. He stated that the nice thing about the CCW meeting is that every member of Council serves on every Committee and has a vote and a voice. Mr. Hutchison indicated that the CCW was better now than at any time before; however, he urged members to allow time for it. He expressed concern that executive sessions take up a lot of time on Monday nights. Mr. Hutchison reminded members that it takes time to serve.

Mr. Cole echoed Mr. Hutchison’s comments, stating that the difference in the depth of discussion since switching to the CCW format compared to his first couple of months on Council was unbelievable. He stated that most members have jobs and that he could not arrive for meetings until 4:00 p.m. or 5:00 p.m. Mr. Cole stated that he would support keeping the current meeting format.

Mayor Christiansen stated his respect for Mr. Hutchison and indicated that he did not wish to do away with the CCW because he believes in the banter and interaction among the Mayor and Council, civilian members, and the public who participate in

the process. He stated it was imperative to maintain the CCW; however, he thought the proposed change would streamline the operation and allow members another evening with families and loved ones, and to put toward their jobs and constituent service. Mayor Christiansen advised that he would never support doing away with the CCW because he believed it was a great process.

Mr. Anderson stated that he supported the proposal and did not believe that it would interfere with the CCW, presuming that it would not start before 5:00 p.m. He indicated that it would be a more efficient use of the time. Mr. Anderson advised that the executive sessions prior to Council meetings were a relatively new invention that most bodies do not have. He stated his belief that most bodies adjourn to executive session after a meeting, which is something that Council used to do. Mr. Anderson stated that is rare to have a special executive session when an expert is brought in, such as Mr. Kirk Betts, the City's utility attorney. He felt the proposal would allow for a much more efficient use of members' time and would also be better for the public because it would allow for better public attendance and input and open up the possibility of televising the CCW meeting. Overall, Mr. Anderson stated that the proposal would be better for the public and for Council.

Mr. Sudler advised that he would prefer Mondays before Council meetings for the CCW, noting that he has two (2) jobs, both of which are essential. He stated that he loves to serve but it takes a lot of time and he is missing out on things he needs to do for his primary job, which pays his bills. Mr. Sudler indicated that executive sessions could be held on Tuesdays, when members could come in for a quick hour or half hour.

Mr. Hare stated that he was flexible either way; however, he liked Mr. Hutchison's comments. He advised that there is good, open conversation at CCW meetings. Mr. Hare indicated that he could attend on Mondays; however, he stated that he did not want someone saying at 6:45 p.m. that the meeting must be wrapped up and wanted to be able to continue talking. He suggested that the CCW meeting could resume after the Council meeting, even if this meant members would be there until 10:30 p.m. or 11:00 p.m. He stated that the meeting should not be cut short, even if it would be five (5) or six (6) hours long, because it would be inconvenient to have it on another day. Mr. Hare stated that having meetings on Monday and then coming back for half an hour on Tuesday would be more inconvenient that just staying later on Monday night. He noted that he was not in favor of broadcasting CCW meetings, since he thought people would talk more because they know they are on television.

On behalf of the City Manager's Office, Mr. Koenig agreed that the CCW meeting is a good opportunity for staff to listen to everyone's opinion, including the citizen components of the CCW, and he endorsed the concept of the CCW. He advised that moving to Tuesday nights had seemed like a good idea to him initially; however, two (2) days in a row are very long days, especially if there are a lot of items on the agenda. Mr. Koenig noted that, in some cases, staff's day starts before 8:00 a.m. and may run until 10:00 p.m. He explained that a lot of staff time goes into meeting

preparation, and staff never knows what the discussion will be with respect to any agenda item and must prepare as if every item will be contentious or there will be questions or concerns. Mr. Koenig expressed concern about time if meetings were moved solely to Monday night, stating that the City is growing and the agenda is growing. He indicated that what might seem like an insignificant issue to him may be very significant to members of Council, and there would be time crunches. Mr. Koenig also expressed concern with the Utility and Legislative, Finance, and Administration Committees that have many agenda items.

If meetings gravitate to one night, Mr. Koenig requested that thought be given to reducing the number of items that must go to Council for approval, and suggested altering the threshold for change order issues that must come before Council to 35% versus 25%. He stated that these types of things must be considered as part of a comprehensive package to not burden Council with every decision and to make the most important decisions the ones that come through the Committees and Council.

Mr. Koenig stated that 5:00 p.m. to 9:30 p.m. is a long night, whether or not one is speaking. He noted that Kent County Levy Court had demonstrated their willingness in this regard, and they meet at times until 10:00 p.m. or 11:00 p.m. Mr. Koenig noted that Planning Commission meetings previously went until that time and, in his opinion, the effectiveness of those decisions at that time of night could be questioned the next day. He stated that he favored the CCW approach and going to one night would be more efficient if it could be managed. Mr. Koenig advised that this would provide the opportunity for the CCW and Council agenda meeting on Tuesdays, which would allow another day of preparation for the next round of meetings, which was a positive; however, he reiterated his concern about fatigue from that one night. He indicated that there is fatigue regarding two nights in a row and did not know whether this was better or worse. Mr. Koenig advised that staff would do their best to meet the expectations of Council. He stated that in a perfect world it could all be done in one night, with very focused discussion. Mr. Koenig indicated that this would give everyone an extra night to interact with families, constituents, or staff to provide a better atmosphere for the City.

Mr. Shevock stated that there were pros and cons, noting that the pluses and minuses could be added up, but the City of Dover was changing and there were many things to be talked about. Having been on the Committee for some time, he noted that when committee meetings were held on Monday nights, there was a big rush when it came to the end of a meeting because the Council meeting was starting. Mr. Shevock noted that in the current format the meeting begins at 6:00 p.m. and continues until everyone has their say and the meeting is complete. He stated that by going back and trying to jam everything in, the City would not get the answers it wanted and another meeting would be added on the next day. He questioned why members would not keep the format as it is, which was working better than it had before.

Mr. Neil stated that members had previously discussed transparency and American Disabilities Act (ADA) compliance. He stated that, if the change was approved, the

meeting should be televised. He indicated that he was flexible in terms of the time. Mr. Neil stated that members would get more done, have clear heads, have a chance to study the agenda and packets if meetings were held on two days rather than trying to jam the CCW meeting in earlier on Mondays and then going into a block of time in the evening. He noted that the information discussed at CCW does not appear on Council's agenda until a later date. Mr. Neil explained that he would like to keep the current format, even though it keeps members out on two different nights, due to the efficiency and the ability for the public to come at a reasonable time to see what is being done. He stated that this was more important than trying to get it all in on one day. Mr. Neil indicated that he was available to meet on any day.

Mr. Cole asked if the CCW meeting could be held on the first and third Mondays and Council meetings on the second and fourth Mondays. Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the Planning Commission meets on the third Monday of the month. She indicated that this was not set in Code and if Council chose to have committee meetings in that format, an alternative night could be selected for the Planning Commission, as long as there was advanced notice to plan.

Mr. Slavin noted that he had once suggested using the vacant Monday evening for Council meetings in the workshop format for a deeper dive into issues.

Mr. Hutchison asked if executive sessions could be held after the regular Council meetings, and Mr. Slavin stated that they could, and that the CCW meeting could be interrupted and recessed until the conclusion of the Council meeting.

Mr. Hutchison asked to protect ample time for discussion at the CCW meeting, indicating that this would not be possible if executive sessions were held beginning at 6:00 p.m., which would allow only an hour for committee meetings. He suggested starting the CCW meeting from 5:30 p.m. to 7:00 p.m. and placing executive sessions at the end of the Council meeting. Mr. Hutchison advised that this was not just about Council, noting that staff and civilians also take part.

Mr. Anderson agreed with keeping the CCW format, which he had voted in favor of; however, he had long been concerned with the nights. He stated that the public would be better served by knowing that the second and fourth Mondays are Council nights, which makes it simpler. Mr. Anderson advised that attendance at committee meetings was better when this was in place and he thought it would be better for public engagement and Council and would place less burden on staff; therefore, this proposal was a win-win-win.

Mr. Hare reiterated that he had no problem coming in at 5:30 p.m. on Mondays for CCW meetings, but if the Open Forum segment of the Council meeting would be from 7:00 p.m. to 7:30 p.m., this would allow only an hour and a half for the CCW. He stated that if the Open Forum may go longer than half an hour, as it had in the past, and the public cannot be told that they cannot talk. Mr. Hare indicated that he

did not have a problem if CCW meetings continued after the Council meetings and was flexible. He advised that he was willing to go with the majority; however, he did not want those who show up for a CCW meeting at 5:30 p.m. to have to stay until after the Council meeting until 10:00 a.m. and they should be considered.

Mr. Lewis stated that he would support this measure and asked if committees would be rotated if the proposal was accepted. He asked, for example, if the second Monday would be for the Parks, Recreation, and Community Enhancement and Legislative, Finance, and Administration Committees and the fourth Monday for the Safety Advisory and Transportation Committee. Responding, Mr. Slavin stated that this would be the call of Council.

Mr. Hare stated that this would depend on what was on the meeting agendas. He indicated that the good thing about this approach would be that if there was one item on the Legislative, Finance, and Administration Committee agenda that needed to be addressed, it could be addressed and not be deferred for two (2) weeks so staff could take measures on it.

The Committee recommended adoption of the Council Committee of the Whole structure used for the past year to be held on Monday evenings from 5:30 p.m. to 7:00 p.m. with the ability to recess the meeting until the conclusion of the Council meeting if necessary.

Mr. Slavin moved to recommend that the rule of thumb be that executive sessions be scheduled at the end of the Council meetings on Monday evenings, with the right reserved to schedule sessions before the meeting if someone is coming in from the outside. The motion was seconded by Mr. Sudler.

Mr. Hare asked if executive sessions would held before or after CCW meetings, if CCW meetings are continued after the Council meetings. Responding, Mr. Slavin indicated that this would be at the call of Council at that time.

Mr. Hare questioned if there would be a time limit for when meetings would end. Responding, Mr. Slavin stated that this could be done through the agendas or that rules like this could be established.

Mr. Slavin asked Mrs. Townshend if Kent County's Planning Commission has a rule that they do not take new cases or agenda items after 10:00 p.m. Responding, Mrs. Townshend stated that she did not believe they did; however, the City of Dover Planning Commission does not start any new public hearings after 10:30 p.m. She indicated that this was because members have lost patience and are not focused at that point. Mr. Slavin suggested waiting to see what the traffic would bear on this issue.

Mrs. Traci McDowell, City Clerk, asked if civilian members of the CCW were expected to stay if the CCW meeting recesses for the Council meeting and any

executive sessions. Responding, Mr. Slavin stated that they can stay. Mrs. McDowell asked if they would be expected to stay and Mr. Slavin stated that this would be up to them.

Mr. Hare asked if there was a time frame for establishing this schedule. Mr. Slavin expressed his understanding that the current structure would stay in place until a date is determined to change to Monday nights.

Mr. Sudler moved to amend the motion to make it effective for the first meeting in March 2017, seconded by Mr. Anderson and unanimously carried.

The Committee recommended that the rule of thumb be that executive sessions be scheduled at the end of the Council meetings on Monday evenings, with the right reserved to schedule sessions before the meeting if someone is coming in from the outside, and that this be effective for the first meeting in March.

During the Council meeting, Mr. Hare stated that during the last couple of weeks he had been talking to different constituents. He advised that, as he had stated during the last meeting, he was flexible; however, he did not think that going to a 5:30 p.m. to 7:00 p.m. Monday format was in the best interests of constituents. Mr. Hare indicated that members had been having some very good interaction in these meetings and stated that if meetings were held at 5:30 p.m. they would be rushed. He noted that people who attended and needed to speak would be told to come back after the Council meeting, and he did not think this was in the best interest of the constituency and he could not support doing this on Mondays.

Mr. Slavin stated that over the last week he had looked at start and stop times of Council Committee of the Whole meetings. Mr. Slavin explained that he had been in favor of moving everything to one night; however, he could not support that at this time because he believed that 68% of the Council Committee of the Whole meetings went beyond 90 minutes. He indicated that this was a good, healthy sign that members were discussing things, and he applauded Councilman Hutchison's original idea to bring the Council Committee of the Whole together in that way.

In addition, Mr. Slavin stated that there were 23 regularly scheduled Council meetings on Monday evenings, noting that the second meeting in December was canceled, and 20 of them had executive sessions before the meeting. He advised that, under the proposed format, there would be meetings from 5:30 p.m. to 7:00 p.m., then a Council meeting, then continue the committee meetings, and then go into executive session. Mr. Slavin stated that this would mean that some of the more important and sensitive things that Council deals with in executive session would be addressed late in the evening when members are most fatigued, and he found this difficult to support. Mr. Cole expressed his agreement.

Mr. Lewis asked Mr. Slavin what his original intention was in wanting to change the format. Responding, Mr. Slavin advised that other Council members had brought this to his attention, saying that it might be easier to keep everything on one night, the way meetings used to be. He noted that all meetings were never really held on one night since two committees alternated Mondays.

Mr. Lewis recalled that, at the Council Committee of the Whole meeting, there were some issues brought up by staff that it was causing undue hardship and indicated that he would take that into consideration. He stated that he was against adding another day from the beginning when it was first introduced. Mr. Lewis advised that he thought this had been a good initiative by Councilman Hutchison; however, he noted that all members were not retired, some had full-time jobs, and some had families with little kids. He stated that he had brought up the point that it was difficult for members to make an extra day and asked that it be taken into consideration again.

Mr. Neil stated that if members were going to serve their constituents with transparency, it would be better for everyone involved if there was more time so that members would not feel the need to constrain the discussion. He stated that he would follow Mr. Hare's lead in terms of a two-day schedule, whether it was on Tuesday or another day. Mr. Neil stated that the nature of the discussions had been very fulfilling and he thought members had been better able to come to conclusions when they come to Council meetings.

Mr. Hutchison stated that this was very dear to him personally and he strongly supported the two nights, including Tuesday, when looking at the interaction of Council, staff, and the civilians who come in as part of the committee, as well as those who come in to see what is taking place. He explained that this is where members do the people's work, more so than at a Council meeting. Mr. Hutchison advised that at Council meetings the agenda is set up and members just go straight through the matters that are before them with a consent agenda. He stated that at no time do members go into total detail, as is done on Tuesday nights.

Mr. Anderson informed members that he favored a two-hour, 5:00 p.m. to 7:00 p.m. time frame on Monday night, stating that there was no reason why members could not do as they had done for years and have both the Committee and Council meetings on Monday night. He indicated that executive sessions should be held after the Council meeting unless there was something extraordinary. Mr. Anderson stated that members would be making a determination to double the workload by keeping the schedule as it is. He stated that keeping it on one night would be easiest for constituents because they know that Monday is Council night and they look for Council business on that night. Mr. Anderson advised that it would be easier access for the people that he had spoken with if they did not have to think about two different nights and which one goes where.

Mr. Anderson stated that if City Council would be modeled after Levy Court and the schedule would be kept as it is currently, there would be a need to talk about compensation to keep up with that. Noting that he personally would rather keep to one night, he felt that one discussion leads to another. He stated that he thought it would benefit members to keep Council concentrated on Monday nights. Mr. Anderson stated, as Mr. Lewis said, that it would be a benefit for both members who are working to plan their schedules and their constituents to know that there were two (2) hours for Council Committee of the Whole, whether this would be on Monday or Tuesday night.

Mr. Lewis noted that it had been a common practice going back for years to have meetings on one night, long before current members were on Council. He advised that he had done some research and found that Dover is the only municipality in the State of Delaware that has an extra meeting, other than if there is an emergency. Mr. Lewis indicated that a lot of towns and cities do not have a committee of the whole meeting and do not have an extra night. He noted that members had

commented about their constituents having concerns, which he could see would happen if the Council Committee of the Whole meeting was televised; however, it is not. Mr. Lewis stated that he had not been approached by any of his constituents, many of whom do not know that this meeting exists. He noted that he rarely sees any of his constituents in the audience when he comes to the Council Committee of the Whole meetings and that he has a hard time believing that constituents were telling them to keep this meeting the way it is on Tuesday nights.

Mr. Sudler asked if having meetings on two nights rather than one creates any violations or undue hardship in regard to individuals' job descriptions and asked if they were doing extra duties and being compensated. He questioned if a cost analysis had been done in regard to taxpayers' dollars if the City had to pay overtime, or if there were any cost factors that needed to be looked at in holding meetings on two nights versus one.
Mr. Slavin noted that meetings had been held on two nights for a year and he was not aware of any additional costs. Responding to Mr. Sudler, Mr. Koenig stated that most of the staff present are exempt and do not earn comp time, so there are no costs for senior staff. He indicated that occasionally there may be comp time or overtime expenses for staff members that are represented by a bargaining unit, but those are generally small.

Mr. Sudler asked the City Manager for his thoughts in regard to how employees are affected. Responding, Mr. Koenig stated that starting meetings at 5:00 p.m. and going through 9:30 p.m. is difficult and, by the same measure, two nights of meetings are also difficult. He noted that staff is used to the two-night format, but one night of meetings would be a very long night for many people.

Mr. Sudler asked if Mr. Koenig had spoken with employees to see which they prefer. Responding, Mr. Koenig stated that he had not asked staff which was preferred, noting that the staff that was presently in the room were those that typically come to the meetings.

Mr. Neil stated that he understood the problem of members working on a full-time basis and having to take time away from their jobs. He noted that those who were elected before the change to two nights now found themselves in a different situation, and this was easier for him than for others. Mr. Neil stated that if someone is specifically interested in legislation that Council will take up during a meeting, they will be present whether or not the general public is there in order to present their case, and that is when the dialog will stretch out.

Referring to subsequent Agenda Item #6.B(3), Evaluation of Request for Proposals - Dover Broadcast and Production, Mr. Neil stated that Council would be taking that matter up very shortly. He stated his understanding that meetings could be televised two nights in a row because it would be controlled by the City. Mr. Neil advised that expanding conversations and bringing people in who have specific items at the Council Committee of the Whole meeting would be doing members a favor.

Mr. Slavin stated that it takes time to run a complicated, multimillion dollar business and he thought members were learning that it takes more time than just one evening twice per month. He suggested that a compromise position would be to leave this matter status quo. Mr. Slavin advised that a new Council is seated every year and sworn into office in May, and it could become their business to determine each year what nights they would be meeting. He indicated that members could maintain

the status quo through the annual meeting in May and, as part of the business of the annual meeting, Council could set the meeting schedule for the year.

Mr. Hare moved to leave the meeting schedule as it is, seconded by Mr. Neil.

For clarification, Mr. Slavin stated that the motion was to maintain the meeting schedule which reserves Council meetings for the second and fourth Mondays of the month, with executive sessions preferably held on the Mondays before the Council meetings, and the Tuesdays following Council meetings would be for the Council Committee of the Whole.

Mr. Lewis asked if these meetings were mandatory. Responding, Mr. Slavin referred to the Charter about the attendance policy for unexcused absences. Mr. Anderson stated that the Charter only governs Council.

Mr. Lewis asked if a legal opinion could be obtained and indicated that he was referring to Council Committee of the Whole meetings, not Regular City Council Meetings. He stated that, from what he read, there was nothing in the Charter about the Council Committee of the Whole meeting and it was his understanding that they were not mandatory. Responding, Mr. Nicholas Rodriguez, City Solicitor, stated that if it was not in the Charter, it was not governed by the Charter. Mr. Anderson stated that there was nothing about any committees in the Charter. Mr. Slavin stated his understanding that the attendance policy, which is for consecutive, unexcused absences, refers only to Council meetings and Mr. Rodriguez agreed.

Mr. Hare stated that he did not disagree with Mr. Anderson regarding compensation. He noted that the Compensation Commission was looking at pay and suggested perhaps going back to payment per meeting, as it was in the 1990s. Mr. Hare explained that all through the 1990's and early 2000s, those who attended the meetings were paid, and those who did not attend them were not paid.

Mr. Slavin cautioned members that he had promised the Compensation Commission that Council would maintain an arm's length distance from them. He noted that they would be making recommendations to Council and Mr. Slavin did not want Council to apply undue influence one way or another on the Commission.

The motion to maintain the meeting schedule which reserves Council meetings for the second and fourth Mondays of the month, with executive sessions preferably held on the Mondays before the Council meetings, and the Tuesdays following council meetings would be for the Council Committee of the Whole was carried by a vote of five (5) yes (Mr. Neil, Mr. Cole, Mr. Hare, Mr. Hutchison, and Mr. Slavin); two (2) no (Mr. Anderson and Mr. Lewis); one (1) abstention (Mr. Sudler); and (1) absent (Mr. Hosfelt).

Evaluation of Request for Proposals - Dover Broadcast and Production Equipment (RFP 17-0016CC)

For many years, Comcast has provided the City of Dover with the recording and distribution of content for City Council meetings. During recent negotiations with Comcast, they indicated that they wanted to move away from providing this service.

In May 2016, staff started looking at the needs and requirements to continue the broadcast.

In accordance with the City's Purchasing Policy, Requests for Proposals (RFPs) were solicited for RFP#17-0016CC and two (2) vendors submitted proposals. City staff reviewed the submissions and found that Total Video Productions submission met all requirements for the qualifications of the project.

Staff recommended awarding the contract to Total Video Products for the City of Dover Broadcast and Production Equipment RFP#17-0016CC, in the amount of $155,349 (to include the project build out and annual support, maintenance and training in the amount of $151,849 and $3,500 respectively), and authorizing the upgrade contract to TelVue, as a sole source provider in the continuation of existing broadcasting services and expansion to streaming services for the amount of $8,740 which includes a credit for existing legacy equipment and prepayment options to reduce any future annual costs. The total of both actions is $164,089.50.

Mr. Neil noted that, during "Discussion - Use of Levy Court Chambers" earlier in the meeting, the Committee recommended directing Mr. Scott Koenig, City Manager, to work with staff to create rough order magnitude estimates to address the ADA and safety issues and that Mrs. Traci McDowell, City Clerk, and Mr. Scott Koenig, City Manager, initiate the dialogue with Mr. Petit de Mange from Kent County to look at the issues of temporary space for a defined period of time for City Council meetings. Mr. Neil moved to table this item until staff reports back. The motion was seconded by Mr. Sudler. After hearing concerns regarding tabling, Mr. Neil and Mr. Sudler withdrew their motion and second.

Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, and Mr. Mark Kennedy former Comcast employee and consultant to the City on the project, reviewed a presentation entitled "Evaluation of Request for Proposal - Dover Broadcast & Production Equipment".

Mrs. Sass advised that staff began negotiating the Comcast Franchise Agreement with Mr. Chris Comer, Director of Government Affairs for the Beltway region from Comcast, who eluded to the fact that independent filming and production of municipal meetings was no longer being provided due to their staff time and the fact that technology had changed so drastically that equipment for that purpose was aged. She noted that the wiring and infrastructure for City Hall dated to 1973.

Mrs. Sass noted that the Verizon agreement of January 2008 included an EG or education and government channel, as well as a grant in the amount of $200,000 strictly for the EG channel. She noted that very little of those funds have been used over the past nine (9) years and the current balance and reserves is approximately $170,124.

Mrs. Sass noted they she and Mr. Kennedy worked with the City Clerk's Office regarding the requirements to make the system compatible with existing equipment to continue the transparency legacy for City Council. She also advised that they worked with Mrs. Donna Mitchell, Controller/Treasurer, and the Procurement Office for guidance on the RFP process.

Mr. Kennedy provided an overview of the technical aspect of the project that would enable continued broadcasting over Comcast and Verizon. He stated that they also wanted to ensure that the services were expanded to include live streaming, which is not currently provided. Mr. Kennedy noted that video recordings of the meetings were previously provided on demand through a YouTube channel on the web.

Mr. Kennedy noted that the City's current equipment is good; however, it is aging and hard to modularize and add components for expanding later on. He advised that he has proposed mounted cameras and new microphones inside the Council Chambers, a viewing monitor in the vestibule for meeting overflow, and presentation monitors for the Caucus and Conference rooms. Mr. Kennedy stated that a media control room would be installed to replace the Comcast media truck. He advised that the control room would be operational with only one person controlling the equipment.

Mr. Kennedy stated that, in order to continue to broadcast over Verizon and add streaming services, they looked at several vendors and suppliers and determined that the City's current provider, TelVue Systems, offers a cloud-based solution which would eliminate the need for hardware that expires over time and the costs associated with replacing it. Mr. Kennedy also noted that the cloud-based solution would afford better services by allowing people to view the proceedings from their mobile devices, tablets, and computers. He stated that TelVue also provides a bulletin board service, which would give constituents the ability to see all of the on goings of the City and any announcements. Mr. Kennedy explained that TelVue would continue to provide scheduled rebroadcasts of recorded meetings, in addition to the streaming services. He reminded members that TelVue is a sole source provider and there was no need to look into what other companies would do because they found that TelVue supplied all the needs that the City was looking for.

Mr. Kennedy, referring to the Broadcast System Overview on page 6 of the presentation entitled "Evaluation of Request for Proposal - Dover Broadcast & Production Equipment," explained what the broadcast system would entail. He advised that the four mounted cameras for the Council Chambers, as well as the microphones and any computer units would devolve into the control room, which would have a controller. The operator would control all the cameras and take the audio feed in and create a production mix that would be broadcast, and also feed the vestibule and conference room monitors. Mr. Kennedy noted that the system would have a recorder and it would also send a signal to the TelVue provider, which would then send that signal out through the City's Verizon and Comcast channels, as well as the streaming components.

Mr. Kennedy advised that two (2) vendors responded to the RFP, both proposals were reviewed and, in his opinion, Total Video Products provided the best solution. He stated that both of the designs were very similar and in some cases they were almost identical; however, he explained that there was a total price difference of approximately $40,000. Mr. Kennedy stated that he thought that Visual Sound gave a good effort in their design for the system but that their prices were way out of line in terms of the industry standards. Referring to the Breakdown of Costs on page 7 of the presentation entitled "Evaluation of Request for Proposal - Dover Broadcast & Production Equipment," he noted that there was an approximate difference of $20,000 for Installation Services, and an approximate difference of $13,000 for Equipment. Mr. Kennedy advised members that he recommended Total Video Products for this particular RFP.

Mrs. Sass explained that staff recommended the lower cost vendor, who had a proposal amount of $151,849, as well as the TelVue upgrade that is needed. She stated that staff had been experiencing a lot of issues with the aging equipment that the City had been using with TelVue and they were able to get some compensation from TelVue for the current hardware in order to upgrade to the cloud. Mrs. Sass noted that upgrading to the cloud would remove the hardware from the City's property, which was also advantageous for the City.

Mrs. Sass informed members that staff is finishing negotiations with Comcast for the franchise agreement and, to avoid jeopardizing what the City has already agreed upon with Verizon or with Comcast, she could not discuss the details until it is finalized. However, she noted that there is an opportunity for additional funding to take place from Comcast.

Mrs. Sass indicated that many people had been asking how they would be able to watch Council meetings. She stated that the recommended proposal would allow the City to live stream the meetings, which is an outstanding feature that had never been offered before.

Mrs. Sass advised members that the City would own the equipment and could utilize staff or whomever to do the recordings; therefore, they would be able to broadcast the Council Committee of the Whole or other committee, commission, and board meetings. With regard to who will run the equipment for the City, she stated that one of the requirements given to Mr. Kennedy was for staff to be able to be trained to operate the equipment and there was a multitude of different options. She noted that the system is very user friendly and staff would be trained to run the equipment and the former Comcast contractors had offered to come back to run it as well. She indicated that another option would be to utilize local talent from area schools, potentially at no cost. Mrs. Sass advised that Dover High School offers a communications class, Delaware State University offers a degree in Mass Communications and Radio, Television, and Film Production, Wesley College offers a degree in Multimedia Communications, and Delaware Technical and Community

College offers a degree program in Communications, noting that it may be a great way for the City to really increase working with the community.

Mrs. Sass informed members that, upon Council approval, the entire project, including training, could be completed and the City could be back on the air, streaming video to constituents in approximately 60 days.

Mrs. Sass noted that the presentation included a revised recommended action from what was included in the Committee Action Form, explaining that the amounts were the same; however, they were spelled out more clearly.

Mr. Neil stated that the motion he made to table the matter, which he subsequently withdrew, had nothing to do with the proposal, explaining that he thought it was terrific. He indicated that his motion to table the matter had to do with the fact that members were juggling a number of different items, including the possibility of moving to the Levy Court, as well as what members had asked of staff earlier in the meeting in terms of making the Council Chambers accessible.

Mr. Neil asked if there would be any cost to the City if the Committee tabled this matter and delayed the response until they have answers. Mrs. Sass advised that according to the City's RFP process, they had 120 days from the day to close so they would have to have Council's approval by March 27, 2017. Mrs. Mitchell advised that it would depend on how the bid document was written and the terms of the contract, noting that it was possible that it would have to be rebid after 120 days.

Mr. Anderson pointed out that there was a consensus that if meetings were moved during construction time, this would only be temporary; therefore, it would not really affect whether or not the City gets new equipment. He stated that it seemed that this would be a good use of the grants, which would cover it 100%, noting that more would probably be available for any adjustments that become necessary. Mr. Anderson stated that Kent Polytech has a fine program that is looking for things to do and does a high-quality job for very low cost.

Mr. Anderson questioned how easily the equipment could be adjusted or moved around if renovations were made in the chamber, such as raising the floor. Responding, Mr. Kennedy stated that the area that would be impacted would be the running of the lines, noting that changes to anything like the floor, ceilings, or walls would definitely impact whether or not the project can move forward. Mrs. Sass stated that it was mentioned during the site visit that the cost to run the lines would be higher because of how they have to run them under the floor. She suggested that if they elevate the floor there could be a potential cost savings and it would be easier than going under the floor.

Mr. Anderson asked if they would have scheduling flexibility with the vendor once the project is awarded. Mrs. Sass advised that they would build the project timeline after the contract is signed and that they would talk to the vendor about flexibility.

Mr. Slavin asked if the broadcasting would include closed captioning, which is a component of ADA. Responding, Mrs. Sass and Mr. Kennedy stated that closed captioning would be provided through TelVue at an additional cost.

Mr. Slavin asked what the lifespan and replacement cycle was for the equipment being purchased. Mr. Kennedy advised that the hardware components, such as the speakers and amplifiers, could be expected to have ten years of use, especially with the maintenance agreement that is included in the contract. He noted that they will come in on a regular basis and troubleshoot any problems and work with manufacturers and vendors to expedite repairs when necessary. Mr. Kennedy noted that maintenance is an important component that really expands the life of the equipment.

Mr. Slavin asked what the lifespan was for the cameras. Mr. Kennedy stated that the Comcast cameras had a long life and the cameras in the bid specifications were Sony's. Mr. Slavin asked what the "all in" number was for the project because $150,000 gets them the equipment but in ten years they will more than double that in maintenance and operations cost. Responding, Mrs. Sass stated that the future annual cost would be approximately $8,900.

Mr. Slavin noted that $8,900 times 10 years would be $89,000 and expressed the need to talk about staffing. He stated that he appreciated the desire to accomplish this with as much free help as possible, which was a wonderful opportunity; however, he noted that someone had to be there to manage the free help. Mrs. Sass explained that this was one of the biggest components of the system. She stated that staff had advised Mr. Kennedy that staff would have to be able to operate the system and the specifications were developed for the type of person who does not do this on a daily basis.

Mr. Slavin questioned which staff member does not have enough work now and could take on video production. Responding, Mrs. Sass explained that this would be done at night during the meetings, just as it is now. Mr. Slavin stated that the City would have to get into and staff this line of business, and there is a reliability factor that he was trying to flush out. Mrs. Sass indicated that this would not be done outside the meeting timeframe and would be done as it is now, except the physical component of a truck would be removed and the equipment would be placed in a closet. She stated that the amount of staff would be reduced. Mr. Slavin advised that someone would be a controller who operates the camera and makes sure that everything is working right. Mrs. Sass advised that staff would be trained. She stated that Mrs. Traci McDowell, City Clerk, and Ms. Denise Devine, Assistant City Clerk attend the meetings and would not be running the equipment but noted that there was additional staff in the City Clerk's Office. Mr. Slavin stated that there would be a need to figure out who the staff would be, and there would be some soft cost for staff time, etc.

Mrs. Sass advised that there were current savings on operations because Comcast had been budgeted for but was no longer being paid. In response to Mr. Slavin, Mrs. Sass indicated that Comcast was being paid $300 for one (1) employee and $100 for each of the three (3) other employees, for a total of $600 per meeting. Mr. Slavin asked how many years they had paid Comcast. Responding, Mrs. Sass stated that the production had been included in their agreement until Comcast decided to discontinue it, which was when staff started this process. Mr. Slavin asked if the City received some offset from Comcast, noting that they had walked away from that cost. Responding, Mrs. Sass indicated there was absolutely some offset, which was part of a franchise agreement that had not yet been signed. She explained that until it was signed, she did not want to negate what was already negotiated.

Mr. Slavin commented that the funding to date, and over the last nine (9) years, was a balance of approximately $170,000. Mrs. Sass advised that the funding for EG Programming was received during the first two (2) years of the nine-year time frame. She indicated that these funds had been held for approximately eight (8) or nine (9) years since staff knew this would eventually be a large project that could be covered by the grant.

Mr. Slavin asked if there was a way for this funding to replenish itself. Responding, Mrs. Sass advised that the Verizon franchise agreement is done every 10 years, and this was a part of the first franchise agreement. She noted that anything negotiated at that time would be included in the agreement.

Mr. Slavin stated that sometimes when he hears talk about grant money, it is almost like it is not the public's money but free money, that whatever is wanted can be done with it, and that none of the rules apply. Mr. Slavin advised that he takes a different approach and that their roles as financial stewards do not end simply because the money comes from a non-taxpayer source. He indicated that once the money is ported through the City of Dover and goes into its accounts, the City is responsible for it. Mr. Slavin stated that grants should always be looked at in terms of what out-year costs are associated with the "free money" that comes in. He stated that he had seen instances a number of times, at the City and other places, where there is a free employee who is paid for by the federal government for two (2) years, but the grant agreement is that they are maintained for three (3) years after their funding ends, which is not worth it in some cases. Responding, Mrs. Sass agreed and stated that she thought the City had been good stewards of the grant money, which had been sitting for eight (8) or nine (9) years. She noted that staff knew this situation was coming, it was just a matter of when it would come, and the time presented itself when Mr. Ron Dagley of Comcast opted to retire.

Mr. Slavin stated that, as Mr. Neil had alluded, one decision would beget a whole bunch of other decisions.

Mr. Hosfelt stated that he felt that this was something that members needed to do; however, he agreed with some members of Council that it was best to wait to get an

estimate on what would be done with the Council Chambers. He indicated that he did not want to wait too long, noting that members could keep putting this off. Mr. Hosfelt thought it was something that constituents would want and stated that it was something that his constituents would like to see. He stated that more people watch the meetings than members realize, and he liked the fact that the Council Committee of the Whole meetings could also be televised, which he thought was important because that is where some of the best discussions are held and it would benefit the community and constituents City-wide to hear those conversations. He indicated that he was in favor of the proposal and appreciated the work and research that went into it but noted it would be sensible to be patient for a couple of months until it is determined how Council Chambers will be redone.

Mr. Hare stated that he thought the decision to accept the proposal should be made before the time runs out and the timeline for installing the equipment could be made at another time so that the project would not have to be rebid. Mr. Slavin noted that the estimates being requested were only staff-level estimates at this point.

Mr. Neil moved to table this matter until the second meeting in February to hear from the staff working with the Levy Court in terms of what they discover and recommend. The motion was seconded by Mr. Slavin.

Mr. Lewis asked what the stipulations of the grant were in regard to time constraints. He explained that usually when a grant is offered, if it is not accepted the grant will go away. Responding, Mrs. Sass explained that the stipulations were not with the grant.

In response to Mr. Slavin's request for clarification regarding whether or not this was a grant, Mrs. Mitchell explained that the money was received from the Verizon franchise when the City first did FIOS and Verizon in Dover approximately 10 years ago. The grant was for $50,000 over four (4) years, for a total of $200,000. Mrs. Mitchell stated that it is the City's money and it was given to the City with the intention to build its EG channel. In response to Mr. Anderson, Mrs. Mitchell indicated that the funds could only be used for that purpose.

Mr. Anderson stated his recollection that the franchise for Verizon would expire in about a year. Responding, Mrs. Sass stated that it would expire in January 2018. Mr. Anderson asked if the money would remain in the account or if it would go away. In response, Mrs. Mitchell stated that the funds were in a reserve and would remain there as long as they were used for that purpose. Mrs. Mitchell noted that some funds had been used for monitors and similar equipment.

In response to Mr. Lewis regarding the time frame, Mrs. Sass explained that there is no time frame on the grant, which is listed as a Verizon EG grant; however, franchise renegotiations would be signed some time next year. If members wanted to entertain additional grant funding from Verizon, she did not believe it would be acting in good

faith to say that the City has $170,000 of funding remaining and still expect them to give more.

Mr. Slavin stated that, in his opinion, considering what Verizon was getting in the franchise agreement and how much profit they were making in Dover, the City could go in with a strong position with regard to how much money it has in the bank.

Mr. Sudler expressed thanks for the presentation and the hard work that went into it.

The Committee tabled this matter until the second meeting in February to hear from the staff working with the Levy Court in terms of what they discover and recommend.

Permission to Recruit - Full-Time Budget Analyst

Since September 2011, a majority of the responsibility for preparing the City's Annual Budget has been shifted to various staff members in the Finance Department. The decision to transfer the budget preparation function to the Finance Department, upon the retirement of the former Senior City Administrator, which was located in the City Manager's Office, made it unnecessary to hire additional staff in the City Manager's Office for budget purposes, reduced duplication of efforts, and centralized the overall budget process. Mr Koenig noted that the budget transfer was memorialized in the Council meeting minutes of March 25, 2013.

Mr. Koenig advised that the FY 2016 budget included a part-time position in the Finance Department which was intended to assist with the budget duties. This position went unfilled due to the exploration of an Enterprise Resource Planning (ERP) solution. The part-time position was also included in the FY 2017 budget; however, it was removed from the draft budget prior to being presented to Council in order to comply with the request that they stay within the current tax rate for FY 2017. Mr. Koenig advised that, after five (5) years, the Controller/Treasurer desires to transfer a bulk of the duties associated with the budget back to the City Manager's Office. The City Manager agrees with this change; however, he requested the addition of a Budget Analyst to prepare, develop, compile, and administer the annual operating and multi-year capital budgets. Other duties would include regular monitoring of the budget throughout the fiscal year, monitoring various purchasing activities, completing special projects, and supporting the City's strategic planning efforts. The Finance Department will continue to serve a critical role in the budget for such matters as payroll budgeting.

Mr. Koenig reviewed the job description developed by the Human Resources Director, Mrs. Kim Hawkins, and noted that the position was been assigned a pay grade of 122 (NB). The salary range is $44,619 - $61,635 (start of range to top of middle point). The estimated benefit costs are $25,012 - $29,460 and the total compensation is valued at $69,628 - $91,091.

Mr. Scott Koenig, City Manager, advised that this is an unbudgeted and unfunded position and he estimated that the position could be filled as early as April 2017. He noted that a maximum of three (3) months of salary and benefits, estimated at between $17,407 and $22,773, would be needed for the current fiscal year. Mr. Koenig stated that, if approved, the City Manager would propose to move salary and benefit savings from vacant positions throughout the organization to fund the position in the current fiscal year and then process a budget amendment to move those funds into the City Manager's budget.

Mr. Sudler stated that he thought hiring an Assistant City Manager would have eliminated some of these issues.

Mr. Hosfelt stated that he was not sure of the interpretation that Mrs. Donna Mitchell, Controller/Treasurer, was not going to prepare the budget; Mrs. Mitchell was directed by Council that she was not going to do the budget and that it was the responsibility of the City Manager. He stated that was his understanding of this situation and that he did not know how it was conveyed to Mr. Koenig by Mrs. Mitchell. Mr. Koenig advised that it was not conveyed to him by anyone except Mrs. Mitchell and not until late December. Mr. Hosfelt stated that was unfortunate.

Responding to Mr. Hosfelt, Mr. Koenig advised that staff members are inputting budgets for FY18 requests and they are doing the best they can to prepare the budget. Mr. Hosfelt asked if, in addition to the Assistant City Manager, Mr. Koenig wanted another person. Mr. Koenig advised that the discussion related to the Assistant City Manager position stemmed from either his 2013 or 2014 evaluation when members of Council expressed concern with the responsiveness to requests being received by the City Manager's office, delayed correspondence, and delayed interactions with people calling in. He noted that the authorization for the Assistant City Manager position did not include responsibilities related to budget preparation because those responsibilities had been formally assigned by City Council to the Finance Department. Mr. Koenig advised that it was not until they started recruiting and were ready to make a selection for the Assistant City Manager position that Mrs. Mitchell indicated that she was interested in transferring the budget responsibilities back to the City Manager's Office. He noted that their discussion was not related to direction from Council, but to the desire of the Finance Department to forego those responsibilities.

Mr. Koenig noted that part of the reason for moving the budget to the Finance Department was to consolidate operations because, traditionally, the Finance Department back checked all the numbers associated with the budget development. It was also an effort to work more closely with the Finance Department to eliminate redundant operations and efforts.

Mr. Koenig stated that he thought the issue went to the larger context of a discussion that they had a month ago with respect to the true responsibilities of each component of the City government, which he did not have the ability to work out. He thought

that transferring the responsibility of the City budget development to the Assistant City Manager was a recipe for disaster because neither that person, nor he, had an accounting background. Mr. Koenig stated that the previous Senior City Administrator, who was located in the City Manager's Office, had a 20 year history with the City with progressively increasing responsibility related to the budget development and all the systems associated with it.

Mr. Koenig stated that the budget is a long, complicated, and extensive process. City Council has put a lot of weight and investment in the budget process and he is somewhat frustrated by the fact that those discussions happened and were not conveyed to him, nor was the City Manager asked to weigh in on those discussions. Mr. Koenig advised that the budget is probably the single most important policy document that the City has going forward and, although it is complicated, it does not have to be prepared by a person that is paid six figures. Mr. Koenig stated that the budget can be prepared by an analyst who knows spreadsheets, knows how to pull the budget together, and has the ability to shut their door and work on the budget without interruption. He noted that he does not have the ability to focus solely on the budget and; therefore, was asking for the Budget Analyst position. Mr. Koenig advised that the City Manager's Office was in a terrible position with respect to the budget preparation due to a breakdown of communication.

Mr. Hosfelt clarified that the addition of $205,000 for Customer Service positions and at least $69,000 for a budget analyst, for a total of $275,000, was being added to a budget that they had not even started yet and did not know how they were going to fund.

Responding to Mr. Anderson, Mr. Koenig advised that, as far back as the early 1990s, the Senior City Administrator (previously Customer Services Director) was responsible for preparation of the budget. He noted that there was coordination between the Customer Services Department, the City Manager's Office, and the department heads and the Controller/Treasurer (previously the Finance Director) was involved in departmental budget discussions.

Mr. Anderson stated that, as former Council President Hogan pointed out many times, leaving the budget preparation and the audit functions with the Finance Department eliminates the checks and balances that were originally intended. Responding to Mr. Anderson, Mr, Koenig advised that the audit is done by a third party contractor. He noted that City Council, years ago, made a conscious decision to place the Finance Department under the direction of City Council instead of the City Manager. Mr. Koenig advised that the decisions were are a matter of record. He noted that the budget preparation originally included a part time position in the Finance Department to support the staff members in that department associated with preparing the budget. Mr. Koenig suggested that Mrs. Mitchell testify on staffing. He advised that the budget document is a compilation of a lot of work performed by Mrs. Mitchell and Finance Department staff, including an Administrative Assistant that prepares the final budget for public presentation.

Mr. Anderson asked why Mr. Koenig thought that the Budget Analyst needed to be a full-time position in the City Manager's Office but a part-time position in the Finance Department. Responding, he stated that the Finance Department staff has accounting backgrounds, so it could be more easily absorbed as a part-time position.

Responding to Dr. Stewart, Mr. Koenig stated that he was not anticipating inclusion of the part-time person in the budget for the next year. Dr. Stewart advised that, instead of creating a new position, the State evaluates vacant positions for reclassification. She asked if Mr. Koenig had evaluated vacant positions throughout the City for reclassification. Mr. Koenig advised that he had not. Responding to Mr. Cole, Mr. Koenig advised that he could not think of any vacant administrative positions that were not associated with bargaining units that could be reclassified; however, he advised that he would provide an answer when this issue is considered by Council at their next meeting.

Responding to Mr. Hare, Mr. Koenig advised that the job description was ready in November and he was only bringing it forward for consideration now because he would prefer not to ask for a new position in the middle of the budget year; however, he stated that he did not feel as though he had a lot of choices.

Mr. Hare commented that he felt that this was a moot issue for the current budget year due to the length of time that it takes to hire people in the City, noting that it would take approximately two (2) or three (3) months before someone is hired. He suggested that the position be considered in the next budget.

Mrs. Mitchell advised that she and Mr. Koenig have had discussions about transferring the budget back to the City Manager and reminded members that she sent a memo in November 2015 to Mr. Koenig and copied City Council members requesting that the budget be transferred back to the City Manager's Office. Mrs. Mitchell stated that Mr. Koenig discussed the Budget Analyst position and whether it should be a full-time or part-time position with City Council the previous July. She noted that she had a conversation with Mr. Koenig about moving forward with hiring the Budget Analyst quickly so that they could be trained. Mrs. Mitchell advised that there was an e-mail exchange between she and Mrs. Kim Hawkins, Human Resources Director, dated August 3, 2016, regarding the necessary skill set for a Budget Analyst and they were just now discussing it.

Mr. Anderson asked if Mrs. Mitchell believed that the Budget Analyst position was necessary for the efficient compilation of the budget. Responding, she stated that she supported the Assistant City Manager's position because she was under the impression that they were going to be preparing the budget. Mrs. Mitchell noted that it was not until after she talked to Mr. Koenig after he was ready to hire an Assistant City Manager that he indicated that Mr. Kirby Hudson, Assistant City Manager, was not being hired to prepare the budget.

Responding to Mr. Sudler, Mrs. Mitchell stated that she thought the e-mail from Mrs. Hawkins requesting information was a result of the conversation that she had with Mr. Koenig about quickly bringing the request for a Budget Analyst forward to City Council

Mr. Sudler noted that he sensed a breakdown in communication between Mrs. Mitchell and Mr. Koenig and that the departments may not be working well together.

Mr. Anderson moved to recommend approval of staff's recommendation for authorization to begin the recruitment process for the position of Budget Analyst in the City Manager's office. The motion was seconded by Mr. Neil.

Mr. Neil stated that although he thought the position request should have been presented earlier so that person could be on board to prepare the budget, they needed to make sure that they have a budget that they can live with.

Mr. Hosfelt stated that he did not see the need for, and would not at this time support, the addition of a Budget Analyst. He noted that the budget has been done without one for at least two (2) years. Mr. Anderson stated that he agreed that the position would not be filled until the following year. Mr. Hare advised that he would not be able to support a full-time position.

The motion to recommend approval of staff's recommendation for authorization to begin the recruitment process for the position of Budget Analyst in the City Manager's office failed with Mr. Anderson and Mr. Neil voting yes.

Mr. Slavin congratulated Dr. Courtney Stewart on being named Deputy Secretary of State for the State of Delaware.

Mr. Sudler moved for acceptance of the Council Committee of the Whole Report. The motion was seconded by Mr. Hare and unanimously carried.

MONTHLY REPORTS - DECEMBER 2016

By motion of Mr. Sudler, seconded by Mr. Lewis, 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

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (OCTOBER, NOVEMBER, AND DECEMBER)

Members were provided the Quarterly Report for the Capital Investment Plan (CIP) as of December 31, 2016.

By consent agenda, Mr. Sudler moved for acceptance of the Quarterly Report for the Capital Investment Plan (CIP) as of December 31, 2016. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Hosfelt absent).

CHANGE ORDER FUNDING IMPACT ON CAPITAL INVESTMENT PLAN (MEETING HOUSE BRANCH VOLUNTARY CLEANUP PROGRAM)

During their Regular meeting of January 23, 2017, City Council considered the Change Order - Meeting House Branch Voluntary Cleanup Program, approved the proposal from Compliance Environmental to perform the necessary work for the Voluntary Cleanup Program, as required from DNREC, and the application fee, and directed Mrs. Mitchell and Mr. Koenig to rework the numbers and report their findings at the next meeting.

Mr. Scott Koenig, City Manager, reviewed a spreadsheet entitled, "City of Dover Department of Public Works General Fund CIP Funding (Working Copy)". He explained that there was a series of small projects under Miscellaneous, which was labeled in blue. Mr. Koenig noted that staff was not proposing to adjust any of these purchases or project budgets at this point because the purchases had come in right at the expected numbers, or because staff was uncertain as to whether any funds were available for those projects. He explained that the Salt Storage Barn, Project #ST1604 was fully funded, and staff was working on scheduling contractors to complete it. Mr. Koenig advised that this was the highest priority project because it is related to a Municipal Separate Storm Sewer System (MS4) Conciliation Order.

Mr. Koenig explained that the old PW2 Site Improvements project is the Meetinghouse Branch Project. He stated that staff was trying to move funding in to complete the design related to stormwater improvements in hopes of beginning construction of the storm drainage system and the associated wetlands in FY18. Mr. Koenig indicated that money was being moved into this project from various areas. He advised that the East Water Street Brick Project was originally a Community Transportation Fund (CTF) project; however, due to conflicts in the bond bill language with respect to state prevailing wage, staff was moving money from the Street Program to this project. In regards to the FY 17 Street Program, Mr. Koenig indicated that a request was being made to the legislators who funded it to redirect the East Water Street CTF agreement to the Wyoming Avenue street segment location in the FY17 Street Program.

Referring to the Old PW2 Site Improvements (Meeting House Branch) and East Water Street Brick Project heading on the spreadsheet highlighted in green, Mr. Koenig stated that there were several purchases in the General Fund that had come in under budget. He stated that staff would be proposing budget amendments to move those funds to cover a small overage in the East Water Street Brick Project. Mr. Koenig indicated that one of the current unknowns was the Garrison Oak General Fund Project at the Garrison Oak Technical Park, which was wrapping up. He explained that there was a relatively large obligation from the contractor regarding liquidated damages that staff was working through. Mr. Koenig advised that it was proposed to move some of the liquidated damages

and reclaim money into the Old PW2 Site Improvement project in the amount of roughly $8,600 to get all the financing together to move forward with site improvements at old PW2.

Mr. Koenig stated that the North Street Improvement Project was an additional, unexpected project. He explained that this was a joint project between the City of Dover and the Delaware Department of Transportation (DelDOT) with a total project cost of approximately $980,000. Mr. Koenig advised that the City's commitment on this project was $186,000, noting that there would be an 80/20 split. He indicated that it was originally thought that the City would have to make this fund transfer during the month of February; however, construction was delayed due to additional construction related to the West Dover Connector. Mr. Koenig stated that Hazlettville Road adjacent to Kraft Foods would be torn up as part of the West Dover Connector improvements. He noted that the construction schedule for the North Street project had changed, allowing time for the City to get additional funding together through the liquidated damages resolution of the Garrison Oak Project. Mr. Koenig stated that Representative Sean Lynn had assigned $120,000 to the City of Dover for CTF, and it was requested that $20,000 of those funds be used for the North Street Project. In addition, he advised that Senator Colin Bonini had committed $20,000; therefore, of the $186,000, the City had $40,000 in CTF funding.

Referring to the Street and Alley Program on Page 2 of the spreadsheet, Mr. Koenig indicated that Council had authorized $1,037,600 of work when staff initiated these contracts. He stated that staff believed that 100% funding was in place for Delaware Avenue, which was a combination of City funds and CTF in the amount of $50,000. Mr. Koenig advised that North West Street Alley construction is a small project that was funded in CTF funds by $15,000, and staff thought it would require another $1,607 of City funding. He indicated that Buck Drive is another CTF-funded project, noting that the City had replaced the gravity sanitary sewer in this area several years ago and would now come back to replace the pavement. Mr. Koenig stated that the project estimate is $129,800, and it was believed that all the funding was in place using $107,600 of CTF money and $22,223 of City funding. He advised that the estimate for the Lincoln Street project was $435,000 and noted that $50,000 of Representative Lynn's money would be appropriated to Lincoln Street through the CTF. Mr. Koenig expressed staff's belief that this project is fully funded at $435,105 using $50,000 of CTF funds and $385,105 of City funds.

Mr. Koenig indicated that the estimate for Wyoming Avenue was $353,797, and staff was requesting to move the East Water Street CTF funding to this project in the amount of $80,700. He stated that staff planned to match $273,097 of City funds to fully fund the Wyoming Avenue improvements. He stated that funding was running out for the Mockingbird Avenue project, which had a current estimate of $202,298, with an estimated $63,000 of City funds available for this segment. Mr. Koenig indicated that a request had been made to Representative Andria Bennett for CTF funding and staff was waiting to hear back from her.

In regard to Emerald Pointe, Mr. Koenig stated that staff was working on time estimates for removal of a stub street. He indicated that this location was not in the bid documents, but it was a commitment that the City had made that would need to be fulfilled either in FY17 or FY18. Mr. Koenig advised that, between now and the completion of this year, it was hoped to bring in these street segments under budget and be able to fully fund Mockingbird Avenue. He noted that this could occur provided that projects could be brought in under budget and/or with additional CTF

funding. Mr. Koenig advised that it was hoped that Emerald Pointe could be completed in the same manner.

Mr. Koenig stated that the final project that had no current funding commitment was Lakeview Drive Flooding, a small project on Lakeview Drive adjacent to Luther Towers currently estimated at $39,000. He indicated that bids had been received and were being reviewed; however, there was currently no available funding. Mr. Koenig advised that question marks would be unraveled in the next few months regarding the total amount of liquidated damages available from the Garrison Oak project to potentially be moved into these projects. He indicated that staff was also working on budget amendments to adjust project budgets as indicated on the spreadsheet.

Mr. Sudler asked when it was projected to budget for West Street flooding and for repaving and sidewalks on Conwell Street, located off State College Road. In response, Mr. Koenig stated that he would have to get some answers back from staff on the engineering investigation of the North West Street flooding, and staff would have to develop a funding plan for the project. He expressed his belief that this would be an FY 18 request. In regard to Conwell Street, Mr. Koenig referred to a petition previously submitted by Mr. Sudler and noted that a number of the properties listed were outside of City limits. He recommended that all of those properties be annexed into the City before the request moves forward. Mr. Koenig explained that a significant amount of engineering detail would need to be done, including surveying and stormwater design. He noted that surveying would likely have to be contracted out, and his best guess would be that some design could potentially be done in FY 18; however, construction would not be until FY 19, provided funding is available. Mr. Koenig stated that these are not currently full width streets and are unimproved. He indicated that some portions of the street are not in City limits and have never been paved, so there would be major hurdles to be crossed to complete that project.

Mr. Sudler asked if Conwell Street was or was not a City street and if the City owns it. Responding, Mr. Koenig stated that, to his knowledge, Conwell Street is an improved right-of-way for perhaps the first 150 feet exiting off College Road and going north.

Mr. Sudler asked about the area where Conwell Street connects with Raymond Street, which he stated is City. Responding Mr. Koenig advised that he would have to look at the City's street list, stating that he was not sure that there was a Raymond Street on the street list. Mr. Sudler stated that Raymond Street was formerly known as Jason Street. Mr. Koenig reiterated that he would have to look at the list and noted that Mishoe Street is on the street list.

Mr. Sudler stated that if it is found that Conwell Street is a City street, it had not been paved for 50 years. He indicated that he thought his constituents in that area had waited long enough for it to be paved. Mr. Sudler advised that it was not a major project, estimating that it was approximately 400 feet straight and 12 feet wide, and stated his belief that they would settle for just some asphalt now and sidewalk and curbing could be revisited. He indicated that there were over 45 potholes at least two (2) to three (3) feet wide in radius that were damaging residents' axles and vehicles. Mr. Sudler stated that he did not think it fair that they had been neglected for over 50 years and had been asking their councilpersons prior to him to get this road fixed. He advised that he sees roads being fixed all around him and felt that this road should have been paved, which would not cost a lot of money. Mr. Sudler invited Council members to go there, take a look at the road, and see its dilapidated

condition. He stated that it is a City road and if it is a City road, the City needs to take care of it. Mr. Sudler stated that they should not be forced to annex into the City because a few properties are in the County and that the City cannot bully someone into annexing because they prefer to be in the County to not pay double taxes. Mr. Sudler stated that the City should take of its City roads, regardless of the neighbors of the City road being in the County.

CHANGE ORDER - SOUTH NEW STREET WATER MAIN PROJECT - UPDATE AND EMERGENCY CHANGE ORDER - ENVIRONMENTAL WORK

Mr. Scott Koenig, City Manager, advised members that on October 10, 2016, City Council awarded the South New Street Water Main Replacement project to Aztech Contracting, Inc., in the amount of $246,593.37. He stated that construction of this project began on December 12, 2016, and on January 5, 2017, during the installation of the new eight-inch (8") water main in South New Street between Bank Lane and Water Street, odorous soil was encountered in the pipe trench. Mr. Koenig stated that the soil is potentially contaminated from a past release of petroleum products. He advised that work was stopped and on January 6, 2017 the City contacted its environmental consultant, Compliance Environmental, Inc., to analyze the situation. Mr. Koenig stated that the results of the analysis proved that approximately 266 linear feet of the pipe trench contained potentially contaminated soil, which the Department of Natural Resources and Environmental Compliance (DNREC) directed be removed prior to the installation of the new water main.

Mr. Koenig indicated that, on behalf of the City of Dover, Compliance Environmental submitted a soil management plan to DNREC, which was approved. He noted that the plan was that Guardian Environmental Services, which is under contract with the City of Dover, would provide safe handling and transportation of the contaminated soil to Schutte Park for safe storage in lined, sealed containers. Mr. Koenig stated that Compliance Environmental will then collect composite samples of the soil to be analyzed for content. He advised that, after the excavation of contaminated soil is complete and all necessary reports and permits are received, the soils will be transported by Guardian Environmental Services to a landfill for thermal treatment.

Mr. Koenig stated that, due to the nature of the unknown, the City of Dover had obtained the best estimates available on the cost of the proper disposal of the contaminated soil. He indicated that, to date, it was anticipated that $11,000 will be required to install proper petroleum resistant gaskets in the water main, along with $117,000 to cover the reporting, sampling, removal, storage and disposal of the soil. Mr. Koenig informed members that the total cost of this environmental change order would likely increase, as the quantities of the soil were estimated and additional costs were anticipated from Aztech Contracting, Inc. for work delays and rental fees which could not be estimated at this time. He stated that the shortfall for this project will be supplemented by a budget amendment from the Water Quality Improvement project. Mr. Koenig stated that the current budget for the South New Street Water Main Replacement was $247,000, and staff was requesting to add $128,000, for a total project budget of $375,000. He indicated that the Water Quality Improvement project is currently budgeted at $330,800 and would be reduced to $202,800. Mr. Koenig advised that any other expenses incurred to complete the project would be deducted from the Water Quality Improvement project, and the balance of that project would be available for the next line replacement, which staff hoped to bring to Council later this year.

Mr. Koenig stated that this was an unknown issue when the project was started, and staff did not wish to stop the project; however, the soil was discovered and the City was under DNREC requirements to remove it. He indicated that this was an expensive component of the project related to environmental issues.

Staff recommended approving all necessary components of the change order, with minimum anticipated costs of $128,000. Costs would be incurred from Compliance Environmental, Guardian Environmental Services, and Aztech Contracting, Inc. Project budgets for WQ1704 and WQ1702 will be amended accordingly.

Mr. Anderson asked what type of delay this would create for the completion of the project. Responding, Mr. Koenig advised that the contractor had already resumed work and the actual line was now in place from Bank Lane to Water Street. He stated that all of the contaminated soil had been removed, was in containers at Schutte Park, and would be disposed of later in the week. Mr. Koenig explained that the remaining work would include running the line from North Street up to Loockerman Street and then installing a four-inch service. He expressed his belief that there was some contaminated soil related to the service line to the shopping center. Mr. Koenig estimated that the project would be wrapping up within the next 30 days, provided the weather stays good.

Mr. Anderson moved for approval of all necessary components of the change order, with minimum anticipated costs of $128,000. Costs would be incurred from Compliance Environmental, Guardian Environmental Services, and Aztech Contracting, Inc. Project budgets for WQ1704 and WQ1702 will be amended accordingly. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Hosfelt absent).

APPOINTMENTS/REAPPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - HUMAN RELATIONS COMMISSION - THREE-YEAR TERMS TO EXPIRE FEBRUARY 2020

Council President Slavin recommended the following appointments/reappointments to the Human Relations Commission for three-year terms to expire February 2020:

Paul Fleming - First District (to fill the expired term of Jackie Griffith)
Theodore Henderson - Second District (reappointment)
Wanda Mullen - Third District (reappointment)
Rita Mishoe Paige - Fourth District (reappointment)

By consent agenda, Mr. Sudler moved for approval of the appointments/reappointments to the Dover Human Relations Commission, as recommended by Council President Slavin. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Hosfelt absent).

APPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - PUBLIC ADVISORY COMMITTEE OF THE DOVER/KENT COUNTY MPO - KAREN MCGLOUGHLIN (TO FILL THE UNEXPIRED TERM OF JOHN S. GRADY - TERM TO EXPIRE JULY 2017)

Mayor Christiansen recommended the appointment of Karen McGloughlin to serve on the Public Advisory Committee of the Dover/Kent County MPO for a term to expire July 2017 (to fill the unexpired term of John S. Grady).

By consent agenda, Mr. Sudler moved for approval of the appointment to the Public Advisory Committee of the Dover/Kent County MPO, as recommended by Mayor Christiansen. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Hosfelt absent).

APPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - PLANNING COMMISSION - FIRST DISTRICT - DEBORAH L. EDWARDS (TO FILL THE UNEXPIRED TERM OF COLONEL ROBERT WELSH (RET.) - TERM TO EXPIRE JUNE 2017)

Mayor Christiansen recommended the appointment of Deborah L. Edwards to serve on the Planning Commission (to fill the unexpired term of Colonel Robert Welsh (Ret.) - term to expire June 2017).

By consent agenda, Mr. Sudler moved for approval of the appointment of Deborah L. Edwards, as recommended by Mayor Christiansen. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Hosfelt absent).

FINAL READING - PROPOSED ORDINANCE #2017-01 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS AND APPENDIX F - FEES AND FINES (DISORDERLY PREMISES)

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of January 23, 2017. Council President Slavin reminded members of the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Sudler moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Lewis and unanimously carried.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that Proposed Ordinance #2017-01 was developed as an attempt to get a handle on some of the disorderly properties in the City and apply to residential or business properties. She explained that it sets up a structure for fines and for commercial properties. Mrs. Townshend indicated that if there are continuous violations, the police would refer this matter to the Planning and Inspections Department to work on the revocation of the business license. She noted that this is modeled after something that New Castle County had, and staff believed it would be effective in helping both the Police and the Planning and Inspections Departments to get a handle on some of the problem properties.

By motion of Mr. Sudler, seconded by Mr. Neil, Council, by a unanimous roll call vote (Mr. Hosfelt absent), adopted Ordinance #2017-01, as follows:

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.

(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 Sec. 70-8 - Disorderly Premises, 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: FEBRUARY 13, 2017

FINAL READING - PROPOSED ORDINANCE #2017-02 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE V - FINANCE, SECTION 2-422 - DISPOSAL OF EXCESS PROPERTY

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of January 23, 2017. Council President Slavin reminded members of the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Sudler moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Lewis and unanimously carried.

Mr. Scott Koenig, City Manager, advised that Proposed Ordinance #2017-02 was the result of a request from the Council President to improve the document associated with the sale and disposal of excess property. He stated that he had discussed this with Mrs. Traci McDowell, City Clerk, who felt it best that the process be incorporated in the City code, and the Proposed Ordinance represented the codification of the City's procedure for sale and disposition of excess City-owned property.

By motion of Mr. Neil, seconded by Mr. Hare, Council, by a unanimous roll call vote (Mr. Hosfelt absent), adopted Ordinance #2017-02, as follows:

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 to read as follows:

Sec. 2-422. - 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.

©) *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.
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: FEBRUARY 13, 2017

FINAL READING - PROPOSED ORDINANCE #2017-03 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN AND DIVISION 8 - DEFERRED COMPENSATION PLAN; ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND AND CREATING A NEW CHAPTER 80 - PERSONNEL

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of January 23, 2017. Council President Slavin reminded members of the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Sudler moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Lewis and unanimously carried.

Mrs. Donna Mitchell, Controller/Treasurer, advised that Proposed Ordinance #2017-03 would consolidate all pension-related ordinances into a new Chapter 80 - Personnel, accomplish some administrative cleanup to the current ordinance, and clarify whether retirees can come back to work for the City as seasonal, casual workers under what conditions.

Mr. Hare asked if retirees could come back to work for the City. Responding, Mrs. Mitchell stated that retirees under age 65 can come back for up to 180 days but would forfeit their pension if they returned for anything over that. She noted that retirees over age 65 can return for an unlimited period of time.

Mr. Hare asked if those who work for 180 days can take time off and then return. Responding, Mrs. Mitchell stated that they cannot and that one cannot plan around Internal Revenue Service regulations.

Mr. Lewis asked how medical benefits would come into play. Responding, Mrs. Mitchell indicated that this ordinance addresses pension benefits only.

By motion of Mr. Hare, seconded by Mr. Neil, Council, by a unanimous roll call vote (Mr. Hosfelt absent), adopted Ordinance #2017-03 *(Exhibit #2)*.

FINAL READING - PROPOSED ORDINANCE #2017-04 PROJECT CARRY-FORWARD BUDGET BALANCES/BUDGET AMENDMENTS

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of January 23, 2017. Council President Slavin reminded members of the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Sudler moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Lewis and unanimously carried.

Mrs. Donna Mitchell, Controller/Treasurer, advised that Proposed Ordinance #2017-04 brings forth the carry-forward balances for the budget balances from FY 16, and makes changes to the current

budget based on actions that Council had taken up to the point in time when the Proposed Ordinance was drafted.

Mr. Hare moved for adoption of Proposed Ordinance #2017-04, seconded by Mr. Neil.

Mr. Anderson asked if it was included in the Finance Department budget to have someone help with the budget. Responding, Mrs. Mitchell stated that it was not in the current budget. Mr. Anderson questioned if neither the Finance Department or the City Manager's Office had someone to help with the budget in the current budget or its revision. Responding, Mrs. Mitchell indicated this revision for FY 17 would not change head count for the Finance Department or City Manager's Office, and the head count remained as originally budgeted.

By a unanimous roll call vote (Mr. Hosfelt absent), Council adopted Proposed Ordinance #2017-04 *(Exhibit #3)*.

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, stated that he had no announcements.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Lewis stated that, under the leadership of Deputy Police Chief Marvin Mailey, the Dover Police Department participated in the funeral on Saturday for Lieutenant Steven Floyd. He stated that the State of Delaware Department of Corrections had asked him to relay their appreciation to the Dover Police Department for the contributions and assistance of their honor guard and motorbike patrol on that day.

Mr. Anderson thanked Mayor Christiansen for his commitment to bring chili to the Chili Cook-Off on February 25, 2017, which would benefit the Saturday Academy by paying to buy snacks for children attending the MLK Jr. Education Center at various locations, but particularly at the Solid Rock Community Church. He informed members that this event would be held from noon to 3:00 p.m. at the Christian Life Center. Mr. Anderson stated that they would appreciate anyone who would like to support this effort by either making a donation or bringing some chili or stew. He noted that this would be a great community event and would benefit some vital local charities that are making a difference.

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

Meeting adjourned at 9:12 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of February 13, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2017\02-13-2017 Council Minutes (revised 03-27-2017 to correct CCW minutes - date of memo sent by D. Mitchell).wpd

Exhibits

Exhibit #1 - Memorandum dated Monday, February 13, 2017, regarding Determination of Nonconforming Use and Notice to Cease Operations 217 North Kirkwood Street - P.O. Box 881, Dover, Delaware 19904, provided by Mr. Harold Mack

Exhibit #2 - Ordinance #2017-03 - New Chapter 80 - Personnel

Exhibit #3 - Ordinance #2017-04 - Project Carry-Forward Budget Balances/Budget Amendments

Pride Of Dover Elks Lodge I.B.P.O.E. Of W. No. #1125/784

Meeting with City Hall of Dover, Delaware

Date: Monday February 13, 2017

Time: 7:00 P.M.

RE: Determination of Nonconforming Use and Notice to Cease Operations 217 North Kirkwood Street - P.O. Box 881, Dover, Delaware 19904

Active Discussion to go on the record...

- ✓ *History - The Pride of Dover has been in existence since 1944 and has seen many changes as well as undergone same. It remains a reminder to us all that, its African American Heritage has had a profound effect of the City of Dover Community. It would be beside ourselves if, we did not mention that there were small incidents, which take place in every fraternity whether Greek or otherwise. This would be due to Human error and the availability to correct it.*
- ✓ *We are here today on behalf of the Nonconforming Use. Nonconforming Use Defined - As Long as the property having nonconforming use status does not change, its status is protected - Zoning Ordinances.*
- ✓ *It was noticed that the Mayor of Dover Mr. Robin Christiansen also with Ms. Townshend met with Representatives' of Dover Elks Lodge #1125, on October 20, 2016, to discuss issues?*
- ✓ *The Zoning Ordinance- In a letter dated January 11, 2017, it mentions August 24, 2017, Article 7, Section 1:53, we were identified as Nonconforming. It further speaks to April 21, 1975, and property to be brought into compliance, with Zoning Ordinance - until December 31, 2016. This would be approximately "41 years". Why so long a period?*
- ✓ *It continues to state December 11, 2016, undercover operation ABC with cooperation of City Planning Department, entered into the Elks Lodge and sited it with, a violation of city ordinance?*
- ✓ *It was stated in letter delivered January 11, 2017, by unnamed party and certified? and sent regular mail?*
- ✓ *Purpose and Mission of Organization - It's Committed to working in Community and within itself to, resolve issues and improving the Education of its Member's, in serving the Community of Dover and its Families.*
- ✓ *There were rumors' decimated by City Councilmen Roy Sudler Jr, to seek community members in unattended elections to, discredit Elks. Even at the fact we owned 4 properties in the same community, but he contacted unknown realtors to force us out. Yet we pay those required taxes, etc. This is bullying at best..*
- ✓ *We are a Private Club - they have the right to immunity from public interference, since public authorities have no power to interfere with a private club festivities when they are organized for a legitimate purpose and do not constitute a breach of peace.*

- ✓ *City of Dover Director of Planning & Community Development Ms. Ann Marie Townshend informed ABC that the club was to cease operation until a business certification is received.*
- ✓ *What is the period of suspension of liquor license? How do we obtain it again?*
- ✓ *We respectfully request a hearing on our zoning matter, for which we will have legal representation.*
- ✓ *We also request the opportunity to work with the Mayor City Council, Police Chief, Fire Chief and any associated parties , to make Dover a better place for all its citizens.*
- ✓ *We would confidently ask the current Police Chief and the 2 past Police Chief's who sit on this body" has the Pride of Dover Lodge, ever been a problem for Downtown Dover".*
- ✓ *For Whatever reason have some members of this body taken it on themselves to make our Organization the picture of all things wrong with Downtown Dover, "we submit that picture is wrong".*
- ✓ ***Our name is Pride of Dover Elks Lodge and Temple, meaning we take great Pride in being a part of the Dover Community. We have always been a strong important part of the Minority Community in Dover, and look forward to that continuing and growing.***
- ✓ *In 2 weeks in August the City Planner contacted us referencing operating out of zoning.* ***The City had not reviewed zoning for 18 years.***
- ✓ *We did submit by-laws to show that we were operating in compliance with zoning ordinances. We never heard back from the City Planner referring this topic.*
- ✓ *She states she did contact us, we respectfully disagree. Please provide us with a copy of this correspondence.*
- ✓ *We had Emergency Fire Inspection and promptly corrected all noted violations and passed inspection.*
- ✓ ***We have always had a very good working relationship with City Staff.***
- ✓ *When the Councilmen took his vote within community, it was only a 3 block radius. We were not invited. He then enlisted other staff, in what one would call, "witch hunt."*
- ✓ ***Then on December 11, 2016, the ABC inspector was sent in. No violations were found, No underage drinking and No Drugs> But a brand new Employee sold the investigator a drink without checking for membership/Aux member status.***
- ✓ *The City Planner has decided for us to use this ABC Violation as a tool to revoke our zoning, Bar our Entrance to Building we Own?*
- ✓ ***We request the Planner gives us our demands in writing. We again request a hearing in reference to the zoning. we understand we cannot open for business or sell alcohol, but we submit baring us from our own building is punitive and a stretch of authority.***
- ✓ *We have sought legal help and that help was asked not to help us, by association with regard to this body.*
- ✓ *our members reached out to the community watch, leaders in order to form a working relationship. they were coursed from working with us by representatives of this body.*
- ✓ *Our Lodge and Temple has been humiliated, in visual and print media by the Planner and members of this body, although we have a lot of support on social media.*

- ✓ ***In conclusion; thank you for this opportunity and may it find room in your hearts for resolution.***

Respectfully Submitted:
Willie Alexander, Exalted Ruler Pride of Dover Elks Lodge #1125
Secretary Harold R. Mack, Pride of Dover Elks Lodge#1125

CITY OF DOVER 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 to read as follows:

Chapter 80 – PERSONNEL

ARTICLE I. - IN GENERAL

Sec. 80-1. - Definitions.

The following words, terms and phrases, when used in this 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.

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 their discharge from service, is reemployed by the city at a time when their reemployment rights are protected by federal law, the employee shall be considered to have been employed by the city during their period of military service and shall be credited with continuous service which they would have been credited with as an employee of the city but for 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 chapter.

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

Eligible employee means any person employed in rendering service to the city on a full-time, regular basis, who is participating in 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 they regularly work 40 hours each week.

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

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.

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 a City retirement benefit 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 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.

(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 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)

(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)

(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)

(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 2. - DEFERRED COMPENSATION PLAN (IRC 457 (b))

Sec. 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. 80-451. - Eligibility of participants.

Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994, who makes a 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. 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. 80-452. - Contributions.

(a) *Employee contributions.* 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) *Treatment.* Treatment of contributions shall be handled in accordance with federal and state laws and the applicable provisions of 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.

(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. 80-454-80-499. - Reserved.

DIVISION 3. – GENERAL EMPLOYEE PENSION PLAN

Sec. 8-500. – General employee pension plan established; 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 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. 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 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. 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 general employee pension plan or the deferred compensation plan. All new employees hired after September 29, 2009 are required to join the Money Purchase Plan (IRC 401(a)), as defined in Division 4. All participants of the 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 general employee pension plan and become a member of the Money Purchase Plan (IRC 401(a)), as defined in 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. 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. 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. 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. 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. 80-507. - Forced retirement with pension.

The general employee pension plan board, 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 80-504, or early retirement pursuant to section 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 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. 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. 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 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 their eligible survivors in the amount of 50 percent of the monthly payment that would have resulted by using 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.

(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. 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. The pension amount will be based upon section 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. 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, on the basis of a medical examination by a physician or physicians selected by the pension board, 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 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, addiction to narcotics, engaging in a felonious criminal act for which they are found guilty, or a willful effort on their part to bring about the injury or illness to 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. 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. 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 80-504 - Normal retirement, 80-505 - Early retirement, 80-506 - Later retirement or 80-510 - Early retirement due to permanent disability, upon attaining the age of 65 years, shall be eligible for pension benefits under the provisions of section 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. 80-514. - Cessation of disability pension benefits.

(a) A participant shall cease to qualify for disability pension benefits:

(1) *Recovered.* At the time that the general employee pension plan board 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 their regular occupation as an employee or to be reemployed by the city in some other position for which they are suited or which is appropriate to their training and experience;

(2) *Refuses examination.* When the participant refuses to undergo a medical examination requested by the general employee pension plan board; or

(3) *Age 65 years.* On the first day of the month 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. 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. 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 casual/seasonal capacity, not to exceed 180 calendar days. Employees would be eligible to return to 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. 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. 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 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 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 their accumulated contributions, plus 5 percent interest, be paid to them after such date of withdrawal; provided, however, their contributions shall not be refunded to them earlier than 90 days after receipt of 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, their employee contributions shall be payable in a single sum to their designated beneficiary or their estate if no designation has been made.

(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. 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 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. 80-520 – General employee pension plan board; established; duties.

There is hereby established a general employee pension plan board, the duties of which shall be to manage the general employee pension plan.

(Code 1968, §§ 2-72, 2-89; Ord. of 1-12-1970; Code 1981, § 2-201; Ord. of 5-22-2000)

Sec. 80-521. - Composition.

The general employee pension plan board 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 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. 80-522. - Term of office of members.

The term of office of each member of the general employee pension plan board, except the city controller/treasurer, city manager, and elected city officials, shall commence on the first day of the month following their election and continue for a period of three years or until 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. 80-523. - Officers and ex officio members.

The general employee pension plan board shall elect a chairperson. The city controller/treasurer shall be the pension fund treasurer and their bond shall cover all monies deposited with 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. 80-524. - Vacancies.

If a vacancy occurs in the offices of the general employee pension plan board , 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 cease to be in the employ of the city, other than by retiring in accordance with this division, 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. 80-525. - Compensation of members.

Members of the general employee pension plan board shall serve without compensation.

(Code 1968, § 2-89; Ord. of 1-12-1970; Code 1981, § 2-206; Ord. of 5-22-2000)

Sec. 80-526. - Meetings.

The general employee pension plan board 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. 80-527. - Powers.

The general employee pension plan board, 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 controller/treasurer shall sign all vouchers for the disbursements of the funds and 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 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 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 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 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. 80-528. - City solicitor to render legal services.

The city solicitor shall render whatever legal service the general employee pension plan board shall require.

(Code 1968, § 2-115; Ord. of 1-12-1970; Code 1981, § 2-209; Ord. of 5-22-2000)

Sec. 80-529. - Appeals.

Any employee dissatisfied with the action of the general employee pension plan board 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)

Sec. 80-530-80-599. – 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. 80-606-80-699. - Reserved.

DIVISION 5. - OTHER POST-EMPLOYMENT BENEFITS (OPEB)

Sec. 80-700. - OPEB fund; established.

(a) There shall be established an OPEB fund, a trust fund, separate and distinct from the General Employee Pension fund and the Police Pension fund, 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 retired employees , 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 Government Accounting Standards Board Statements 43 and 45 or any subsequent Government Accounting Standards Board updates or statements that may be applicable.

(Ord. No. 2009-10, 5-11-2009)

Sec. 80-701. - 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 city council 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. 80-702. - Actuarial valuations.

(a) The actuary shall prepare a biennial actuarial valuation of the assets and liabilities of the OPEB fund 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 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 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.

(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 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: FEBRUARY 13, 2017

SYNOPSIS

The Ordinance consolidates all pension related ordinances into a new Chapter 80 - Personnel

*

(SPONSORS: COLE, HOSFELT, AND HUTCHISON)

Actions History

02/13/2017 - Final Reading – City Council
01/23/2017 - First Reading – City Council
01/10/2017 - Introduction – Council Committee of the Whole/Legislative, Finance, and Administration Committee

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**

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	$ 416,200
COUNCIL	141,100	141,100
TAX ASSESSOR	244,000	247,400
FIRE	721,700	721,700
GROUNDS MAINTENANCE	1,201,300	1,201,300
LIBRARY	1,635,000	1,666,700
RECREATION	750,900	757,300
LIFE SAFETY	485,200	488,200
CODE ENFORCEMENT	421,100	425,100
PLANNING	546,800	552,800
INSPECTIONS	697,900	701,000
POLICE	16,091,600	16,298,300
POLICE EXTRA DUTY	783,600	804,500
STREETS	1,163,500	1,166,100
SANITATION	2,032,800	2,036,400
CITY MANAGER	792,400	796,400
INFORMATION TECHNOLOGY	716,300	720,000
FINANCE	1,011,100	1,017,600
PUBLIC WORKS - ADMINISTRATION	680,000	682,300
FACILITIES MANAGEMENT	607,100	610,500
PUBLIC WORKS - ENGINEERING	207,000	207,000
PROCUREMENT & INVENTORY	585,100	585,100
FLEET MAINTENANCE	776,300	777,600
CUSTOMER SERVICE	1,143,800	1,244,300
HUMAN RESOURCES	392,500	401,400
MAYOR	74,000	74,000
DEPARTMENT SUBTOTALS	**34,314,400**	**34,740,300**
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	95,800
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**	**4,564,800**
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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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**

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	$ 521,900
WATER DEPARTMENT	655,400	677,400
WASTEWATER DEPARTMENT	962,400	983,500
WATER TREATMENT PLANT	1,727,400	1,736,800
DIRECT EXPENDITURE SUBTOTAL	**3,861,700**	**3,919,600**
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	3,300
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**	**7,393,100**
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	1,330,900
BUDGET BALANCE WASTEWATER	1,166,300	1,166,800
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: FEBRUARY 13, 2017

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	980,000
TRANS FR OPERATING FUND - WASTEWATER	1,000,000	980,000
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**	**5,666,000**
TOTAL BEGINNING BALANCES & REVENUES	**$ 7,838,500**	**$ 12,380,300**

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	2,226,700	2,042,000
BUDGET BALANCE - WASTEWATER	1,021,400	1,195,100
CURRENT YEAR BALANCE SUBTOTALS	**3,248,100**	**3,237,100**
TOTAL BUDGET BALANCES & EXPENSES	**$ 7,838,500**	**$ 12,380,300**

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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**

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	$ 16,557,600
SOLAR ENERGY	2,313,900	2,313,900
SOLAR RENEWAL ENERGY CREDITS	363,400	363,400
POWER SUPPLY MANAGEMENT	996,000	931,000
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	3,616,800
ELECTRICAL ENGINEERING	1,247,900	1,250,900
ADMINISTRATION	929,700	933,700
METER READING	378,600	379,600
SYSTEMS OPERATIONS	651,700	662,100
DIRECT EXPENDITURE SUBTOTALS	**6,813,600**	**6,843,100**
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	29,400
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**	**7,944,500**
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: FEBRUARY 13, 2017

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	2,389,100
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**	**7,383,600**
BUDGET BALANCE	**3,446,400**	**5,635,000**
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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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	519,200
TOTALS	**614,300**	**1,032,200**

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	591,000
ADMINISTRATIVE EXPENDITURES		
CELL PHONE CHARGES	16,000	16,000
TRAINING	17,000	58,100
AUDIT FEES	1,000	1,000
CONTRACTUAL SERVICES	5,000	11,000
TOTAL EXPENDITURES	**404,100**	**758,200**
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**	**$ 1,032,200**

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017

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: FEBRUARY 13, 2017