REGULAR COUNCIL MEETING
AGENDA

FEBRUARY 27, 2017 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 30 MINUTES PRIOR TO OFFICIAL MEETING (7:00 P.M.)

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

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HOSFELT

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* **1. ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF FEBRUARY 13, 2017**

2. PRESENTATION - 2016 ANNUAL REPORT - ROBBINS HOSE COMPANY (DOVER FIRE)

3. COUNCIL COMMITTEE OF THE WHOLE REPORT - FEBRUARY 14, 2017

A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

* **(1) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM QUARTERLY UPDATE (OCTOBER, NOVEMBER, AND DECEMBER)**

(COMMITTEE ACTION NOT REQUIRED)

(2) REVIEW OF SCHUTTE PARK MASTER PLAN

(COMMITTEE RECOMMENDED APPROVAL OF THE SCHUTTE PARK MASTER PLAN)

3. COUNCIL COMMITTEE OF THE WHOLE REPORT - FEBRUARY 14, 2017 (CONTINUED)

*** B. UTILITY COMMITTEE**

(1) DISCUSSION - OVERVIEW OF ELECTRIC RATES

(COMMITTEE ACTION NOT REQUIRED)

(2) QUARTERLY REVIEW OF UTILITY RELATED CAPITAL INVESTMENT PLAN (CIP) (ELECTRIC AND WATER/WASTEWATER)(OCTOBER, NOVEMBER, AND DECEMBER)

(COMMITTEE ACTION NOT REQUIRED)

(3) UPDATES

(COMMITTEE ACTION NOT REQUIRED ON THE BELOW ITEMS)

(A) GREEN ENERGY FUNDING AND PROGRAMMING

(B) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT

*** C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE**

(1) PROPOSED AMENDMENTS TO CHAPTER 17, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL TAX INCREMENT FINANCING AND CHAPTER 18, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS (JOHN PARADEE)

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED COUNCIL RESOLUTION NO. 2017-02 SUPPORTING THE ENACTMENT OF LEGISLATION BY THE DELAWARE GENERAL ASSEMBLY THAT WOULD ENABLE THE UTILIZATION OF TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS WITHIN BOTH THE CITY OF DOVER AND KENT COUNTY, DELAWARE)

(2) EXPIRATION OF DOWNTOWN DOVER PARTNERSHIP (DDP) LOAN GUARANTEE EXTENSION

(COMMITTEE RECOMMENDED AN EXTENSION OF THE CITY GUARANTEE OF THE DOWNTOWN DOVER PARTNERSHIP LOANS FOR A PERIOD OF THREE (3) YEARS EFFECTIVE MARCH 1, 2017 ON THE LOANS BETWEEN PNC BANK AND THE PARTNERSHIP)

(3) REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS FOR THE FISCAL YEAR ENDING JUNE 30, 2016

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE REPORT)

(4) PRESENTATION - COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE REPORT, AS PRESENTED)

(5) STATUS OF OTHER POST-EMPLOYMENT BENEFITS (OPEB) AND PENSION FUNDS

(COMMITTEE ACTION NOT REQUIRED)

4. SPEED CONTROL MEASURES - INDEPENDENCE BOULEVARD (PROPOSAL TO RESCIND THE COUNCIL ACTION OF MAY 9, 2016)

(DURING THEIR REGULAR MEETING OF MAY 9, 2016 COUNCIL APPROVED THE RECOMMENDATION OF DELDOT AND THE WORKING GROUP FOR THE ROUNDABOUT, AS RECOMMENDED BY THE SAFETY ADVISORY AND TRANSPORTATION COMMITTEE)

5. ESTIMATED COST TO ADDRESS ADA AND SAFETY ISSUES

6. **EVALUATION OF REQUEST FOR PROPOSALS - DOVER BROADCAST AND PRODUCTION EQUIPMENT (RFP 17-0016CC)**

   (DURING THE COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING OF JANUARY 24, 2017, THIS MATTER WAS TABLED UNTIL THE SECOND MEETING IN FEBRUARY TO HEAR FROM THE STAFF WORKING WITH THE LEVY COURT IN TERMS OF WHAT THEY DISCOVER AND RECOMMEND (REGARDING THE USE OF LEVY COURT CHAMBERS)

   (DURING THE CITY COUNCIL MEETING OF FEBRUARY 13, 2017, DISCUSSION - USE OF LEVY COURT CHAMBERS WAS TABLED AND THANKS WERE TO BE COMMUNICATED 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)

   (STAFF RECOMMENDS 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.)

7. **PERMANENT ASSIGNMENT OF DUTIES ASSOCIATED WITH INTERIM MANAGERIAL PLAN AND ORGANIZATIONAL CHANGES**

* 8. **<u>REAPPOINTMENTS - BOARD OF ASSESSMENT APPEALS - FOUR-YEAR TERMS TO EXPIRE MARCH 2021</u>**

   A. **THOMAS BURNS, REAL ESTATE BROKERAGE OF SALES**
   B. **JAMES GALVIN, UNDESIGNATED**
   C. **WILLIAM GARFINKEL, UNDESIGNATED**

* 9. **REAPPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - PUBLIC ADVISORY COMMITTEE OF THE DOVER/KENT COUNTY MPO - DR. CARLTON L. CANNON, JR. - TERM TO EXPIRE JULY 2018**

10. **SELECTION OF POLLING PLACES FOR 2017 REGULAR MUNICIPAL ELECTION**

    (ELECTION BOARD RECOMMENDED THE ELKS LODGE #1903, 200 SAULSBURY ROAD, AS THE POLLING PLACE FOR THE FIRST (1ST), SECOND (2ND) , AND THIRD (3RD) DISTRICTS)

11. **CITY MANAGER'S ANNOUNCEMENTS**

12. **COUNCIL MEMBERS' ANNOUNCEMENTS**

13. **ADJOURNMENT**

/TM

EXECUTIVE SESSION PURSUANT TO:

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

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

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

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

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:
--- (**5**) ---

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.

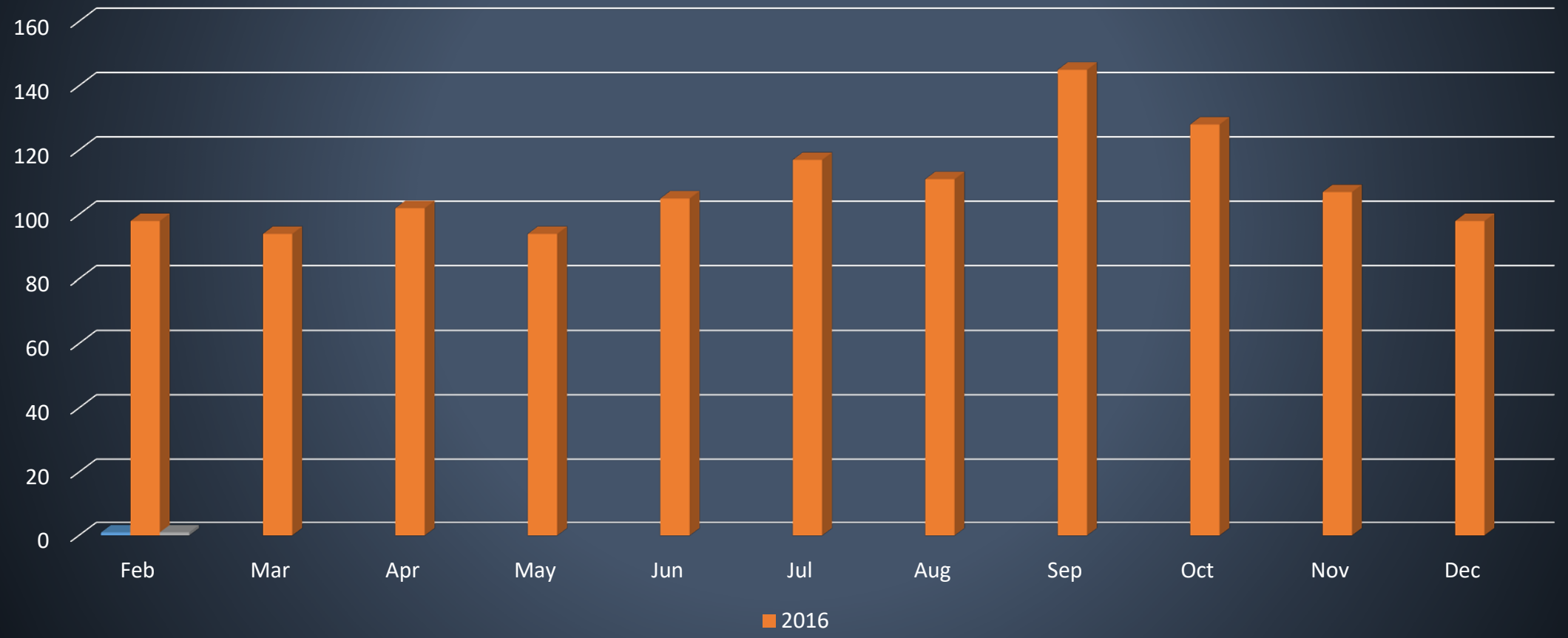
ADOPTED: FEBRUARY 13, 2017

DOVER FIRE DEPARTMENT

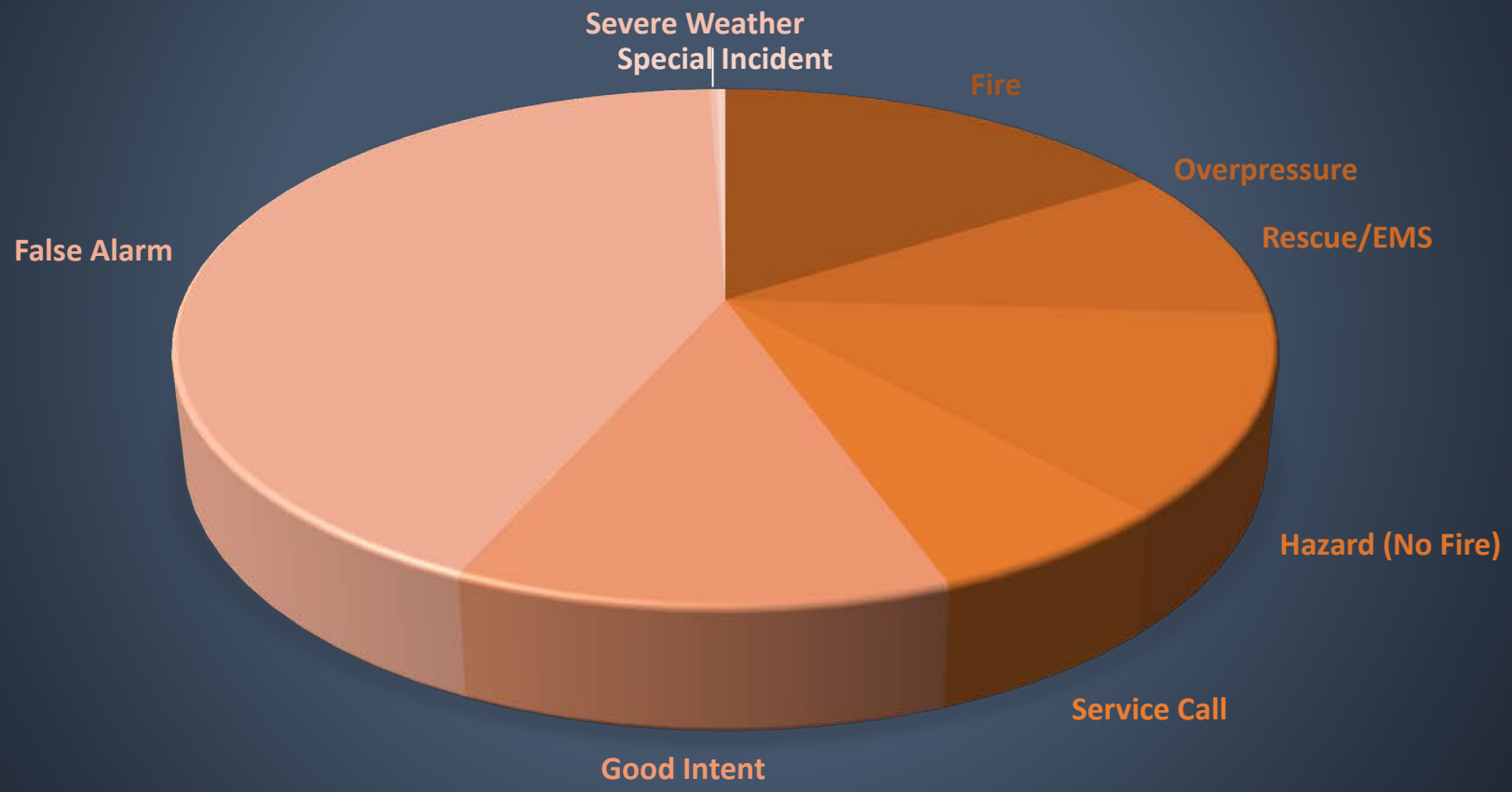
Volunteers Since 1882

2016 Year in Review

Call Volume by Month



Alarms Broken Down by Type



2016 Fire Chief
Carleton Carey Jr.



2016 Deputy Fire Chief
Ronald Rhodes Sr.



2016 Asst. Chief's and Captains



1st Asst. Chief
David Carey



2nd Asst. Chief
Glenn Whitt



3rd Asst. Chief
Duane Reeder



4th Asst. Chief
Michael O'Connor Jr.



1st Fire Line Captain
Michael O'Connor III



2nd Fire Line Captain
David Knight

Memorable Incidents









Memorable Incidents







Memorable Incidents





Memorable Incidents









Memorable Incidents







Memorable Incidents







Training To Hone the Skills







Members amassed almost 3,000 hours in State Fire School and In-House training offered throughout the year. Members were instructed on numerous topics from fire suppression, to Emergency Medical Technician.

Appreciation Night Banquet Awards



2016 Fireman of the Year
John LeCompte II

Appreciation Night Banquet Awards



2016 Firefighter of the Year
William Bradley



2016 Top Responder
Johnnie Moore



2016 Chief's Award
Paul Eichler

Appreciation Night Banquet Awards



Fire Chief Carey Jr. and President Bashista present Past A&M Chairman Alan Jones with a Service Award for his past dedication.

Department Social Media

Facebook

Over 5,645 followers



DFD Website

Over 2.3 million views



9-1-1 Fire Dispatchers



Department Dispatchers are certified in *Emergency Fire Dispatch* through the *International Academies of Emergency Dispatch* which is the national standard

Priority Dispatch

IAED
International Academies of Emergency Dispatch

Dover Police & Fire Pipes and Drums



February 2017

Dover Pipes at National Venue

On December 5, 2016, the Dover Fire Pipes and Drums Pipers Joey Moran, Ryan Knowles, Mike O'Connor III and Mike O'Connor Jr., at MetLife Stadium to participate in the half-time ceremonies for First Responders Night during Monday Night Football.

- Submitted by Michael J. O'Connor Jr

The Officers, men and women of the Dover Fire Department remain the only State capital in the Nation to be protected by a 100% volunteer fire department. We stand true and steadfast in providing this City with the finest fire protection in the State. We look forward to a safe and prosperous year working harmoniously with City officials and the Mayor and Council.



COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on February 14, 2017 at 6:02 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:20 p.m.), Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Lewis was absent. Mayor Christiansen (arrived at 6:10 p.m. and departed and 7:29 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

Chairman Sudler stated that, at the request of Mr. Anderson, item #2 - Community Development Block Grant (CDBG) Program Quarterly Update (October, November, and December) would be considered prior to item #1 - Review of Schutte Park Master Plan.

By unanimous consent, the agenda was approved as amended.

Community Development Block Grant (CDBG) Program Quarterly Update (October, November, and December)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the CDBG Quarterly Report for October, November, and December 2016. She explained that all funding for the Home Ownership Assistance Program had been expended, and funds had been partially expended for several of the other 2016 CDBG grant projects. Mrs. Townshend advised that the grant year would extend through June 2017 and spending was about where it should be. She stated that Habitat for Humanity was using their funds for housing rehabilitation, which had not yet begun; therefore, none of their funds had been spent. Mrs. Townshend also noted that no funds had yet been expended for emergency repairs, explaining that emergency repairs come up as needed and are administered through Milford Housing Development Corporation.

Review of Schutte Park Master Plan

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that staff had been working on developing a master plan for Schutte Park. She stated that a land survey was completed approximately two (2) years ago and the resulting base data was used for the Master Plan. Mrs. Townshend indicated that in-house staff had been working to develop a concept plan for how to lay out the fields on the west side of the park and make other improvements in accordance with the needs identified in the Recreation Needs Assessment.

Referring to the map entitled "Schutte Park: Existing Conditions," Mrs. Townshend pointed out the field space, stormwater pond, existing gravel lot, and path on the front edge of Hazlettville Road and

partially down Electric Avenue. She stated that the Plan would be implemented in multiple stages, and, referring to the map entitled "Schutte Park Master Plan - Phase 1, explained that the first phase would include paving the parking lot just south of the John W. Pitts Center, which would help to more efficiently utilize the existing parking. Mrs. Townshend stated that the existing gravel lot is a challenge to maintain, the lines do not hold up well, and cars do not park efficiently, leading to parking challenges on very busy days. She noted that Phase 1 would also include the grading and seeding of the fields on the triangle portion of land to the west of a multi-use path, which would be put in and create a path system. Mrs. Townshend advised that there is now a path that extends along the front edge of Hazlettville Road and south on Electric Avenue; however, there are no trail loops, so walkers and joggers must go out and come back on the same path. She noted that people had expressed a desire to see trail loops. Mrs. Townshend explained that the proposed path would go down Wyoming Mill Road and also divide the field areas at the location of the old right-of-way for the former alignment of Wyoming Mill Road. She stated that the trail would also extend south past the softball fields, along the tree line, and go back to the Little League park.

Referring to the map entitled "Schutte Park Master Plan - Phase 2," Mrs. Townshend explained that the area depicted in bright green was the current multi-purpose field. She advised that feedback had been received that people wanted a turf field; therefore, a turf field was proposed for construction in this location during Phase 2. She noted that some related stormwater management would also be done during Phase 2. In reference to the map entitled, "Schutte Park Master Plan - Phases 3 & 4," Mrs. Townshend stated that these phases would include construction of a parking lot along the west side, an entrance on Wyoming Mill Road, and a skate park. She explained that the map entitled "Schutte Park Master Plan - Whole Park View" showed what the entire park would be at build-out, including the loop trail, field improvements, parking improvements, and turf field. Mrs. Townshend reviewed renderings of ground-level views of the park, including the turf field, bathroom area, plaza, park shelter, and fields.

Mrs. Townshend reviewed concept drawings for a proposed skate park, noting that staff had talked to some skate park vendors and advised them that any skate park project would have to be bid in accordance with the City's Purchasing Policy. She indicated that these vendors had put together some concepts in hopes that the City might select them. Mrs. Townshend advised that a skate park was something that the City had discussed for a number of years.

Referring the map entitled "Schutte Park Master Plan - Disc Golf Plan," Mrs. Townshend stated that there was currently a Frisbee golf course at Dover Park; however, it was not really utilized, partially because much of it was overgrown with poison ivy. She informed members that there is an organization of disc golfers in the area who are interested in seeing the disc golf course moved to Schutte Park, and they had worked with staff to develop a layout for the placement of the holes.

Referring to the Schutte Park Master Plan, dated February 14, 2017, Mrs. Townshend explained that staff had developed a tentative time frame. She noted that State grant funding used to help improve the City's parks was currently not available, which was a bit of a challenge. Mrs. Townshend advised that the anticipated time frame represented an ideal schedule, and implementation may be slower. She stated that there are City funds for this fiscal year but no funds for the State matching portion. Mrs. Townshend advised members that if there is agreement on the concept, staff could

move forward with working on obtaining cost estimates so that the stormwater and entrance design could be done. She stated that cost estimates would be used to build a capital budget.

Staff recommended approval of the Schutte Park Master Plan.

Mr. Slavin thanked Mrs. Townshend for the presentation. For Council's clarification, he asked Mrs. Townshend to verify that adopting the plan would not bind Council to doing these projects and that they would be brought up through the appropriation process. Responding, Mrs. Townshend confirmed that this was correct and everything would go through the normal budget process. Mr. Slavin stated that adopting the plan would hopefully prevent last-minute decisions from being made.

Mayor Christiansen asked if there were future plans for a master plan for Dover Park and what the time schedule would be. Responding, Mrs. Townshend advised that the plan was to issue a Request for Proposals (RFP) within the next six (6) weeks or so, and then a consultant would be brought in. She indicated that a landscape architect would be needed for Dover Park because the park's vegetation creates a number of opportunities and challenges. Mrs. Townshend advised that there is a need for someone who can plan appropriate vegetation to address the safety issues and the aesthetics in the park.

Mrs. Horsey stated that she loves the idea of rain gardens and would like to see more sprinkled around the property because it is such a great environmental concept. Responding, Mrs. Townshend noted that when staff gets into the stormwater design, there may be more rain gardens.

Mr. Sudler thanked the Mayor for bringing up Dover Park, stating that he was glad there would be an RFP within the next six (6) weeks. He advised that he had noticed a lot of off-road vehicles, including all-terrain vehicles (ATVs) and two-wheelers, in communities and had received complaints from the Ann Avenue and State College Road areas regarding these vehicles and the noise they make. Mr. Sudler stated that he would like a study to be done to look into providing an ATV park that would generate income for the City and help to deter ATV and bike riding in communities. He stated his belief that there was an ATV park in Sussex County, possibly in Harrington, that it was the only one (1) in the State, and it was only open on Sundays. Mr. Sudler explained that he thought that if the City had some land, the City could generate income, provide a service, and keep down some criminal activity and the noise level in communities. He stated that this would be beneficial to the City and could be lucrative as well. He asked staff to look into an ATV park and some of the designs, and to determine if it would be lucrative or not.

Mr. Scott Koenig, City Manager, stated that looking into an ATV park would be a major undertaking and was not in any of the concept plans that had been discussed. He advised that he thought this request would require an actual on-the-record vote of City Council to endorse it and asked that there be an actual vote.

Mr. Neil moved to recommend approval of the Schutte Park Master Plan, as recommended by staff. The motion was seconded by Mr. Cole and unanimously carried.

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

Meeting adjourned at 6:17 p.m.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

AGENDA ADDITIONS/DELETIONS

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

Discussion - Overview of Electric Rates

Mr. Scott Koenig, City Manager, stated that this item would begin discussion regarding the City's electric rates and how to advance them in the future, noting that he expected a number of related follow-up discussions. He reminded members that Council adopts rate tariffs every year, which are part of the Electric Service Handbook, and are published on the City's website and in a number of other locations. Mr. Koenig noted that there are a number of municipal electric providers in the State and each governing body sets their rates independently, based on their community needs and objectives.

Mr. Koenig explained that, for the last several years the City of Dover had been in the lower priced tier of residential electricity providers in the State. He indicated that Dover had been the lowest provider at certain times of the year, and at other times had been the second or third lowest. Referring to the commercial side, Mr. Koenig advised that not every entity in the State has a transmission rate, noting that the City has a complex system. He stated that the transmission rate is computed through a combination of staff recommendations from the City Manager's Office, the Electric Department, and the Controller/Treasurer. Mr. Koenig noted that Burns & McDonnell, the City's rate consultant, derives a rate that is given to the City and run through modeling. He noted that Council is then presented with a series of rate classifications to support the budget document. Mr. Koenig stated that, going back five (5) years, there had been a number of years where there were reductions in the electric rate; however, approximately two (2) years ago there was an approximate 3% increase. He advised that last year there was a Power Cost Adjustment (PCA) which in most cases washed out the majority of the previous increase.

Mr. Koenig indicated that Mr. Hare had asked for calculations regarding the City's competitors, and Mr. Harry Maloney, Electric Director, was now teaching Ms. Latoya Romeus, the City's new Key Accounts Representative, how to pull out information from the tariffs of other providers and calculate matching bills for certain customers. Mr. Koenig advised that this task would focus on Delmarva Power as a private provider, the City of Dover, and the Delaware Electric Co-op and was expected to be done within the next two (2) weeks. He explained that the City would then have the ability to present sample bills based on staff's calculations and certify how the tariffs are read and how the City compares with other entities.

Mr. Koenig expressed reservations about comparisons with other communities due to the issue of competitiveness. He reiterated that each community sets their rates based on the community needs; therefore, Dover's transfer from the Electric Fund to the General Fund is very different than other communities' transfers. He stated that staff would come back with the sample calculations when they are completed and confirmed.

Mr. Koenig indicated that, over the last couple of years, there had been discussion about the modernization of electric rates in relation to public power. He stated that Mr. Maloney had indicated that things would be happening before and after the meter that would affect the City's rate design going forward, including LED lighting, energy efficiency, battery storage, commercial battery storage, and solar. Mr. Koenig noted that all of those components were having an effect on providing electricity to all of the City's customers. He indicated that each of the customer classifications were making adjustments on their side of the meter to meet their individual customer needs. Mr. Koenig explained that there had been a number of conversations with the Chamber over the last couple of years about some of the larger customers, including the Dover Air Force Base (DAFB), Hirsh Industries, Kraft Heinz, Playtex, and Energizer. He stated that these are all large customers; however, they are unique in that they have different objectives and different sensitivities to certain things related to the electric rate; therefore, the discussion is much more detailed than simply looking at the electric rates.

Mr. Koenig advised members that staff would soon be bringing forward a project to convert more than 20 of the largest meters to automated metering that will make readings available every five (5) minutes. He stated that this would introduce the City to another wave of interaction with its customers on how to manage energy. Mr. Koenig advised that the Advanced Metering Infrastructure (AMI) program is a major system upgrade that is intended to affect the entire system at some point in the future. He noted that some customers are very interested in the AMI program, while others probably do not care whether their meter can be read remotely or automatically because it does not affect their actual service delivery.

Mr. Koenig explained that all of these factors would be part of the next generation of rate design. He stated his understanding that the industry was gravitating towards larger customer charges, because those are charges that the utility knows they will receive every month. Mr. Koenig indicated that this customer charge would equate to the fixed cost side of the calculation and the energy charge would be lowered, because energy use is variable through a time frame.

Mr. Koenig stated that the City's customers, such as the DAFB, were becoming more savvy and asking more questions regarding rate design. He stated that the next iteration of rate design will have more complexity to it than the current rate design. Mr. Koenig advised members that rate review would probably be a project that will get underway in FY 18.

Mr. Koenig informed members that the City will have the results of components of the Integrated Resource Plan (IRP), which will be helpful in future rate design; however, he noted that this is an issue that quickly becomes very technical. He explained that the expertise of consultants is used to make sure that the City is recovering its costs and returning the investment that the community has

made to the Electric Fund, which gives Council the discretion to return funds to the General Fund or appropriate them for other reasons.

Mr. Koenig reiterated that some customers are more sensitive to the rates than others and staff is working with those customers to figure out what their sensitivity is and provide them technical expertise through the City and the Delaware Municipal Electric Corporation (DEMEC) with respect to energy efficiency. He advised that there are wide variations in power demand, and the hope is that this variation can be collapsed with a more static base. He stated that every day that the City knows what power it will need helps in the power purchasing, demand, and overall management of the system; however, there must be a two-way street with customers. Mr. Koenig stated that DEMEC is working with products related to demand response, and some customers are voluntarily turning off production or use at certain times of high energy to avoid large spikes in energy demand. He advised that, in his opinion, the Delaware Electric Co-op had been very good over many years at trying to beat the peak and manage peak demand. Mr. Koenig indicated that one (1) of the key components, going forward, for the City would be managing components of demand that do not negatively affect economic activity, because the City is trying to attract economic activity. He stated that this sounds easy; however, getting all of those things to line up on a day when it is 105 degrees outside and there are other things going on is not easy and requires the focused attention of many people and things to work correctly as planned. Mr. Koenig noted that he thought that as the City begins the next iteration of rate design, there will be more interest from the City's customers, especially large customers who are sensitive to the rate and how it is calculated, and how they are being adjusted for solar behind the meter and what that does to the system in the long run.

Mr. Blakeman noted that the City's big customers are an important group; however, commercial customers are also fairly important. He stated that, by his count, 354 commercial accounts were lost since 2007 or 2008, noting that 102 of them were lost in the last two (2) years. Mr. Blakeman advised that he had been led by some to believe that the electric bills they were paying were impacting their decision to stay or go. He expressed his opinion that this was a lot of customers to lose in that group and stated the need to look at this going forward. Responding, Mr. Koenig stated that he would be happy to look at this concern going forward; however, he noted that individual businesses had not called his office stating that they were leaving Dover due to electric rates, other than Kraft, who was very sensitive to the electric rate. Mr. Blakeman advised that several letters were written several years ago representing the small commercial customers that expressed concerns about rate changes at that time. He indicated that he knew that the small commercial customers were sensitive to the electric rate. Mr. Koenig advised that he would like for such customers to reach out to staff because they would like to know the customers' level of sensitivity as they try to manage the system. He stated that the City needs to get closer to some of these customers because the City does not want them to leave.

Mr. Neil recalled that, as a result of Kraft's issues, the City had worked out an incentive type of program to help the customers who had expressed concerns, and asked Mr. Koenig to explain how that program works. Responding, Mr. Koenig stated that he did not have the components of that rate with him; however, as he recalled, the City had adopted an economic development rate for a two-year period. He explained that the first 12-month period ended in January and 12 months remained on the agreement for a credit reduction of a component of energy associated with Kraft's bill.

Mr. Koenig noted that Kraft's request was made to attract additional product lines to the Dover facility that were being moved from other facilities that were closing. He explained that Ms. Romeus had completed the first year calculation, which confirmed that everything seemed to be on track with what was predicted for the City. Mr. Koenig stated that the agreement with Kraft was a two-way street, explaining that there was a reduction in electric on the City's part and on Kraft's part additional jobs and product lines were brought in.

Mr. Neil asked if the Kraft model could be continued if similar situations cropped up. Responding, Mr. Koenig advised that the economic development rate could be used selectively for economic development projects. He indicated that if it was desired to apply this with a broad brush across an entire classification of customers, it would take more analysis to ensure that the City does not hollow out a source of revenue in one (1) rate classification and have to look for it in another.

Mr. Hare stated that he had been involved with the discussions with Kraft, and Kraft had initially wanted the City to reduce rates under the threat of Kraft leaving. He noted that Kraft had indicated that other plants in their portfolio had lower electric rates; however, before meeting with Kraft, he did some work on his own and determined that the City's tax base was considerably lower than what Kraft's other plants were paying. Mr. Hare stated that he thought that the agreement with Kraft was for a maximum of 10 MW. Responding, Mr. Koenig stated that he was not certain it was 10 MW. Mr. Hare indicated that the agreement with Kraft was for a six-month trial, provided that Kraft got the bread factory from Hurlock and some jobs and increased their water use. He noted that there was give and take on both sides, and it had worked out. Mr. Hare advised that he did not believe this was something that the City could do with a commercial business with five (5) employees, for example.

Mr. Hare indicated that he would like to see a list of the 102 commercial businesses that the City had lost in the last two (2) years to see if they had gone elsewhere or gone out of business, because he did not believe that the electric rates were the sole reason that they went out of business. He noted that rates could have affected some of the bigger businesses, like the Walmart that was built just outside the City.

In regard to the comparison of electric rates that he had requested, Mr. Hare stated that he wanted it to include Delmarva Power and Delaware Electric Co-op; however, the purpose was to see how Dover compares with other cities, such as Smyrna, Lewes, or Milford. He indicated that he thought this rate comparison would be useful when a business says they are going to Smyrna or Middletown.

Mr. Anderson noted that the Chamber of Commerce had expressed concerns regarding commercial rates, noting that there had been a slight increase. He commented that the City had indicated that residential rates would be tackled first and then staff would start looking at the commercial side. Mr. Anderson stated that residential and big business rates had been addressed but commercial rates seemed to get left out. He suggested looking at commercial rates if a rate adjustment is done because there are a lot of small businesses and organizations that deal with $600 and $700 electric bills and have a demand charge that is significantly more than their usage. Mr. Anderson noted that this is difficult to explain when these customers do things to conserve, such as getting LED and fluorescent lights, changing their patterns, and lowering their usage, yet they are still stuck in a C-3 or C-4 classification.

Mr. Koenig stated that Mr. Anderson was describing a customer who makes significant operational changes to change their service classification. He expressed the need for the City to be conscious of this, stating that customers who feel their bills are out of whack with their usage should call the Electric Department so that staff can review the individual customer. Mr. Koenig explained that one (1) of the reasons for the development of the key account program was to help entertain dialog between the City's utility and individual customers. He noted that there was one (1) person in that program. Mr. Koenig advised that the initial focus was on the largest customers, but the hope was to apply those discussions to others. He reiterated that the system was changing. Mr. Koenig noted that the customer wants to spend money to upgrade their facility with the expectation that their bill will decrease and not increase; however, there is a challenge in some cases because there are costs that the utility has to recover.

Mr. Hutchison questioned how far in advance the City buys its electricity. Responding, Mr. Koenig stated that the City has a five-year hedging strategy and buys power in a declining block. He explained that approximately 80% of the power is purchased for the current year, which would decline to approximately 60%, then 40%, and 20%. He noted that the amount declines over a five-year horizon. Mr. Koenig advised that Council authorized two (2) energy purchases last year outside of the standard, including a block of power over a 10-year supply that starts a couple of years out and another block over a five-year period. He stated that under normal circumstances the City buys hedges in a five-year profile; however, the City currently has purchases that are out approximately 12 years.

Mr. Hutchison asked if the steps that Mr. Koenig had discussed to provide hands-on, everyday help would also help to address the concerns that were raised by the General Assembly. In response, Mr. Koenig indicated that members of the General Assembly have an interest in why the City makes the transfers that it does and how they are justified. He noted that each municipality needs to be able to articulate why certain decisions are made with respect to their local rates. Mr. Koenig noted that Dover, as a community, had authorized a $10M transfer from the Electric Fund to the General Fund to offset the cost of property taxes and general government operations. He advised that, if he was advocating for the City, his answer regarding transfers would be that there is a need to look at total costs, rather than focusing only on what is paid for electricity. Mr. Koenig indicated that there is a need to value what is paid for water, sewer, property tax, and the services that are received, noting that Dover is very much a full-service city.

Mr. Koenig noted that the discussion can become distorted, explaining that if someone tells him that a business left Dover because the electric rates were too high, he immediately wants more information because moving a business to a different operating location is a huge undertaking. He indicated that if a business is moving because the electric bill is too high, there are a lot of questions about what the bill is being compared to, what improvements have been made to the facility, and how energy efficient the current facility is versus a new facility. Mr. Koenig reiterated that Dover is a full-service City and has local control of how rates are set and how much is transferred. He noted that American Public Power provides guidance on what they would recommend transfers to be, and accounting standards also provide recommendations regarding the amount of cash and reserves. Mr. Koenig advised that City Council can, within reason, modify those terms and each Council does that to meet the needs of the community.

Mr. Koenig indicated that, in his opinion, the electric system had been a fantastic community asset that had provided a revenue stream, an opportunity to attract business, and an economic development tool. He noted that, at the same time, it is the most complicated thing that staff had brought before Council and was not getting easier. Mr. Koenig indicated that it is difficult to run, operates 24/7, and everyone expects the lights or motor to come on when a switch is flipped. He stated that he was thankful that the power system is extremely reliable; however, there is a cost for reliability and one cannot sit on one's hands and assume that the system will function by itself. Mr. Koenig noted that reliability was a conscious decision that the City had made, and it had a cost that Council had authorized through personnel, maintenance, and capital improvements. He explained that even if the rate is two (2) cents, if the switch is flipped and the power does not come on, businesses will not be happy. Mr. Koenig noted that it would not matter if the bill is low if the business cannot produce what it needs to produce to make the business work. He stated that there are many factors that go into economic and business decisions, noting that electricity is a big one but it is not the sole defining factor for most economic activity.

Mr. Hutchison expressed appreciation for Mr. Koenig's comments and stated that the tools that were being looked at would ultimately enhance staff's ability to better manage the electric system day to day, and provide better and faster information to help make decisions.

Mr. Koenig stated that the City wants to provide customers with reliable power and wants customers to be happy, pay their bills, and be successful, because that makes the City more successful.

Responding to Mr. Hosfelt, Mr. Koenig explained that those in residential houses would have the same rate classification. He noted that their bills would be different based on their lights, etc.

Mr. Hosfelt asked if a small business with five (5) employees would pay the same rate as Energizer for electricity and, if not, who would pay more. Responding, Mr. Koenig indicated that there are three (3) or four (4) components that go into how a business's bill is calculated, including the size of their service connection to the building, demand, usage, etc.

Mr. Hosfelt asked if those who use more power pay less or more for it. Responding, Mr. Koenig explained that the matter is not that simple.

Mr. Hosfelt asked if two (2) large customers, such as Energizer and DAFB, would pay the same or different rates, depending on their usage as well. In response, Mr. Koenig advised that Kraft, and Procter and Gamble are two (2) large facilities, and the only difference in their rates is that Kraft is being given a credit for economic development. He explained that if they used the exact same amount of energy at the exact same time, as measured over a 30-day period, their base bill would be equal. Mr. Koenig stated that currently Kraft would get a credit based on the economic development component that was granted to them.

Mr. Hosfelt noted that there was a PCA in place this year and asked if Mr. Koenig thought the City would be able to grant a PCA again next year. Responding, Mr. Koenig indicated that Mrs. Donna Mitchell, Controller/Treasurer, had reviewed the PCA, which was a little over 2% last year, and that credit was put into the five-year forecast. He stated that, assuming the budget inputs

going forward are within the parameters of the five-year review, the expectation is that the City can keep the PCA in place, provided the numbers can be supported and Council wishes to return that money through the PCA. Mr. Koenig noted that the philosophy of the PCA was that it takes a long time to get a rate design in place because there is modeling, testing, and background work. Mr. Koenig advised that the baseline in general budget development is the tariffs that are in place. He noted that the second priority is to be able to maintain the PCA and to factor in the capital plan, which is relatively steady, and then labor and energy costs. Mr. Koenig indicated that, over the last couple of years, the City had seen low wholesale energy costs. He stated that he felt relatively good about the rates that would be discussed for the FY 18 budget.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater)(October, November, and December)

Mr. Scott Koenig, City Manager, reviewed the Quarterly Report for the Capital Investment Plan (CIP) as of December 31, 2016. Referring to the Electric Improvement & Extension Fund - Major CIP Projects, Mr. Koenig advised that a Metering System Upgrade had been done in regard to replacement of wholesale meters related to several of the larger substations and the McKee Generation Plant. He noted that Project EE1415, Metering Infrastructure, was an automated metering project that Mr. Harry Maloney, Electric Director, and his staff were currently reviewing so that the 20 largest meters could be converted to automated meters to get the fluid, incremental use that had been discussed earlier in the meeting. He explained that the VanSant Capacity Increase project was complete, other than some closeout paperwork.

Under FY-2015 Projects, Mr. Koenig noted that some work was being completed in regard to the 69 kV rebuild on Horsepond Road. He noted that there had not been an opportunity to get on top of frozen ground at the farm field with heavy trucks because it had not been a cold winter, and this caused some delays. Mr. Koenig explained that work on the Towne Point Distribution Feeder project was underway and they were working through that subdivision to improve the electric utility there.

In regard to FY-16 Projects, Mr. Koenig informed members that additional work would be done on the VanSant Exhaust Plenum Replacement in the spring of 2017. He advised that the McKee Unit 3 Stack Repair project was complete and staff was getting the final contract documentation in place. Mr. Koenig noted that this project came before Council earlier in the fiscal year. He stated that a lot of the work on the 69 kV cable replacement on North Street was indirectly related to work on the West Dover Connector. Mr. Koenig advised that the Horsepond Road project was complete. In regard to Trailer Park Upgrades for Oak Grove Trailer Park and Dover East Estates, he indicated that these projects were in progress and awaiting completion. Mr. Koenig stated that Project EE1631, North Street Overhead to Underground, was related to proposed North Street sidewalk improvements.

Mr. Koenig advised that the Electric Department's team was working diligently through the capital plan, in addition to working on customer improvements that were coming on line, components related to the generation stations, and capital plans associated with McKee Run and VanSant. He indicated that a lot of older projects had been cleaned up and were being closed out, and staff was now focusing a lot of attention on current year projects.

Updates

Green Energy Funding and Programming

Mr. Scott Koenig, City Manager, advised members that the Green Energy Funding program remained open and people were applying for funding. He indicated that a majority of the funding was dedicated to improvements associated with the Dover Public Library that were in place a few years ago. Mr. Koenig stated that people were adjusting their behaviors and moving to more efficient units and some are applying for grants. He advised that the program is moving forward, is monitored regularly, and is becoming a component of doing business for the City.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit

Mr. Scott Koenig, City Manager, stated that staff had been before Council for approval of consulting work related to the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit, which was now underway. He explained that staff was working on components of the conciliation order and mapping out the City's operations to fill the needs of the permit. Mr. Koenig advised that quite a few of the things that are done on a day-to-day basis qualify for permit compliance, and staff was getting all those things into the permit. He noted that an environmental scientist had been recruited and started late last year, and this employee was working his way through the components of the permit. Mr. Koenig indicated that staff was steadily lining up the City's operations with the needs of the permit and developing additional partners on how to get the word out that stormwater quality is important. He stated that there were some major stormwater projects that staff believed would enhance the permit and the operation in the long run. Mr. Koenig explained that the Meeting House Branch project, while not written directly into the permit, is a major stormwater improvement that includes piping and wetland creation that will benefit additional economic development and redevelopment downtown. He noted that all of these things are important to demonstrate compliance with the permit as well as improved water quality.

Mr. Koenig indicated that many tedious components go into the permit, such as public outreach, interaction with students, and developing customer contact flyers, dog waste signs, and bags. He advised that it requires constant attention to make sure those things are going forward and that the City gets feedback from its customers. Mr. Koenig expressed his opinion that staff had done a very diligent job of progressing toward permit compliance, and he was very happy with what they had done in the last two (2) or three (3) budget cycles in gravitating toward compliance.

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

Meeting adjourned at 7:04 p.m.

Mr. Blakeman mentioned that mailers had been received in his neighborhood from outside vendors offering to supply electric current at $0.07 per kWh to customers, and people did not understand that this was only part of the charge and they would also have to pay for delivery. Mr. Blakeman suggested that members advise anyone talking about this that they are not getting the whole story.

Responding to Mr. Neil regarding the City's cost, Mr. Koenig advised that the cost varied and was $0.12 per kW on the residential side.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS
Mr. Sudler moved for approval of the agenda, seconded by Mr. Cole and unanimously carried.

Proposed Amendments to Chapter 17, Title 22 of the Delaware Code Relating to Municipal Tax Increment Financing and Chapter 18, Title 22 of the Delaware Code Relating to Municipal Special Development Districts (John Paradee)
Mr. John Paradee, attorney, Baird, Mandalas, Brockstedt, stated that he was representing Western Development and the Simon Property Group, the owners of the Dover Mall. He acknowledged the presence of State Senator Brian Bushweller and expressed appreciation for his interest and support, which Mr. Paradee stated was critical to the success of the Collector-Distributor Road Modification to the Scarborough Road Interchange project. He noted that there had been articles in the paper about this project and stated his intent to talk primarily about its funding.

Mr. Paradee provided members with several documents, as follows:

1) Collector-Distributor Road Modification to the Scarborough Road Interchange cover page ***(Attachment #1)***.

2) Draft SR-1 Scarborough Road C-D Roads Concept Plan - CTP Estimate Methods and Assumptions, dated December 5, 2016 ***(Attachment #2)***. Mr. Paradee explained that this concept plan included the Delaware Department of Transportation (DelDOT) proposed budget for the project and reflected a total project cost for design and construction of $31M. He stated that he thought this was a conservatively high estimate and expected that the project would come in below this amount.

3) A memorandum from Rick Gobeille, Jacobs Engineering, dated November 4, 2016, regarding SR1 Scarborough Road C-D Roads Revenue Analysis - REVISED ***(Attachment #3)***. Mr. Paradee stated that this toll study was completed by Jacobs Engineering, DelDOT's consultant.

4) An article entitled, "Tax-Increment Financing (TIF)" from *Good Jobs First,* dated January 31, 2017 ***(Attachment #4)***. Mr. Paradee stated that this article provided more detail about this type of financing.

5) A proposed amendment to Chapter 17, Title 22 of the Delaware Code relating to Municipal Tax Increment Financing, and a proposed amendment to Chapter 18, Title 22 of the Delaware Code relating to Municipal Special Development Districts ***(Attachment #5)***. Mr. Paradee advised that he would discuss the proposed amendments in great detail, noting that these were what he and Senator Bushweller had been working on.

6) A proposed resolution to support the enactment of legislation by the Delaware General Assembly that would enable the utilization of tax increment financing and special development districts within both the City of Dover and Kent County, Delaware ***(Attachment #6)***. Mr. Paradee noted that at the end of his presentation he would respectfully request a resolution that would authorize the General Assembly to move forward with the two (2) pieces of legislation he would be discussing.

Mr. Paradee reiterated that the proposed budget for the the Collector-Distributor Road Modification to the Scarborough Road Interchange project was approximately $31M from the inception of design through the completion of construction. He noted that DelDOT had been studying this road project for over 10 years, and their concept for financing the bulk of the cost was tolls. Mr. Paradee indicated that there would be a $0.50 toll on each of the northbound and southbound lanes coming into an access road directly behind the Dover Mall that would access the back of the mall, ultimately connect to the existing ring road, and then extend to Route 13. He stated that Jacobs Engineering took a very conservative approach in estimating the projected toll revenues in the toll study. Mr. Paradee explained that Jacobs Engineering came up with four (4) alternative scenarios depending on traffic calculations. He advised that Alternative 2, which is very conservative, is Jacobs base case and the case that they embrace. Mr. Paradee indicated that if Alternative 2 ends up being the scenario, with the assumptions made it will not be enough to generate $31M to pay for the entire project; however, Alternatives 3 and 4 would be enough. He stated that tolls were expected to be collected over a period of 20 to 25 years to pay the $31M and would continue after that time, when they would go into the transportation trust fund.

Mr. Paradee advised that the toll revenue may or may not pay for the entire $31M project budget, and this is where the Tax Increment Financing (TIF) and Special Development District (SDD) financing would come into play. He stated that Alternative 2 would perhaps generate as much as $25M of the $31M needed, leaving a shortfall of $6M. Mr. Paradee indicated that if toll revenue was insufficient, TIF had been discussed as one (1) way of financing the project. He explained that this is a mechanism that allows the use of future tax revenues generated by an economic development project to help pay for the project. Mr. Paradee estimated the base tax assessment at the Dover Mall at $46M and noted that this project was expected to more than double the size of the mall, which would equate to $92M. He explained that the $46M difference between these two (2) figures would be the increment or delta. Mr. Paradee stated that taxes would be collected on the mall as it is improved with new buildings and roads, and the existing base tax would continue to be paid into the City coffers as expected. The taxes generated from the new $46M assessment would be paid into the TIF, and that money would be used to pay back the bonds. Mr. Paradee advised that these bonds would be revenue bonds, rather than bonds that would pledge the faith and credit of the City of

Dover, Kent County, or any other public entity that might issue them. He stated that these revenue bonds would be sold on the private market and purchased by bond holders, who would be generating the income to pay for the project. Mr. Paradee advised that they would hold the bonds to get paid back from the TIF. He stated the importance of understanding that this approach would not take any money out of anyone's pocket, and this would be new-found money. Mr. Paradee indicated that the existing tax revenue that the City, County, and school districts currently enjoy would remain in place and not be touched. He advised that only the new tax revenue that would be generated was being discussed and, once the bonds were paid back, all the tax revenue would come back into the coffers of the City, County, and school districts.

Mr. Cole asked who would be responsible if the bonds could not be paid off with the incremental revenue. Responding, Mr. Paradee explained that this is where SDDs would come into play. He stated that DelDOT would orchestrate the bonds and DelDOT's bond counsel would help to write the bonds. Mr. Paradee stated that DelDOT had insisted that SDD financing be pursued at the same time as TIF financing, noting that the SDD would be considered a safety net. He indicated that the bottom-line answer to Mr. Cole's question was that the property owner's taxes would go up. He stated that SDD financing imposes a second layer of taxation, which would be a third source of revenue in this case. Mr. Paradee explained that if the toll revenue and the TIF were not adequate to pay back the bond obligations, then the property taxes on the underlying property would be increased to make up the difference. He stated that the worst-case or doomsday scenario would be for the road to be built but not the stores, and the incremental tax financing would never appear. Mr. Paradee advised that, in this case, the bond holders would essentially have a mortgage on the mall property and would be entitled to assess that lien against the property and collect it from a sale of the property. He indicated that discussions were being held with M&T Bank to potentially be the bank that would help underwrite or issue the bonds. Mr. Paradee stated that they were confident that the value in the real estate was there, so that even in the worst doomsday scenario the bond holders could be made whole. He noted that the debt would not be a debt of the City, County, or public but would be private, so the City, County, or school districts would not be at risk.

Mr. Cole stated that he had looked through some of the information and noticed there were some clauses that indicated that when TIF districts are created, some states are "but for" states and contractors would require developers to certify that the project would not go forward "but for" the TIF. He asked if Delaware is a "but for" state. Responding, Mr. Paradee indicated that there had been some criticisms stating that TIF should not be engaged in for economic projects that would happen anyway, and there were questions about why this approach would be used if project revenue would be received anyway. He explained that the access road would not happen if this approach were not used, noting that if the road is not built, the back 85 acres of the mall would not be developed. Mr. Paradee stated his belief that the "but for" requires certifications from the owner of the property that but for this tax increment financing, the project would not happen. Mr. Paradee advised that this was the case for the project being discussed; however, he did not believe that Delaware has this requirement in its existing statute, although this was an important consideration.

Mr. Paradee informed members that TIF and SDD financing currently exist in the State of Delaware but only in New Castle County for the City of Wilmington. He explained that in Title 22, Chapters 17 and 18 of the Delaware Code, the definition of municipality is "any town or city in the

State of Delaware with a population in excess of 50,000 people," and this applies only to the City of Wilmington. Referring to the proposed legislation amending Chapter 17, Title 22 relating to Municipal Tax Increment Financing and Chapter 18, Title 22 relating to Municipal Special Development Districts, Mr. Paradee explained that these proposed bills would change the definition of municipality from 50,000 to 35,000, which would allow the City of Dover to qualify for TIF and SDD financing. He noted that it was important to understand that both TIF and SDD financing were being proposed and they would not be used separately. Mr. Paradee stated that DelDOT's bond counsel would not allow moving forward without both types of financing because of the need for the SDD safety net underneath the TIF.

Mr. Paradee explained that the current discussion related only to obtaining authority from the General Assembly in the form of enabling legislation which would allow the City of Dover and Kent County to have these tools in their toolbox. Mr. Paradee indicated that if a decision was made to proceed with TIF and SDD financing, they would have to come back before Council with a very specific proposal for this project, with all of the numbers and projections hammered out. He explained that he would not be the only person coming before Council at that time, noting that the bond counsel would explain exactly how the financing would work. Mr. Paradee advised that a series of ordinances and resolutions would be needed from the City and from the County to make this happen. He reiterated that he was not asking Council to bless the TIF and SDD for this project but to bless the enabling legislation. Mr. Paradee stated that Senator Bushweller had instructed him to meet with the City, County, and school districts to make sure they were okay with the concept of having this tool in their toolbox.

Mr. Hosfelt asked for an honest assessment of Simon Group's current position and what they were looking at if this was not approved. Responding, Mr. Paradee stated his belief that, if the owners were standing here, they would say that the mall is vibrant and healthy and that traffic numbers have remained steady. He indicated that Dick's Sporting Goods had helped a lot; however, Sears was struggling locally and nationally, and their expectation was that the Sears store would not be there long term. Mr. Paradee noted that it may be a matter of months or longer; however, they expected that the Sears store would ultimately become something different. He stated that the concept plan they had been putting forward showed 647,000 square feet of new retail space on the back 85 acres, as well as 54,000 square feet of new retail improvements in the existing mall, including the current Sears location. Mr. Paradee stated that if Sears does not renew their lease, which they expect will happen, that end of the mall will be redesigned into a different retail configuration. He advised that the concept plan also called for a redesign of the food court to substantially upgrade and reinvigorate it. Mr. Paradee indicated that Macy's had been looking at closing stores nationally and expressed concern that the Dover Macy's store could be on their list someday if this project does not move forward in a timely manner. He explained that they had not been told anything that suggested that the Dover Macy's would be closing presently; however, he expressed his opinion that it would be foolish not to recognize that Macy's is reviewing their stores nationally, and any store where the outlook is less than bright is vulnerable. Mr. Paradee stated that the Dover Mall is currently very healthy, but it is not immune and is vulnerable.

Mr. Neil stated that he is always looking for an escape route to be used during NASCAR and Firefly Music Festival events when a section of the Third District is cut off from Route 13. He stated that

this would be a perfect example of opening the area up. He indicated that he was glad to see that, while Dover Downs' leadership would not move forward on this, they would not object if it goes through. Mr. Neil stated that there was no question about the fact that New Castle County and Wilmington have an advantage because Wilmington has more than 50,000 people, and this hurts Dover in the tourist area. He stated that the City cannot get an accommodations tax because it is below the 50,000 mark. Mr. Neil stated that the proposed legislation might be a breakthrough, and it would not cost the City anything to back or support the process, noting the adage that "if you don't play, you can't win." He stated the need to open up and give a chance to businesses, noting that there had been discussions about electricity and bringing businesses in. Mr. Neil indicated that if the project moves forward, it would be to the City's advantage to have more businesses paying taxes and bringing people through. He suggested that the City may then be able to get an accommodations tax if the Delaware League of Local Governments would support an effort for such a tax. Mr. Neil stated that the City had nothing to lose by giving its support and that he would be in favor of it.

Mr. Paradee agreed that this proposition would not cost the City or City taxpayers a dime.

Mr. Hare stated his understanding that individuals exiting Route 1 at Scarborough Road would pay a toll, and individuals exiting Route 1 at the mall would pay a toll; however, individuals would not pay both tolls, and Mr. Paradee stated that this was correct.

Mr. Hare asked if lowering the threshold from 50,000 to 35,000 would also affect what the State currently pays the City in lieu of taxes. He noted that Wilmington has less non-taxed property associated with the State than the City of Dover has but receives 10 times more because their population is 50,000 and Dover's is not. In response, Mr. Paradee indicated that the change being discussed was only in the chapters of the Delaware Code dealing with municipal TIF and SDD financing and would have no impact elsewhere in the Delaware Code. He stated that the tax disparity would remain unchanged.

Mr. Paradee noted that he had always thought of Dover as the third or fourth largest city in the State after Middletown or Newark; however, the populations of Middletown and Newark are approximately 33,000 or 34,000. He noted that by changing the number to 35,000, only Dover and Wilmington would be authorized for TIF financing. Mr. Paradee informed members that Bridgeville and Millsboro do not have TIF; however, they do have the SDD tax ability. He indicated that these municipalities obtained this authorization, not through changes to the population number in Chapter 18, Title 22 of the Delaware Code, but because the General Assembly approved changes to their town charters. Mr. Paradee noted that DelDOT's bond counsel had advised him on February 13, 2017 that he should review the City's Charter to make sure there were no conflicts that might arise as a result of this change. He stated, for example, that if there was some limitation on the City's ability to issue bonds that might be offended or run afoul as a result of this legislation, he wanted to review this. Mr. Paradee indicated that there may be a tweak or two (2) or a housekeeping measure required in the City's Charter and wanted to make sure that he mentioned this so it would not be a surprise.

Mr. Neil stated that he was a fan of the DE Turf Sports Complex, and that many soccer, field hockey, and lacrosse tournaments were coming in south of the City. He noted that people were starting to

come to those games and stopping at the mall. Mr. Neil asked members to imagine if Dover had a mall equaling the mall in Wilmington, stating that such a mall would be a magnet on a long-term basis. He indicated that he would love to see a flow of traffic coming through and helping to lower the rest of the City's taxes.

Mr. Hosfelt moved to recommend adoption of Proposed Council Resolution No. 2017-02 supporting the enactment of legislation by the Delaware General Assembly that would enable the utilization of tax increment financing and special development districts within both the City of Dover and Kent County, Delaware *(Attachment #7)*. The motion was seconded by Mr. Hutchison and unanimously carried.

In response to Mr. Paradee, Mr. Hare advised that this matter would move to full Council in two (2) weeks.

Expiration of Downtown Dover Partnership (DDP) Loan Guarantee Extension

Members were advised that the Downtown Dover Partnership (DDP) has two (2) PNC loans with a City loan guarantee. These loans are collateralized by the DDP's property holdings, and payments are covered through the rents on the properties. The City provides the guarantee as the loan to asset value is not greater than 80%. During the Regular Council Meeting of July 14, 2014, Council approved the extension of the Downtown Dover Partnership (DDP) loan guarantee with PNC Bank through March 1, 2017.

Mrs. Donna Mitchell, Controller/Treasurer, advised members that staff recommended an extension of the City guarantee of the Downtown Dover Partnership loans for a period of three (3) years effective March 1, 2017 on the loans between PNC Bank and the Partnership.

Mr. Sudler moved to recommend approval of staff's recommendation, seconded by Mr. Hosfelt and unanimously carried.

Report of Independent Public Accountants for the Fiscal Year Ending June 30, 2016

Mr. William Seymour, Engagement Partner, SB & Company, LLC, reviewed a presentation entitled, "Presentation to the City Council - February 14, 2017." He explained that this presentation represented SB & Company's required communications under generally accepted auditing standards, as well as their company's standards. Mr. Seymour advised that SB & Company performed an audit of the City's June 30, 2016 Comprehensive Annual Financial Report (CAFR) and had worked with management on a year-round basis. In summary, he stated that SB & Company had issued an unmodified or clean opinion on the City's financial statements, which is the best opinion that he was allowed to issue under generally accepted auditing standards. Mr. Seymour advised that the financial statements, as presented by management, were reasonably free of material misstatement. He indicated that the auditors did not discover and were not made aware of any instances of material fraud, discovered no material weaknesses in internal controls, and received the full cooperation of management.

Referring to page 12, Mr. Seymour reviewed SB & Company's observations, noting that, consistent with prior periods, they recommended that Council consider hiring an internal auditor who could

work directly for the City and do more than financial statement or single-audit compliance-based items. He stated that this individual could do performance audits as well as provide budgetary insight with an independent voice on different areas that may be of concern. In addition, Mr. Seymour noted that, during the course of the audit, the terms of a contract were approved by Council; however, the contract was not ratified until after year end, even though it went into practice. He indicated that SB & Company believed that it was complied with; however, he noted that it was not a good practice to enter into an unsigned contract since someone could potentially try to change the terms of the agreement after it starts. Mr. Seymour advised that this was not material to the financial statements; however, it was something to consider in regard to best practices. Responding to Mr. Anderson, Mr. Seymour indicated that he was referring to the City's contract with the Dover Organization of Employees (DOE).

In regard to page 13, Accounting Update, Mr. Seymour advised that next year the City will have to adopt Government Accounting Standards Board (GASB) 77, a required tax abatement disclosure. He explained that this relates to exchange-like transactions the City has made with employers or others to provide a break on taxes if they create a specific number of jobs. Mr. Seymour indicated that this was currently not included in the financial reporting template because there was no revenue that would have been generated. He stated that this will now be required as a footnote disclosure to show the reader of the statements that the City gave up a specific number of dollars of potential property tax revenue for whatever the terms of a deal would be.

Mr. Neil asked, when discussing tax revenue, if Mr. Seymour was talking about assessments, electric profit, or all profit. Responding, Mr. Seymour advised that GASB was implementing a kind of trial balloon to have municipalities and governments start to collect this information. He stated his understanding that this will go on the face of the financial statements, similar to a retail set of financial statements, where discounts from gross revenue are shown. Mr. Seymour indicated that the idea was that when a tax-paying base is paying their fair share of taxes and someone is given a discount off that, this proportionally charges the tax-paying citizens more heavily for the cost of running the City. He advised that the discounts are not currently disclosed within the financial statements, noting that he was not saying that this was right, wrong, or indifferent, but that it would be disclosed in the future. He indicated that, depending on the terms and nature of each of the individual agreements, it could be outside core or basic taxes.

In reference to page 17, Required Communications (continued), Mr. Seymour stated that SB & Company received a management representation letter and could provide a copy of it if the City so chose. He indicated that there was nothing special in that letter that auditors would have to bring to members' attention.

Mr. Anderson moved to recommend acceptance of the report, seconded by Mr. Cole and unanimously carried.

Presentation - Comprehensive Annual Financial Report (CAFR)

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a presentation entitled, "City of Dover Comprehensive Annual Financial Report - Fiscal Year Ended June 30, 2016." She explained that this presentation was shorter than those provided in previous years and she had taken only the key

points from the Comprehensive Annual Financial Report (CAFR). Referring to page 2, FY 2016 Financial Highlights, she explained that the Electric Revenue Fund experienced an increase of $7,353,700 due to a reduction in the cost of power supply, not a decrease as stated in the presentation.

Mr. Sudler stated that he liked the changes Mrs. Mitchell had made in the report, which was informative and kept his attention.

Mr. Slavin noted that the General Fund actual carry-forward was approximately $5.4M and asked what the budgeted carry-forward was. Referring to page 7, Original vs. Final Budgets - Major Operating Funds, Mrs. Mitchell advised that the ending fund balance was projected to be $4.4M. Mr. Slavin asked if the carry-forward would be applied to Other Post-Employment Benefits (OPEB) or otherwise designated, per the City's fiscal policies. Responding, Mrs. Mitchell stated that this year the City did not have any carry-forward to put toward OPEB or pension. She reminded members that $300,000 of the favorability was taken out of expenses to put toward the bad debt collections uncollectible reserve, due to the demolitions that were being written off. Mrs. Mitchell explained that this wiped out all of the favorability in the personnel savings, and the positives and negatives in materials and administrative expenses basically wiped each other out, noting that there had not been much there. She indicated that the additional revenues carried forward were used to help purchase property, stating her belief that this was the lot next to the police station. Mrs. Mitchell advised that some money left over from revenues went to the Capital Asset Reserve.

Mr. Slavin asked if Mrs. Mitchell felt that the carry-forward would be higher going into the next budget cycle. Responding, Mrs. Mitchell indicated that it may be, noting that revenues for permits and inspections were trending a little higher and the rest were mostly on budget. She stated that she was unsure if the year would end this way.

Mr. Slavin suggested, if the City does have a higher carry-forward balance as the City enters the budget process, that members look at the OPEB policy and not be quick to go out and find ways to spend anything over and above that. He noted that this may be the City's safety reserve against what happens across the street at Legislative Hall.

Mr. Sudler moved to recommend acceptance of the report, as presented. The motion was seconded by Mr. Neil and unanimously carried.

Status of Other Post-Employment Benefits (OPEB) and Pension Funds

Mrs. Donna Mitchell, Controller/Treasurer, advised members that a new Government Accounting Standards Board (GASB) requirement was coming that would require that the City recognize Other Post-Employment Benefits (OPEB) and liabilities on financial statements as they are currently recognized with pensions.

Mr. Slavin noted that there are people in the community who believe that OPEB liabilities were the result of the City's lax discipline over the years; however, he stated that the fact was that this was the other way around and that they are the result of more disciplined accounting measures in the

wake of some of the scandals that had taken place. He noted that GASB kept rolling out more and stricter accounting standards.

Mrs. Mitchell stated that, following a Request for Proposals (RFP) last year, Nyhart became the City's actuary and there were some interim valuation changes and results. She advised that the standard requires an actuarial valuation every two (2) years and a smaller interim valuation in the in-between years, noting that because of the new standards, updated numbers must be reported in the Comprehensive Annual Financial Report (CAFR) and its notes.

Mrs. Mitchell reviewed a presentation entitled, "City of Dover Retiree Health Benefits." Referring to page 4, Mrs. Mitchell stated that the actuarially required contribution was calculated using the current standard and not the new standard. Referring to page 5, Liability Illustration, Mrs. Mitchell explained that the implicit subsidy is related to the higher costs for older retirees, which was formerly socialized in the whole group and not seen. She stated that it was now required to extrapolate that information to recognize this higher cost in the liabilities. Referring to page 6, OPEB Trust Assets, Mrs. Mitchell indicated that the assumed rate of return of 6.5% was not helping the liabilities. She noted that a meeting was held last week regarding the City's pension funds and the return at the end of the quarter was 9%.

In reference to page 8, GASB 45 Accounting Results by Group, Mrs. Mitchell advised that there was close to a 20% increase in the contribution percentage for next year's budget because of the increase in liability. She indicated that she had scheduled a phone call with Mr. William Seymour, Engagement Partner, SB & Company, LLC; the City's pension investment advisor; and the City's actuary to try to develop a standard rate to make this budget neutral, instead of the spikes the City had been experiencing, and to bring a financing plan to Council regarding how to finance with a steady rate rather than up-and-down rates. Mrs. Mitchell advised that this meeting was scheduled for Friday, February 17, 2017. She noted when the new GASB standards for the pension fund were done a couple of years ago, the funding plan was split from the liability. She stated that the City was required to implement new standards in FY 18; however, if they are implemented early in FY 17, the City will be able to change its funding plan to accommodate a steady rate, otherwise the City is supposed to put in the actuary required contribution. Mrs. Mitchell wanted to make members aware that the new standards may be implemented early.

Mrs. Mitchell advised members that she thought the 20% increase that she had referenced was not correct and that the actual figure was lower. She stated that this was calculated as a percentage of payroll, and a figure of $17M was used for total payroll rather than $21M. Mrs. Mitchell indicated that the increase should be less than 20% but would still be in the double digits, and staff was working to resolve this.

Mrs. Mitchell reviewed a presentation entitled, "City of Dover General Employee and Police Pension Plans." She explained that, as with the OPEB plan, the City had a new actuary and new standards for the pension plans. Mrs. Mitchell stated that a new mortality table must be implemented and it was expected that the pension liabilities would also increase. As stated during the discussion of the OPEB plan, she indicated that on Friday, February 17, 2017, there would be discussions regarding these funds and how to come up with percentages to be used in ongoing budgets so that there are not

big spikes. Mrs. Mitchell advised that it had been explained to her that as long as the City's funding plan is disclosed in the CAFR, there should not be any problems with the City's credit agencies or ratings. She stated that the numbers included in the notes section of the CAFR would be different from those in the statistical section.

Mrs. Mitchell advised that the City fared a little better with regard to the pensions than it did with regard to the OPEB plan. Referring to page 7 - GASB 67,78 Accounting Results - General Employees, Mrs. Mitchell stated that the pension costs and expenses are included in the statements in the CAFR on a Generally Accepted Accounting Principles (GAAP) basis rather than a budgetary basis, which is how this information must be reported in the CAFR.

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

Meeting adjourned at 8:06 p.m.

By unanimous consent, the Council Committee of the Whole meeting was adjourned at 8:06 p.m.

Timothy A. Slavin
Council President

TAS/TM/js/dd
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Attachments

Attachment #1 - Collector-Distributor Road Modification to the Scarborough Road Interchange Cover Page, provided by Mr. John Paradee

Attachment #2 - Draft SR-1 Scarborough Road C-D Roads Concept Plan - CTP Estimate Methods and Assumptions, dated December 5, 2016, provided by Mr. John Paradee

Attachment #3 - Memorandum from Rick Gobeille, Jacobs Engineering, dated November 4, 2016, regarding SR1 Scarborough Road C-D Roads Revenue Analysis - REVISED, provided by Mr. John Paradee

Attachment #4 - An article entitled "Tax-Increment Financing (TIF)" from *Good Jobs First*, dated January 31, 2017, provided by Mr. John Paradee

Attachment #5 - Proposed Amendment to Chapter 17, Title 22 of the Delaware Code relating to Municipal Tax Increment Financing, and Proposed Amendment to Chapter 18, Title 22 of the Delaware Code relating to Municipal Special Development Districts, provided by Mr. John Paradee

Attachment #6 - Proposed Resolution regarding Tax Increment Financing and Special Development Districts, provided by Mr. John Paradee

Attachment #7 - Proposed Council Resolution No. 2017-02

COLLECTOR-DISTRIBUTOR ROAD MODIFICATION TO THE SCARBOROUGH ROAD INTERCHANGE

I. Background/History

-DelDOT's 2007 U.S. Route 13 Corridor Study

-Continuing Growth & Development in the U.S. Route 13 Corridor is Straining the Existing Roadway Infrastructure

-The Delaware General Assembly's 2015 Bond Bill Directives

II. DelDOT's 2016 Feasibility Study

-The CD Road Modification is Feasible

-The CD Road Modification Will Relieve Congestion, Improve Circulation, and Enhance Traffic Safety

-The CD Road Modification Will Foster and Accommodate Continued Economic Growth and Development

III. Next Steps/Costs & Funding

-Wetlands Delineation Performed

-Toll Study Conducted

-Public-Private Initiative (Chapter 20, Title 2 of the Delaware Code)

-$31,200,000 Estimated Project Cost is Self-Funded

-Tax Increment Financing (TIF) and Special Development District (SDD) Legislation

IV. Project Has Broad Support/Need to Maintain Momentum

-City of Dover
-Kent Economic Partnership
-Central Delaware Chamber of Commerce
-Dover/Kent County MPO Prioritization Process

-Continued Support from the Community is Critical

CENTURY ENGINEERING

SR 1 Scarborough Road C-D Roads Concept Plan
CTP estimate methods and assumptions
December 05, 2016-DRAFT

DelDOT's Capital Transportation Project (CTP) Cost Estimate form was used to estimate the Total Project Cost for the proposed improvements. The CTP Estimate Form includes the following sections:

Part I - Location and Environmental Studies
Part II – Preliminary Engineering
Part III – Real Estate
Part IV – Construction
Summary

The following is a discussion of the assumptions and methods used to develop the Conceptual Plan Cost Estimate for Concept Plan 8A.

Costs associated with securing private funding or bonding are not included.

PART I – LOCATION AND ENVIRONMENTAL STUDIES:

A. At this point, it is assumed that the proposed improvements are going to be entirely privately funded and services to go through the National Environmental Protection Act (NEPA) process is not needed. Therefore the development of a Purpose and Needs document or other study traffic studies and performing Alternatives Analyses, etc. is not included as an estimated cost. It is assumed that only minor documentation will be required to justify the Concept Plan 8A proposed improvements as the Preferred Alternative.

   However, because of the wetland impacts and the need for a federal permit from the US Army Corps of Engineers, some level of justification and evaluations will be needed to demonstrate presence/absence and avoidance/minimization of impacts to protected resources.

B. Archaeology: This estimate was taken from January 20, 2016 correspondence from David Clarke, DelDOT's Manager, Environmental Studies at that time. From discussions with the DelDOT and FHWA Environmental representatives, this effort would be needed for the USACOE Permit since this permit is a federal action. Per Mr. Clarke's correspondence, "This cost estimate includes all phases of Archaeological work, expecting there to be sites that would have to be evaluated and potentially mitigated as well as potential Archaeological requirements for on or off site wetland mitigation locations."

C. Wetlands: These costs are based on Century's experience with projects in Kent County and the rest of the state of Delaware and assumes the delineation and mitigation of an estimated 1.5 to 2.5 impacted acres required for the road improvements only. Additional delineation, impacts and mitigation appear to be required for the proposed development of the Power Center shopping area.

D. Hazardous Material: This cost assume only a cursory Phase I study and assumes that no hazardous materials will be encountered.

E. Historic: As discussed with DelDOT and FHWA Environmental representatives, an evaluation of Historic Standing Structures within the project's Area of Potential Effect (APE) will be required. These discussions also indicated that the Dover Downs complex has reached or is approaching the 50-year threshold for requiring evaluation and that it would likely be identified as an 'Eligible' historic property based on its contribution to the area. It is also likely that the impacts from the proposed improvements would not be viewed as adversely affecting its historic significance, but this evaluation effort and coordination with the Delaware State Historic Preservation Officer will be required.

F. Noise: Due to the proximity of residential areas to the proposed improvements, a Noise study to compare the existing ambient conditions to estimated conditions with the proposed improvements will be required. It is also not anticipated that there would be any noise impacts or, if there are, that mitigation of the noise impact would be feasible per the current DelDOT Noise Policy.

G. Other: A Public Outreach effort is anticipated to be required. The estimated cost is for mailings to area property owners and occupants, preparation of displays and attendance at one Public Workshop, compiling and answering comments, and meetings with area stakeholders.

PART II – PRELIMINARY ENGINEERING

The estimated cost was derived from Century's recent experience in preparing and coordinating with others for the Environmental Documentation required for the SR1, Little Heaven Grade Separated Intersection and the SR1, S. Frederica Grade Separated Intersection as well as other smaller projects throughout Delaware.

A. Surveys: The entire project limits will need to be surveyed using conventional ground survey techniques to obtain the level of information required for the appropriate engineering design of the improvements and determination of existing rights of way and property lines. Much of the existing lands in the southbound interchange area is heavily wooded. The estimated cost is included in Item B.

B. Design Engineering:
   1. Design: This cost is estimated for going through the DelDOT Project Development process to obtain approval for the final design plans and final right of way plans.
   2. Traffic: These services are assumed to use the traffic numbers and distribution projections from the Feasibility Study to determine lane balance, turn lane lengths, etc. No traffic signals are anticipated per the results of the Feasibility Study. Cost is included in B.1.

3. Real Estate Plan Preparation would be done to DelDOT standards and obtain DelDOT approval to obtain the RW in the name of the State of Delaware.
4. Utilities: Existing facilities known at this time to be in the project areas include: City of Dover aerial electric transmission, aerial and underground electric distribution, water and sewer; Chesapeake Gas; and Verizon. Per Delaware code, any costs due to impacts to municipal owned utility facilities by State Public Works projects are reimbursable to the municipality. In addition, since this project is anticipated to be a privately funded project, impacts to any private utility facilities would also be reimbursable to the utility company.
    a. Relocations of water and sewer facilities are expected for the Leipsic Road Connector and the northbound exit/entrance ramps. Century would provide the designs services for these relocations.
    b. A total of 20 utility test holes are estimated to be needed.
    c. Two poles on the Dover Transmission line where the existing line turns to run along southbound SR1 are expected to be impacted by the Leipsic Road Connector. The design of this relocation would be performed by the City. Additional costs for the reimbursable relocation designs by other companies is estimated.
5. Materials & Research: For a DelDOT project, DelDOT's M&R section would typically contract for soil borings and either perform material testing in-house or contract for these services. Boring and material testing will be required for the proposed roadways, new overhead sign structures; proposed light poles; proposed stormwater management facilities; and proposed wetland mitigation sites. Installation of groundwater monitoring systems at the proposed wetland mitigation sites will also be required.
6. Borings: See #5.
7. Pile Load Tests: Are not required since there are no proposed bridges or other structures requiring pile supports.
8. Subdivision: No costs for this area are expected.

C. Environmental Assessment: As discussed above, NEPA and subsequently an Environmental Assessment is not anticipated to be required.

D. Contract Administration: A nominal cost is included for producing Bid Proposal and Executed Contract documents and other services to solicit bids for the construction of the project.

PART III – REAL PROPERTY:

All rights-of-way required from the properties owned by the Dover Mall are expected to be donated and no costs are included for these rights-of-way other than recordation of the right of way plans/plats.

There are Right-of-Way/Denial of Access (R/W-DA) lines along both northbound and southbound SR1 through the project area. DelDOT will need to determine if there is any compensation due to

DelDOT from the project for converting the R/W-DA lines to just R/W lines to allow the new access ramps.

Rights-of-Way are estimated to be required from four separate parcels owned by Dover International Speedway. The amount of RW was estimated based on minimum RW widths required by DelDOT: 40' from centerline for the Leipsic Road Connector (LRC) and 30 feet from the edge of travelled way for the northbound exit and entrance ramps. Areas that could be considered uneconomical remnants between the proposed roadways and existing SR1 RW are also included resulting in a total of approximately 9.16 acres from the four parcels. Additional permanent or temporary RW may be required for drainage, grading, SWM, utility relocations, construction staging, etc.

The estimated unit rate for the acquisition from the parcels owned by Dover International Speedway was based on the assumption that an appraisal would be done in a Before & After format, that all of the parcels in the areas owned by Dover International Speedway would be considered as the 'before' parcel and that there would be no damages to the remainder. The estimated RW cost could be offset by Special Benefit to the properties due to the proposed improvements but this is not estimated at this time. As mentioned an estimated cost for an Appraisal is included and it is also anticipated that legal fees will be needed for condemnation action.

An estimated cost to obtain 8 to 10 acres of farmland in eastern Kent County for wetland mitigation is also included.

There are no Relocations, Asbestos investigations/remediation or Demolitions anticipated. Settlement costs assume that all rights of way will be obtained in the name of the State of Delaware and therefore no transfer taxes will be required.

Staff costs are estimated for Century's Right-of-Way agents to provide services in support of the RW acquisition, including: Appraisal Scope of Work; Appraisal Review; meetings and negotiations; plats/displays; and support for condemnation proceedings.

PART IV – CONSTRUCTION:

For the method of estimating conceptual construction costs for the three proposed project areas Southbound Interchange, Northbound Interchange, Leipsic Road Connector), costs were based on the bid tabs for four recent and similar DelDOT projects: SR 1, South Frederica Grade Separated Intersection, Bid 12/15/15, $18.4M (Century is Engineer of Record); SR 1, Little Heaven Grade Separated Intersection, Bid 07/21/15, $40.1M (Century is Engineer of Record); US 301, SR 896 to SR 1, 1A, bid 10/13/15, $69.8M; and US 301 & SR 1 Interchange, 1B, bid 02/16/16, $35.4M (Century provides Design Management and Construction Management for the US301 projects). Since there is no bridge work in the proposed SR1 Scarborough Road project areas, the bridge/structure items from the bid tabs were removed and the remaining items were grouped into categories as follows:

- Earthwork
- Pavement
- Drainage
- Guardrail
- MOT
- Electrical/Lighting
- Signing and Pavement Marking
- Contractor's Project Management
- Erosion and Sedimentation control

Items that did not fit into these categories were considered miscellaneous.

The summation of low bid unit costs for all of the items in each category were then compared to the overall total low bid price, minus the structure costs, of each of the contracts to determine the percentage of overall cost for each of the categories.

After comparing the percentages for each contract, a percentage of overall cost for each category was extrapolated to be used for the proposed Concept CTP estimates. Greater weight was given to the SR1, South Frederica GSI project since it is most similar to the proposed project.

Since at this conceptual stage it is not possible to get accurate quantities for most items, it was determined that the pavement quantities would be the items that could be quantified most accurately at this stage. Pavement quantities were calculated for each of the three projects and divided pavement cost by the assigned percentage for pavement to get an overall cost. The pavement sections used for the estimate are: (1) a concrete paving section using the same pavement section from the adjacent SR1 roadway consisting of 12" PCC pavement, 4" Permeable Base, 6" Soil Cement and 12" Borrow, Type A capping for the Interchange connections and the C-D Road and (2) a bituminous paving section for the Leipsic Road Connector and the Connection Road to the proposed Power Center Development and the Mall. The bituminous pavement section used matches the Jamison Corner Road paving section used in the US 301 1A Project (2" Type C Bituminous Concrete Pavement, 4.5" Type B Bituminous Concrete Pavement, 6" Bituminous Concrete Base Course and 8" Graded Aggregate Base Course) along with curb on both sides and a 5 foot sidewalk on one side.

The Total Conceptual **Construction** cost estimate includes the following sections of the project:

- SR1 Southbound Interchange Connection Concept Cost estimate.
- SR1 Northbound Interchange Connection Concept Cost estimate.
- Leipsic Road Connector Concept Cost estimate.

Conceptual MOT set ups

Conceptual construction staging was evaluated to determine what typical traffic control applications would be needed for the construction of each of the projects. Included is a sketch indicating the Typical Applications from the DelDOT Manual of Uniform Traffic Control Devised

assumed to be needed and these were used to estimate the amount of temporary barrier that will be needed to protect the work area in locations adjacent to active traffic areas. It was assumed that temporary barrier will be needed in all areas where construction is occurring adjacent to SR 1.

The method used to determine the construction lengths and to determine the amount of time each phase of construction would take for traffic control purposes is as follows:

- The amount of time the pavement items that were quantified would take was based on production rate information available from DelDOT and that time was multiplied by a factor of 2.5 to account for time for items unknown at this time. This time was used to estimate the construction time for the purpose of traffic control. These time estimates were used to help determine the input for the MOT calculation spreadsheet.
- It was assumed that phased construction would be needed for the construction of the Southbound Interchange Connector since the traffic from Scarborough Road to SR 1 will have to be maintained throughout the construction. The first phase is to construct the majority of the C-D Road and Connector Road to the proposed Power Center Development and to the Mall Ring Road. The second phase is to reconstruct the ramp from Scarborough Road to the new C-D Road/entrance ramp to SR 1 and the exit ramp connection from SR 1 to the C-D Road to access the proposed Power Center Development and the Mall.
- It was assumed that the Northbound Interchange Connection and the Leipsic Road Connector construction would not have to be phased since no traffic will be using them until they are completed. Traffic control for these two projects will consist of shifting traffic on SR 1 and at the connections to local roads to allow enough room for construction and protection of the work areas.

Toll Facilities:

The proposed ramps will have All Electronic Tolling (AET) capabilities. Currently, the existing SR1 Southbound Entrance Ramp has an EZPass reader that provides a discount for vehicles continuing southward through the Dover Mainline Toll Plaza, which has both EZPass Only and manned cash toll lanes. Facilities to capture EZPass violators are included at the Dover Toll Plaza. Similarly, the existing SR1 Northbound Exit Ramp at Exit 104, North Dover has an EZPass reader that provides a discount to vehicles that have passed through the Dover Mainline Toll Plaza. These EZPass reading capabilities will need to be provided on the proposed SR1 Southbound Entrance Ramp and the SR1 Northbound Exit Ramp. The existing SR1 Southbound Entrance Ramp EZPass reader facility would be demolished as its function is replaced at the proposed SR1 Southbound Entrance Ramp. The existing SR1 Northbound Exit Ramp EZPass reader facility would remain in place since the existing northbound exit ramp would continue to have independent use.

For the proposed SR1 Southbound Exit Ramp and the proposed SR1 Northbound Entrance Ramp, full AET toll capabilities, including vehicle classification and video to capture violators, will be needed. The basic Toll Infrastructure (conduits, cables, gantry structures, equipment huts, etc.) would be installed as part of the roadway construction and a separate Toll Integrator contract would

then provide and install the AET toll equipment. The toll system back office operations would also need to be updated to account for the new toll facilities.

Costs for the Toll Infrastructure, Toll Integrator and Toll Back Office costs are based on budgets established for the new US301 toll project that is currently under construction in southern New Castle County, Delaware.

The Toll Infrastructure estimate assumes double gantry structures at the AET facilities along with an equipment hut and backup generator at each of the AET facilities.

The US301 Toll Back Office Costs will modify the business rules to allow for AET which includes both EZPass and Bill by Plate, along with violator capture. The estimated cost for the SR1 project are to incorporate the new facilities into the system that has already been modified.

On-going additional maintenance and operating costs would be incurred for the additional toll facilities being added to the system.

File (g:\projects\165016.00 western development\165016.01 concept estimate\concept plan ctp estimate\ctp form\sr 1 scarbourgh rd c-d roads ctp estimate methods and assumptions 12.05.16 draft.docx)

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

1. NAME OF PROJECT SR1, SCARBOROUGH RD, C-D ROADS (Subdivision or Road Name) KENT (County)

2. LIMITS

Street Name or Road Number	From	To	Length

3. ESTIMATE REQUESTED BY: DELDOT PLANNING (Name) for (check one) ☐ Project initiation ☑ Estimate only (Section or Legis. Dist.)

4. DESCRIPTION OF IMPROVEMENT:

1. New SR1 Southbound Serving Ramps, Collector-Distributor Road and road extension to Dover Mall Ring Road. 2. New northbound serving ramps to Persimmon Tree Lane. 3. Power Center Drive/Leipsic Road Connector from Mall Ring Road to Leipsic Road west of SR1. 4. All Electronic (AET) Toll Faclities. See attached map-Cocnept Plan 8A.

4. PROJECT IN C.I.P. Yes ☐ No ☑ If "Yes", indicate year F.Y. _____

5. TYPICAL SECTION

See attached.

6. STATE MAINTAINED☑ CITY MAINTAINED ☐ PRIVATE☐ OTHER☐ (specify) _____

7. COST ESTIMATE:		from C.I.P. estimate form	Estimate prepared by:	Date:
a. Location and Environmental Studies (Part I to be included only for class "I" and "III" projects)	$470,000	Part I	Alan K. Marteney, Ce	12/05/16
b. Preliminary Engineering	$1,755,000	Part II	Alan K. Marteney, Ce	12/05/16
c. Real Estate	$1,067,000	Part III	Alan K. Marteney, Ce	12/05/16
d. Construction *	$28,000,160	Part IV	Alan K. Marteney, Ce	12/05/16
e. TOTAL ESTIMATED PROJECT COST	$31,292,160			

* Includes Utilities, Traffic, and C.E.

APPROVED

Valid thru _____ (Date)

_____ (Assistant Director, M&O/Transportation Solutions/Planning) _____ (Date)

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

(Current Dollars)

Contract No. TBD Project Title: SR1, SCARBOROUGH RD C-D ROADS

PART I - LOCATION & ENVIRONMENTAL STUDIES (N/A)

(Part I to be included only for class "I" & "III" projects)

A. ENGINEERING (Includes NEPA)	$0	**E. HISTORIC**	$30,000
B. ARCHAEOLOGY	$200,000	1. Phase 1 (study)	$30,000
1. Phase I (study)	$200,000	2. Phase 2 (study)	$0
2. Phase 2 (study)	$0	3. Mitigation (by loc./env.)	$0
3. Phase 3 (mitigation)	$0	4. Mitigation (by design)	yes ☐ no ☑
C. WETLANDS	$210,000	**F. NOISE**	$30,000
1. Delineation (study)	$20,000	1. Studies	$30,000
2. Permit preparation	$40,000	2. Mitigation (by design)	yes ☐ no ☑
3. Mitigation (design)	$150,000	**G. OTHER**	$0
D. HAZARDOUS MATERIAL	$0	1. _____	$0
1. Phase 1 (study)	$0	2. _____	$0
2. Phase 2 (study)	$0		
3. Phase 3 (remediation)	$0		

TOTAL COSTS FOR PART I (A thru G) ROUNDED $470,000

CONTINGENCY COSTS _____ (% used) $0

(normally 5% for large projects and 10% for small projects - to be approved by section head)

TOTAL LOCATION AND ENVIRONMENTAL STUDIES COSTS $470,000

(also total for Construction Project Estimate form line 7a)

Estimator: Alan K. Marteney, Century Engineering Date: 12/05/16

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

(Current Dollars)

Part II of V

Contract No. TBD Project Title: SR1, SCARBOROUGH RD C-D ROADS

PART II - PRELIMINARY ENGINEERING

A. SURVEYS	$0
1. Inhouse	$0
2. Consultant	$0
B. DESIGN ENGINEERING	$1,755,000
1. Design	$1,500,000
a. Inhouse	$0
b. Consultant	$1,500,000
2. Traffic	$0
a. Inhouse	$0
b. Consultant	$0
3. Real Estate Plan Preparation	$0
a. Inhouse	$0
b. Consultant	$0
4. Utilities	$135,000
a. Inhouse	$0
b. Consultant	$0
c. Test Holes	$60,000
d. Utility Company	$75,000
5. Materials & Research	$120,000
6. Borings	$0
7. Pile Load Tests	$0
8. Subdivision	$0
a. Inhouse	$0
b. Consultant	$0
c. Railroad P.E.	$0
9. Other (specify)	$0
a.	$0
b.	$0
C. ENVIRON. ASSESSMENT (use for class "II" projects only)	$0
1. Wetlands	$0
2. Hazardous Materials	$0
3. Noise	$0
4. Historic	$0
5. Archaeology	$0
6. Other	
a.	$0
b.	$0

Loc/Environ Estimator: _____ Date: _____

D. CONTRACT ADMINISTRATION _____

Cont/Admin Estimator: _____ Date: _____

TOTAL COSTS FOR PART II (A thru D) ROUNDED $1,755,000

CONTINGENCY COSTS $0

(normally 5% for large projects and 10% for small projects - to be approved by section head) _____ (% used)

TOTAL PRELIMINARY ENGINEERING $1,755,000

(also total for Construction Project Estimate form line 7b)

Estimator: Alan K. Marteney, Century Engineering Date: 12/05/16

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

(Current Dollars)

Part III of V

Contract No. TBD Project Title: SR1, SCARBOROUGH RD C-D ROADS

PART III - REAL ESTATE

A. REAL PROPERTY	$815,000	**C. ASBESTOS PROGRAM**	$0
1. Total acquisitions	$0	1. Testing	$0
2. Partial acquisitions	$695,000	2. Abatement	$0
3. Permanent easements	$0	**D. DEMOLITION**	$0
4. Temporary easements	$0	**E. APPRAISAL FEES**	$20,000
5. Wetland mitigation	$120,000	**F. STAFF**	$25,000
Other (specify)			
6. _____	$0	**G. SETTLEMENT**	$10,000
7. _____	$0	**H. REAL ESTATE ENG.**	$0
B. RELOCATION	$0	1. Consultant survey	$0
1. Residential		2. As acquired plans	$0
2. Business	$0	**I. CONDEMNATION**	$100,000
Other (specify)			
3. _____	$0	**J. OTHER (specify)**	$0
4. _____	$0	1. _____	$0
		2. _____	$0

TOTAL COSTS FOR PART III (A thru J) ROUNDED $970,000

CONTINGENCY COSTS 10% (% used) $97,000

(normally 5% for large projects and 10% for small projects - to be approved by section head)

TOTAL REAL ESTATE COSTS $1,067,000

(also total for Construction Project Estimate form line 7c)

Estimator: Alan K. Marteney, Century Engineering Date: 12/05/16

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

(Current Dollars)

Part IV-A of V

Contract No. TBD

Project Title SR1, SCARBOROUGH RD C-D ROADS

PART IV -CONSTRUCTION

A. ROADWAY/APPROACH CONSTRUCTION	$13,973,200	**B. STRUCTURE CONSTRUCTION**	$0
1. Grading			
a. Excavation (includes SWM pond)		1. New Bridge	$0
b. Borrow	$0	a. Type	0
2. Drainage	$1,551,833	b. Size	0
3. Pavement		c. $/s.f.	$0
a. Surface	$0	2. Old Structure Rem.	$0
b. Base	$0	a. Type	
c. Subbase	$0	b. Size	
4. Erosion/Sed. Cont.	$1,707,017	c. $/c.y.	$0
5. Miscellaneous			
a. Curb/Gutter	$0	3. Retaining Wall	$0
b. Sidewalk	$0	a. Type	
c. Guardrail	$310,367	b. Size	
d. C.P.M. Schedule	$0	c. $/c.y.	$0
e. Clear/Grubb	$0	4. Box Culvert	$0
f. Field Office	$0	a. Type	
Other (specify)			
g. Earthwork	$1,862,200	b. Size	
h. Pavement	$4,655,500	c. $/s.f.	$0
i. Lighting/ITMS	$775,917	**C. LANDSCAPING**	$50,000
j. Miscellaneous	$310,367	1. Beautification	$50,000
k. Toll Infrastructure	$1,300,000	2. Noise Mitigation	$0
l. Toll Integration	$1,000,000	3. Visual Mitigation	$0
m. Toll Back Office	$500,000	4. Tree Mitigation	$0
		D. MAINTENANCE OF TRAFFIC	$1,551,833

(refer to Capital Improvement Project form, Part IV - Continued)

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

(Current Dollars)

Part IV-B of V

Contract No. TBD | Project Title SR1, SCARBOROUGH RD C-D ROADS

PART IV -CONSTRUCTION (CONTINUED)

E. PROJECT TRAFFIC ITEMS	$465,550
1. Signing Structures	
a. Overhead Bridges	$0
b. Cantilever Supports	$0
2. Roadway Lighting	$0
3. Pavement Markings	$0
Other (specify)	
4. Signing and Markings	$465,550
F. WETLAND MITIGATION	$875,000
G. UTILITY RELOC. IN CONTRACT	$140,000
1. Water	$40,000
2. Sanitary Sewer	$100,000
Other (specify)	
3.	$0
H. SUBTOTAL (A thru G) ROUNDED	$17,056,000
I. MISC. ITEMS	$3,411,200
(15% of H for large projects and 20% for small)	
(At SF submission use 10% and 5%)	
20% (% used)	
J. CONTRACTOR'S CONST. ENG.	$852,800
(normally 5% of H) 5% (% used)	
K. INITIAL EXPENSE	$852,800
(normally 5% of H) 5% (% used)	
L. CONSTRUCTION CONTINGENCY	$1,705,600
(normally 10% of H) 10% (% used)	

P. REIMBURSABLE UTILITY RELOCATIONS BY OTHERS	$225,000
(Enter on PNR funding line 7)	
1. Water	$0
2. Sanitary Sewer	$0
3. Electric	$100,000
4. Telephone	$50,000
5. Gas	$50,000
6. CATV	$25,000
Other (specify)	
7.	$0
8.	$0
Utilities Estimator: Date:	

Q. TRAFFIC SECTION ITEMS	$315,000
(Enter on PNR funding line 6)	
1. Signing	$15,000
2. Signals	$0
3. Detour Signing	$0
4. DelTrac	$300,000
Other (specify)	
5.	$0
Traffic Estimator: Date:	

M. TOTAL CONSTRUCTION COSTS (H thru L) (Enter on PNR funding line 5)		$23,878,400
N. CONSTRUCTION ENGINEERING (normally 15% of construction costs) (Enter on PNR funding line 4)	15% (% used)	$3,581,760
O. TOTAL CONSTRUCTION COSTS (Construction Costs + Construction Engineering) (use this total + Q + P for Construction Project Estimate from line 7d)		$27,460,160

Estimator: Alan K. Martenay, Century Engineering Date: 12/5/2016 Last Modified: 12/5/2016

Division of Department of Transportation

CAPITAL TRANSPORTATION PROJECT COST ESTIMATE

(Current Dollars) Part V of V

Contract No. TBD Project Title: SR1, SCARBOROUGH RD C-D ROADS

SUMMARY

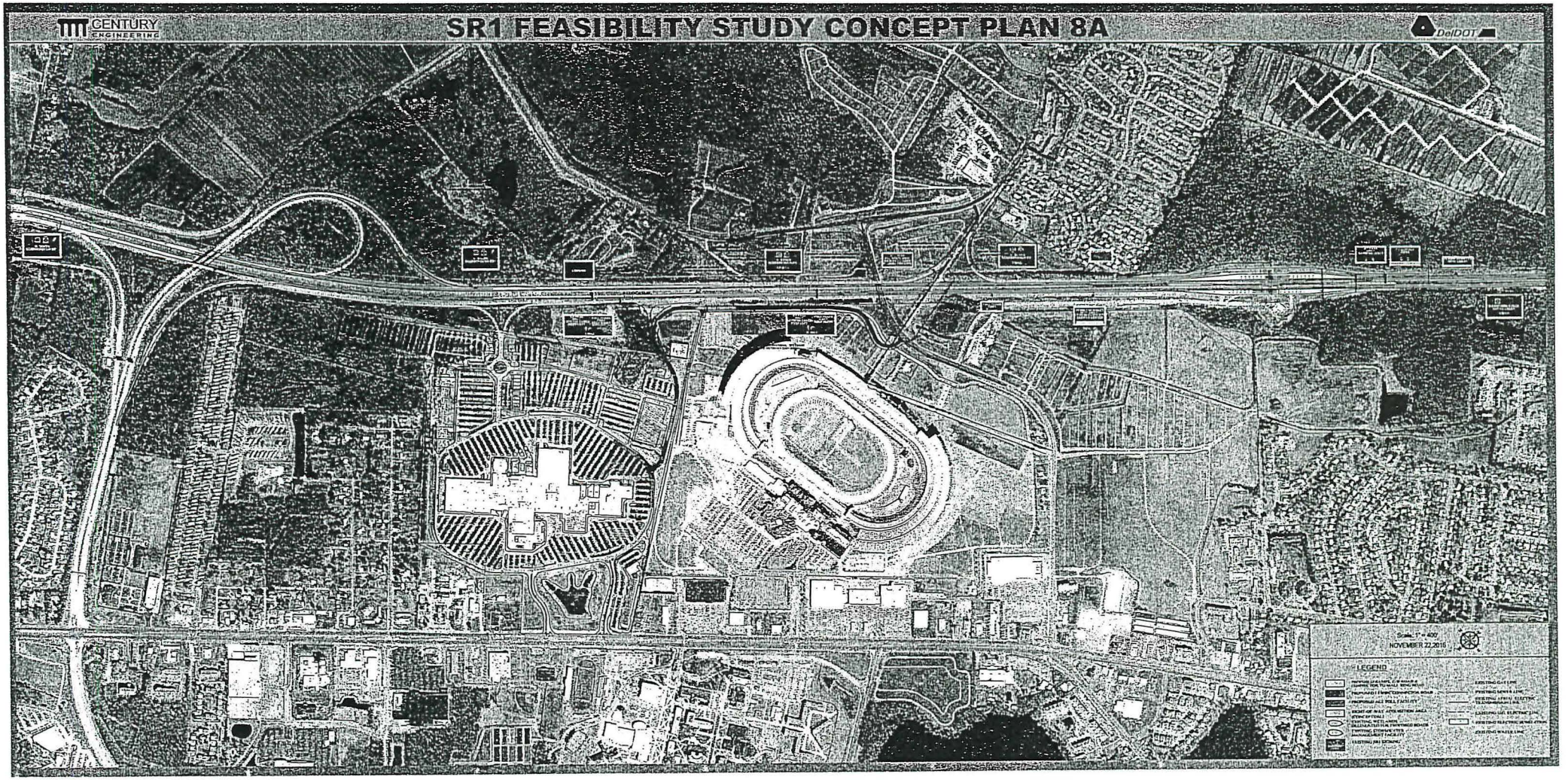
PART I - LOCATION AND ENVIRONMENTAL STUDIES (Part I to be included only for class "I" and "III" projects)	$470,000
PART II - PRELIMINARY ENGINEERING	$1,755,000
PART III - REAL ESTATE	$1,067,000
PART IV - CONSTRUCTION	$28,000,160
TOTAL ESTIMATED PROJECT COSTS (also total for Construction Project Estimate from line 7c)	$31,292,160

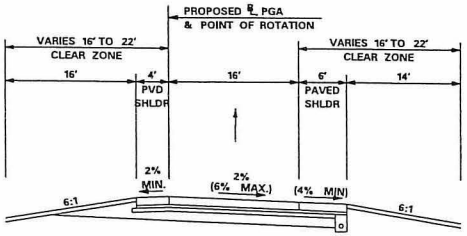
Project Manager Date:

REVIEWED & CONCURRED IN:

Section Head Date:

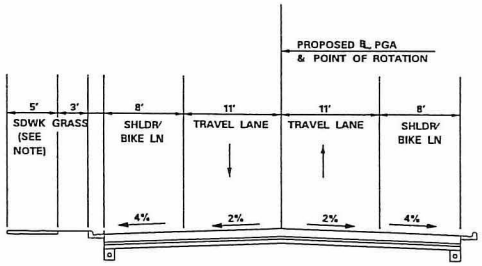
NOTE: Concurring section heads are to forward the original estimate copy to the Director of Transportation Solutions with one estimate copy each to the Assistant Director of Project Development, Assistant Director of Design Support, and the Cost Estimate Engineer.


CENTURY ENGINEERING
SR1 FEASIBILITY STUDY CONCEPT PLAN 8A
DelDOT
LEGEND



TYPICAL RAMP SECTION & ONE-LANE C-D ROAD SECTION

N.T.S.

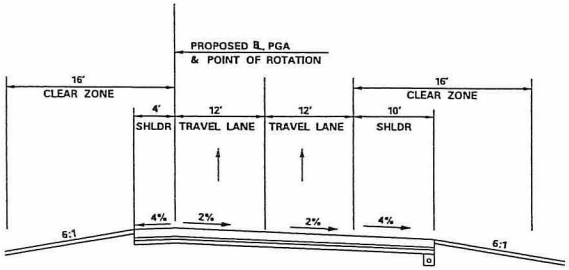


TYPICAL TWO-LANE ROADWAY WITH SIDEWALK

N.T.S.

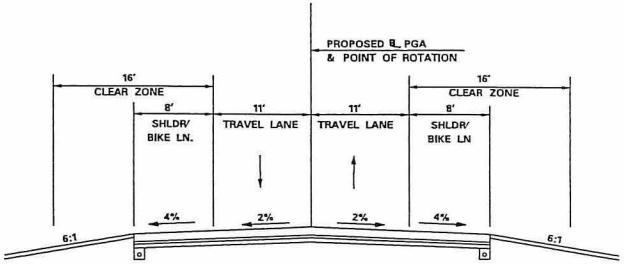
POWER CENTER DRIVE
LEIPSIC ROAD CONNECTOR

NOTE: SIDEWALK ON ONE SIDE OF THE ROADWAY. LOCATION TO BE DETERMINED.



TYPICAL TWO LANE, ONE WAY C-D ROAD SECTION

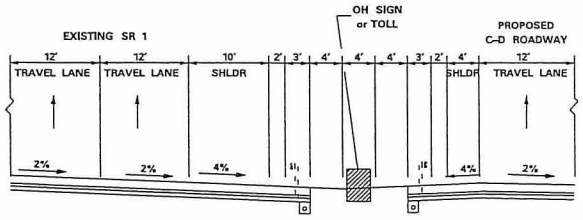
N.T.S.



TYPICAL TWO-LANE ROADWAY WITHOUT SIDEWALK

N.T.S.

POWER CENTER DRIVE
LEIPSIC ROAD CONNECTOR

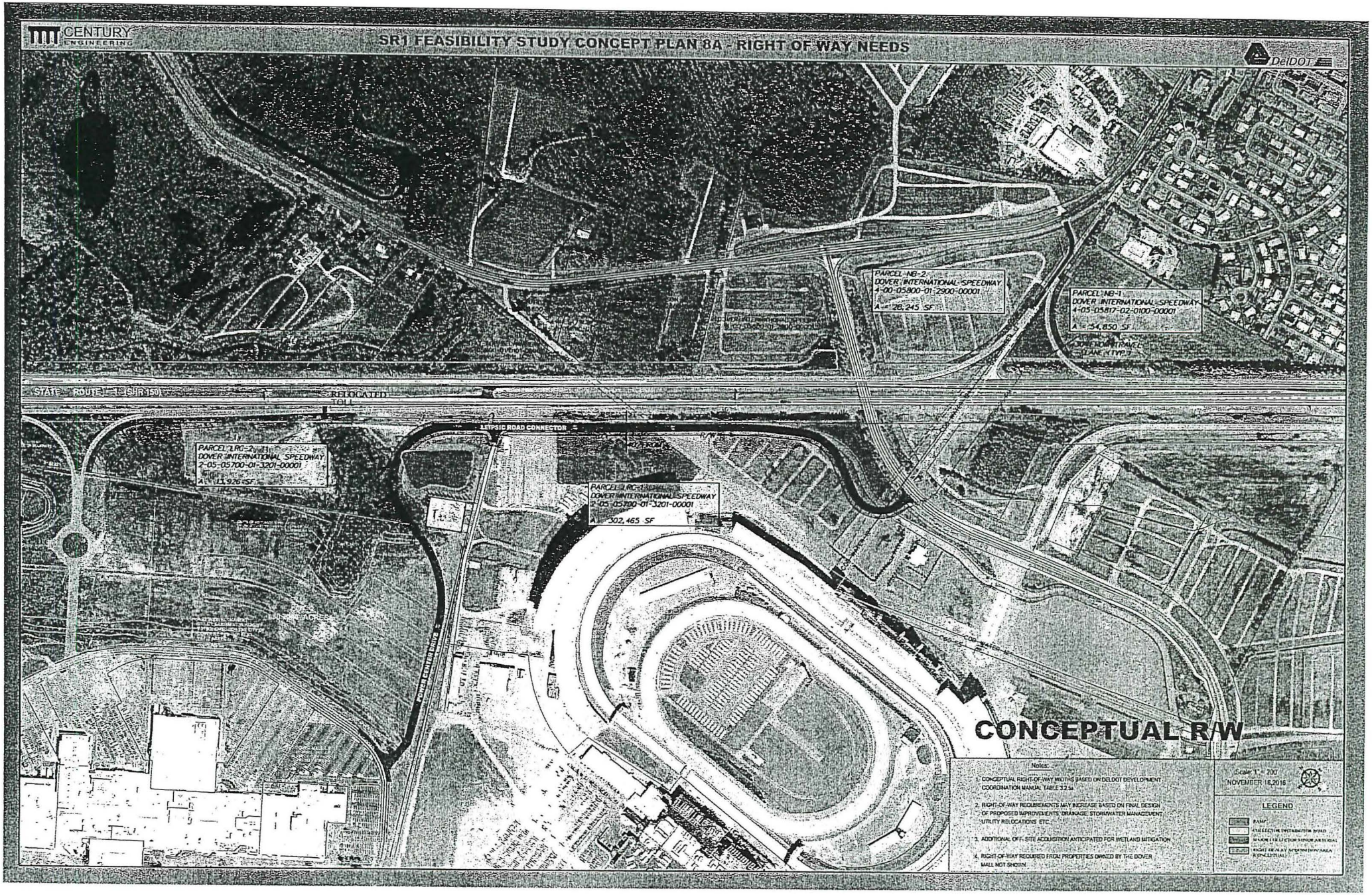


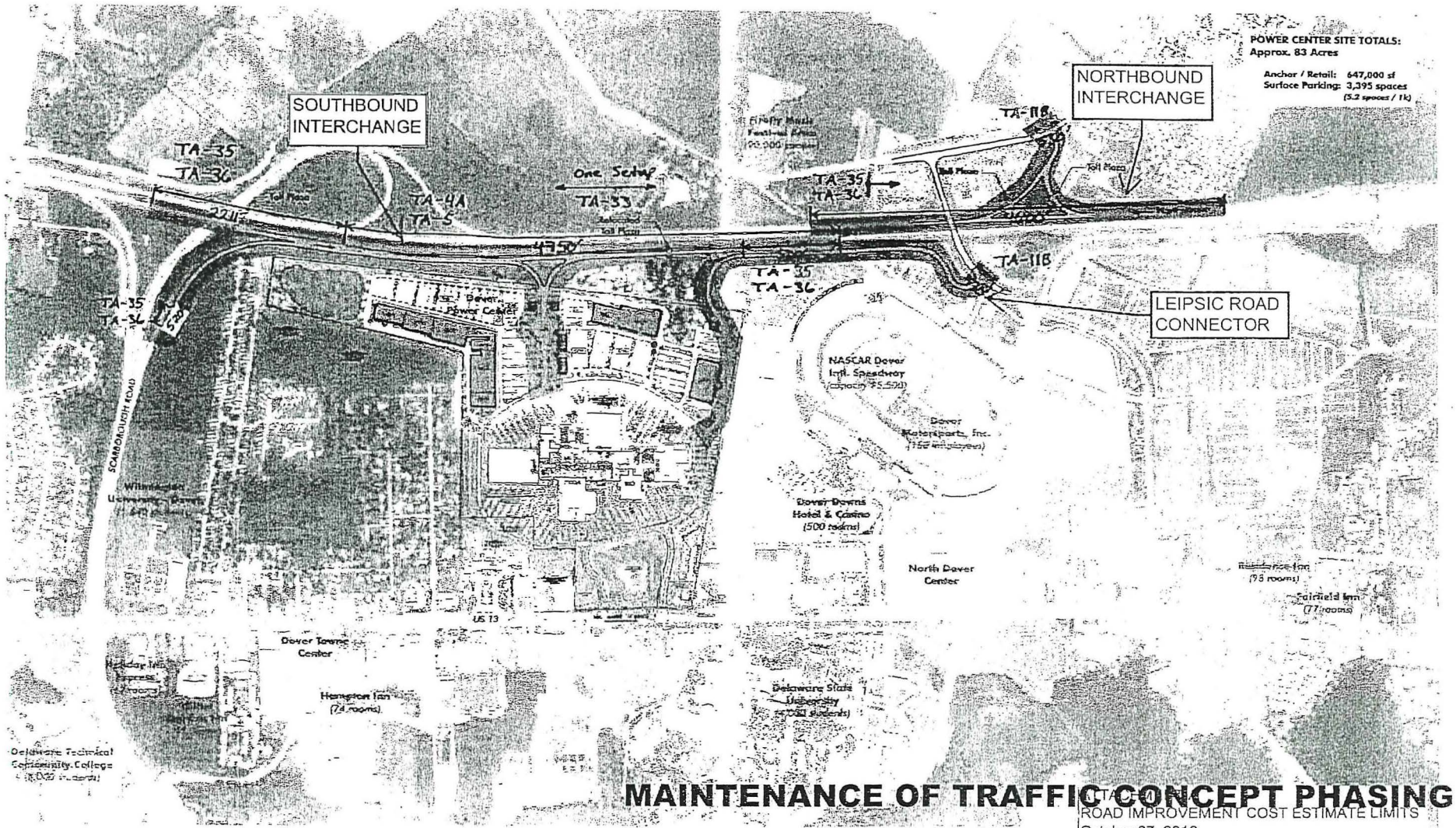
SR 1 AND C-D ROAD

N.T.S.

DELAWARE DEPARTMENT OF TRANSPORTATION	ADDENDUMS / REVISIONS	NOT TO SCALE	SR1 SCARBOROUGH ROAD C-D FEASIBILITY STUDY	CONTRACT xx-xxx-xx	BRIDGE NO. X	DRAFT TYPICAL SECTIONS FEBRUARY 2016	SHEET NO. 1
				COUNTY KENT	DESIGNED BY:		TOTAL SHTS. 1
					CHECKED BY:		

12/1/2015
I:\PROJECTS\145013.00 (DelDOT Agrmt 1705 DOTS Open-End\145013.10 (Task 10 SR1 C-D Feasibility Study\CADD Files\1s.dgn
10:41:41 PM


CENTURY ENGINEERING
SR1 FEASIBILITY STUDY CONCEPT PLAN 8A - RIGHT OF WAY NEEDS
DelDOT
PARCEL NB-2
DOVER INTERNATIONAL SPEEDWAY
4-00-05800-01-2900-00001
A = 26,245 SF
PARCEL NB-1
DOVER INTERNATIONAL SPEEDWAY
4-05-05817-02-0100-00001
A = 34,850 SF
STATE ROUTE 1 (SR 1)
RELOCATED TOLL
LEIPSIC ROAD CONNECTOR
PARCEL 1RC-2
DOVER INTERNATIONAL SPEEDWAY
2-05-05700-01-3201-00001
A = 11,926 SF
PARCEL 1RC-1
DOVER INTERNATIONAL SPEEDWAY
2-05-05700-01-3201-00001
A = 302,465 SF
POWER CONVERTING
CONCEPTUAL R/W
Notes:
1. CONCEPTUAL RIGHT-OF-WAY WIDTHS BASED ON DELDOT DEVELOPMENT COORDINATION MANUAL TABLE 32.1a
2. RIGHT-OF-WAY REQUIREMENTS MAY INCREASE BASED ON FINAL DESIGN OF PROPOSED IMPROVEMENTS, DRAINAGE, STORMWATER MANAGEMENT, UTILITY RELOCATIONS, ETC.
3. ADDITIONAL OFF-SITE ACQUISITION ANTICIPATED FOR WETLAND MITIGATION
4. RIGHT-OF-WAY REQUIRED FROM PROPERTIES OWNED BY THE DOVER MALL NOT SHOWN
Scale: 1" = 200'
NOVEMBER 18,2016
LEGEND
RAMP
EXISTING INTERSECTION ROAD
MAINLINE (CONSTRUCTION SINGLE ARTERIAL)
RIGHT-OF-WAY (CONSTRUCTION) AREA (CONCEPTUAL)



Proposed Site Context Plan

WESTERN DEVELOPMENT
1228 31st Street NW
Suite 200
Washington, DC 20007
t 202.295.3042

Dover Entertainment District

September 6, 2016

BCT ARCHITECTS
one charles center
100 n charles street 18th floor
baltimore, maryland 21201
t 410.837.2727

JACOBS

Memorandum

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Date	November 4, 2016
Attention	Delaware Department of Transportation
From	Rick Gobeille
Subject	**SR1 Scarborough Road C-D Roads Revenue Analysis – REVISED (Based on new information)**
Copies to	Phil Eshelman

Jacobs is pleased to submit this memorandum summarizing the potential toll revenue impact on the SR1 Toll Road from the commercial development activities and collector-distributer road (C-D Roads) improvements in the area of the SR1 Scarborough Road Interchange.

The analysis followed a logical progression from data collection, data analysis, forecasting model development, and results. This memo documents the analysis in the same order with a brief discussion of the project and the scope of work to provide context.

This is an Order-of-Magnitude estimate and is intended to provide a basis for making decisions on further pursuing the project. The results provide a range of potential revenues based on changed several key assumptions. This revenue analysis is suitable for planning efforts but not for financing and cannot be used in any public or private offering.

Scope of Work

Jacobs was retained to prepare a planning level analysis of the potential additional toll revenues that may be generated as a result of the proposed roadway projects that includes Scarborough Road C-D ramp and new ramps at Persimmon Tree Lane. These roadway improvements will complement the development of new commercial space adjacent to the existing Dover Mall as well as current and proposed developments in the area. In addition, we were asked to perform a sensitivity analysis on toll rates on the Base Case Alternative.

The roadway improvements are shown in Figure 1. It is understood that the C-D Roads will employ all electronic tolling (AET) and offer more direct access to the Dover Mall Complex as well as other amenities within close proximity. The figure also identifies the new development adjacent to the existing Dover Mall, including approximately 647,000 more square feet of retail space.

Figure 1: Proposed SR-1 Improvements

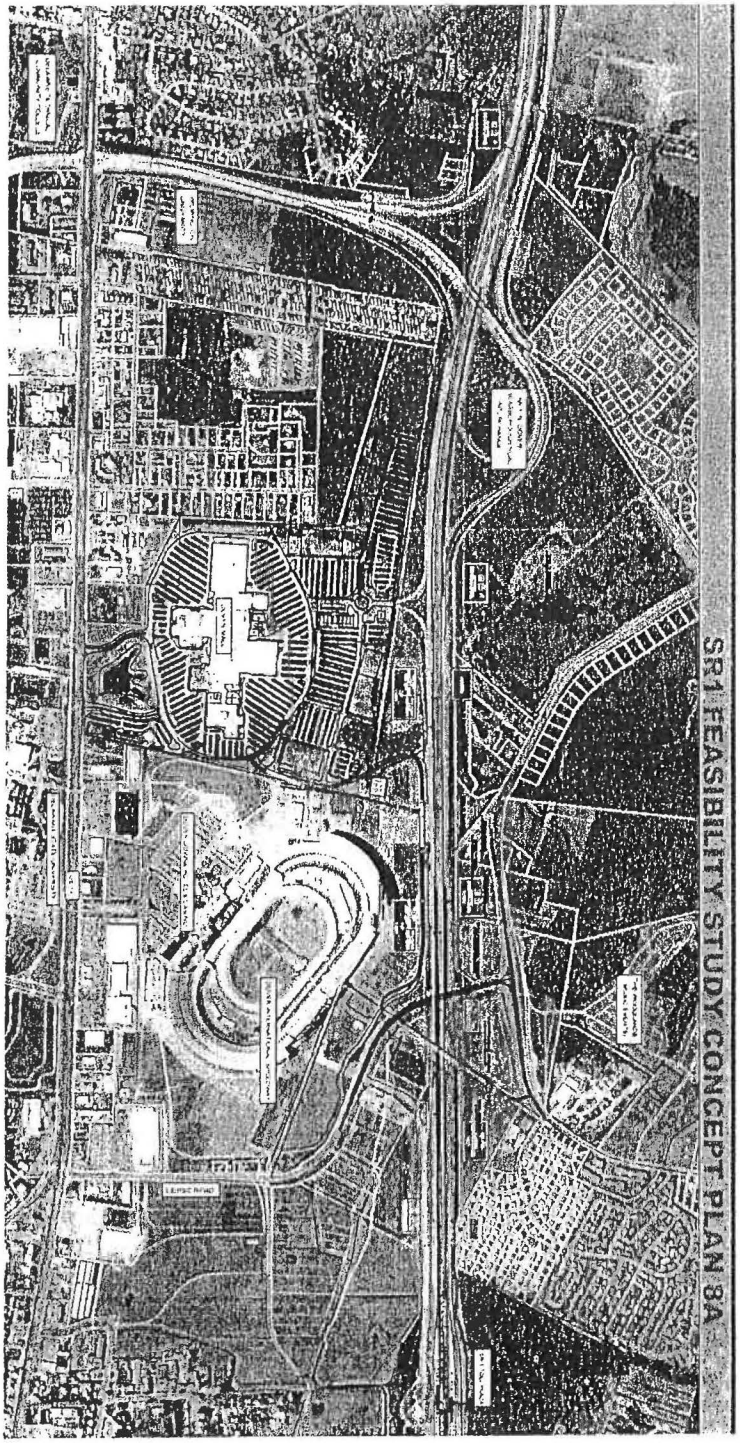
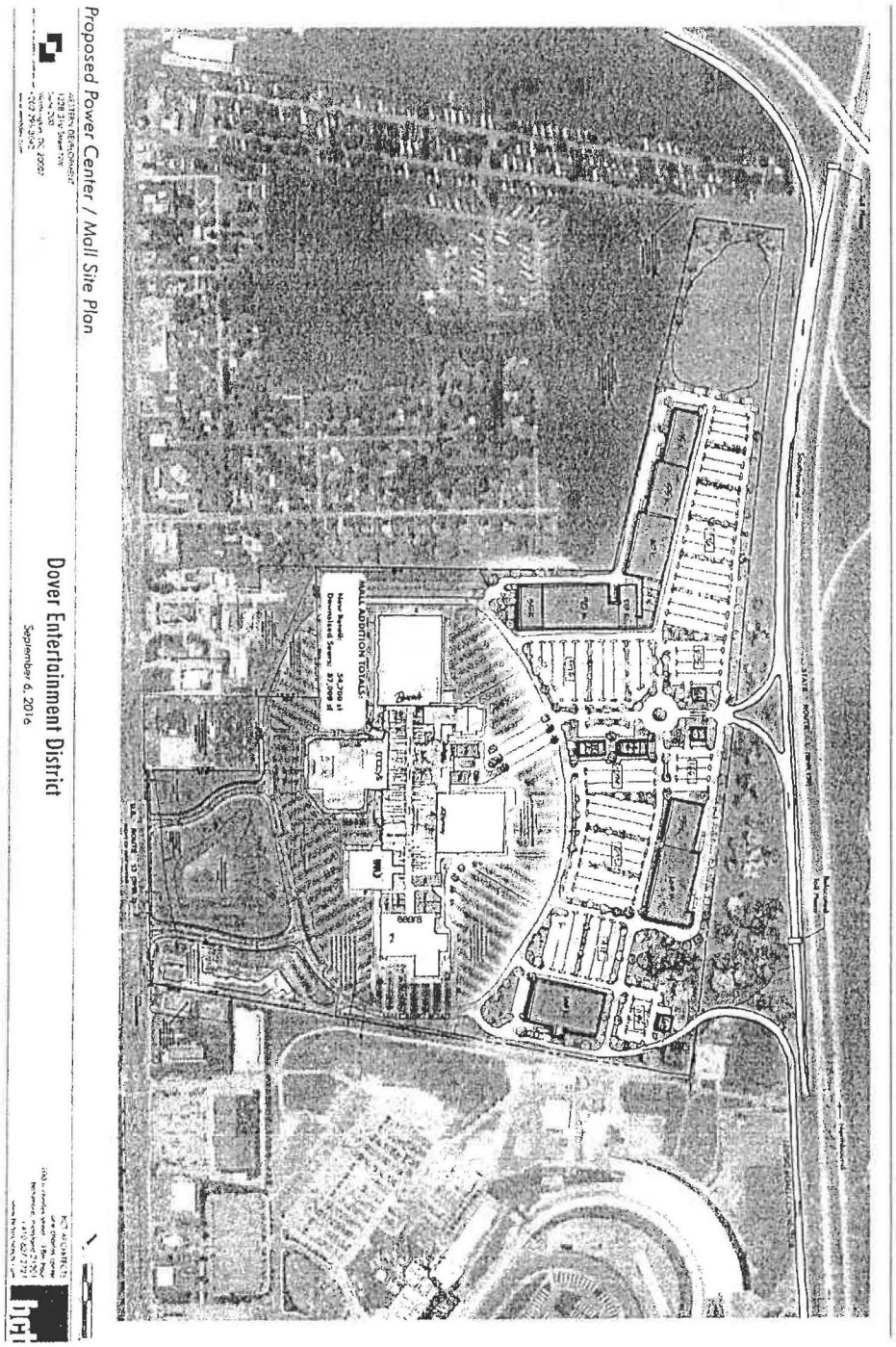


Figure 2: Proposed Dover Mall Improvements



Data Collection

The data Jacobs received for this analysis is detailed in Table 1. This included various concept plans for the development, traffic data for both the existing toll plazas and mall traffic, and various other reports and analysis.

Table 1: Data Received

File	Date	Description
Prelim Toll Estimate by TRC 02.18.16.pdf	2/18/2016	Estimates annual toll revenue generated on the facility due to development.
SR1 Scarborough Road C-D Roads Feasibility Report 04.20.16.pdf	4/20/2016	Feasibility report of Concept 8A for the proposed C-Ds, finding them a viable alternative.
Figure 1 Concept Plan 8A 36 x 72 s.pdf	-	Plan layout of the preferred C-D concept.
Figure 4 Traffic Volume Forecasts 2040 PM Peak Hour Concept 8A.pdf	2/18/2016	2040 Traffic Projections provided by DelDOT
TrafficReportFromJune2015-June2016 for Century Revision 07.14.16.xlsx	7/14/2016	Daily Traffic and Revenue report for SR1 from 6/2015 to 6/2016 provided by DelDOT
sr1-meeting-notes-20160712.pdf	7/12/2016	Brief notes from meeting regarding proposed C-D concept
trip-comparison-table.pdf	-	existing Dover Mall traffic vs. ITE trip rates
Casino-visitors.pdf	7/11/2016	Annual Dover Downs and Casino visitor estimates per CEO of same
DelDOT-toll-roads.pdf	6/1/2004	Map of DelDOT toll roads
148th Gen Assembly SS 1 for SB 160 Bond Bill FY 2016 Sec 133 HL.pdf	-	Excerpt from SB160 directing DelDOT to study Collector-Distributor Road/Modification to Scarborough Road Interchange
DelDOT 301 Updated Report 5.22.15 w.appendices & Letter.pdf	9/9/2015	Updated T&R report for US 301 (Jacobs)

In addition, Jacobs collected other readily available data as shown in Table 2. These data included historical traffic counts, travel times, peak period factors for trip generation rates, and others as detailed. The received and obtained data represent the foundation of the analysis.

Table 2: Data Obtained

Data	Description	Source
Travel Time	Travel times for various routes in Dover to the Mall via build and no-build conditions	Google Maps
Traffic Counts	Historical traffic counts for region	DelDOT website
Maps	KMZ/pdf files showing Dover Mall and origin points for determining travel times	Google Earth

Table 3: New Data Obtained

Data	Description	Source
Dover Mall Improvements	Revised Power Center layout depicting the expansion of the Dover Mall (Figure 2)	Kenneth Mackiewicz
Demographic Information	Information regarding square footage of local existing retail, casino, lodging, and university attendance	Pamela Wessling
Revised Turning Movements	Updated DelDOT 2040 traffic volume projections considering updated revised Power Center layout	Mike DuRoss

Data Analysis

The data received and obtained were analyzed for the development of assumptions into the forecasting model. This analysis included an understanding of existing traffic and revenue, trip generation rates, travel times, and historical traffic growth. In this section those metrics are reviewed.

Existing Traffic and Revenue

The Scarborough Road ramp toll plaza adjacent to the proposed C-D Roads provides the current access from the north to US13 and the many commercial developments and institutional facilities in the North Dover area. For traffic from the south, the Dover mainline toll plaza is the tolling point. E-ZPass customers are offered a discount for such movements from the south via gantry reads on the non-tolled ramps. For this analysis it is assumed that the toll schedules at these plazas will remain static throughout the forecast period, however, a sensitivity analysis has been performed to present the effects to the Base Case if toll rates are revised. These toll schedules are provided in Table 4.

Table 4: Toll Plaza Toll Rates

Payment Class	2 axle		5 axle	
	Weekday	Weekend	Weekday	Weekend
Dover Mainline Toll Schedule				
Cash	$1.00	$3.00	$2.50	$3.00
E-ZPass	$0.50	$1.50	$1.88	$2.25
Freq	$0.25	$0.75	N/A	N/A
Scarborough Road/North Dover Toll Schedule				
Cash	$0.50	$0.50	$2.50	$2.50
E-ZPass	$0.25	$0.25	$1.88	$1.88
Freq	$0.13	$0.13	N/A	N/A

Another important data point for the analysis is the current traffic levels and toll revenue at the Scarborough Road ramp toll plaza. Table 5 presents the average daily traffic and annual revenue detailed by weekday and weekend days for FY16, which runs from July 1, 2015 to June 30, 2016.

Table 5: FY16 Traffic and Toll Revenue at Scarborough Road Ramp Toll Plaza (Unofficial)

Metric	Weekday	Weekend	Total
Average Daily Traffic	14,900	10,600	13,700
Annual Revenue	$1,660,000	$496,000	$2,156,000

Trip Generation Rates

The next key data point is the estimated demand at the existing Dover Mall, the trip generation rates for similar facilities and the proposed development in the Complex. Table 6 presents this data. From the data Jacobs received, PM peak hour traffic counts at the mall were 1,168 and 2,263 for weekday and weekend days respectively. Based on relationship between peak hour and daily traffic at 10% per ITE trip generation rate tables, the weekday and weekend daily traffic is estimated to be 11,680 and 22,630

respectively. Comparing these data to the existing toll plaza ramp traffic, the maximum contribution of ramp traffic to mall traffic can be calculated. It is evident that during weekdays it is possible that all ramp traffic has a destination at the mall. Note that it is mathematically possible, yet not probable considering all other potential traffic destinations in the Dover area. Considering the retail area of the existing Dover mall, in comparison to the total retail, casino, lodging, and university areas in the immediate area as provided to Jacobs, the existing percentage of traffic at the Dover mall coming from the existing Scarborough ramp is likely less than 20%, An additional indication of the source of existing Dover mall traffic is that currently on the weekend, traffic demand at the mall outpaces the ramp traffic, showing that the majority of the traffic does not come from the toll plaza ramp. These data are keys to understanding the current and future percent share that may access the Complex via the toll road.

Table 6: Weekday and Weekend Traffic Estimates at the Mall and Toll Plaza

Metric	Weekday	Weekend
Peak Hour Existing Dover Mall Entries and Exits (March 2014 Traffic Counts)	1,168	2,263
Estimated K Factor	10%	10%
Estimated AADT at Existing Dover Mall	11,680	22,630
Existing Ramp Traffic	14,915	10,565
Max. Percent of Mall at Ramp	100%	47%
Max. Percent of Ramp at Mall	78%	100%

In addition to the data that was collected regarding traffic counts at the Dover Mall, the trip generation rates for a similar facility (same square footage, type of business) was provided to Jacobs to make a comparison. The traffic generation at the current Dover Mall is much less than ITE trip generation estimates. Table 7 compares the existing traffic counts and estimated counts via the trip generation guidelines. These data are critical in the development of alternatives analyzed to understand the impact on revenue deriving from these assumptions. Estimated traffic counts are about 130 percent more than actual during the weekday and 65 percent more than actual weekend.

Table 7: Trip Generation Rate Comparison

Metric	Weekday	Weekend
Peak Hour Existing Dover Mall Entries and Exits (March 2014 Traffic Counts)	1,168	2,263
ITE Trip Rates (for Existing 934,153SF Dover Mall)	2,677	3,736
ITE Trip Rates/Existing Traffic Counts-1	129%	65%

Travel Time Analysis

To aid in the analysis, a survey of travel times between various origins and the Dover Mall Complex was developed via online mapping applications for the existing and build conditions. This analysis allows for the understanding of how motorists currently use the toll road and how they may use the toll road in the future. Table 8 presents these comparisons. Dover Mall is the destination for all origins. As can be seen, there is limited time savings currently for the chosen origins, which are in close proximity to Dover. Of course for long distance trips from the north (southbound), the toll road is the only viable alternative. In the build condition there is estimated to be slightly more travel time savings as the circuitous route via Scarborough Road is removed. More detail of this analysis is provided in the Appendix.

Table 8: Travel Time Comparisons

Metric			No Build					Build C-D Roads			
Origin	Day	Time of Day	US13 Travel Distance (mi)	US13 Travel Time (min)	SR1 Travel Distance (mi)	SR1 Travel Time (min)	SR1 Time Savings vs. US13 under no Build	SR1 Travel Distance (mi)	SR1 Travel Time (min)	SR1 Time Savings Due to Build	SR1 Time Savings vs. US13 Due to Build
Northbound											
Dover AFB (13th St entrance)	Wednesday	800	6.5	15	10	14	1	7.3	11	3	4
Dover AFB (13th St entrance)	Wednesday	1100	6.5	15	10	15	0	7.3	11	4	4
Dover AFB (13th St entrance)	Wednesday	1700	6.5	18	10	15	3	7.3	11	4	7
Dover AFB (13th St entrance)	Saturday	800	6.5	13	10	14	-1	7.3	11	3	2
Dover AFB (13th St entrance)	Saturday	1100	6.5	15	10	15	0	7.3	11	4	4
Dover AFB (13th St entrance)	Saturday	1700	6.5	15	10	15	0	7.3	11	4	4
Cooper Circle (DE8 & DE9)	Wednesday	800	6.7	14	8.9	14	0	6	10	4	4
Cooper Circle (DE8 & DE9)	Wednesday	1100	6.7	15	8.9	16	-1	6	10	6	5
Cooper Circle (DE8 & DE9)	Wednesday	1700	6.7	16	8.9	15	1	6	10	5	6
Cooper Circle (DE8 & DE9)	Saturday	800	6.7	14	8.9	15	-1	6	10	5	4
Cooper Circle (DE8 & DE9)	Saturday	1100	6.7	15	8.9	17	-2	6	10	7	5
Cooper Circle (DE8 & DE9)	Saturday	1700	6.7	15	8.9	15	0	6	10	5	5
Camden (SR10 & US13)	Wednesday	800	7.1	17	11.4	17	0	8.5	14	3	3
Camden (SR10 & US13)	Wednesday	1100	7.1	17	11.4	19	-2	8.5	14	5	3
Camden (SR10 & US13)	Wednesday	1700	7.1	20	11.4	18	2	8.5	14	4	6
Camden (SR10 & US13)	Saturday	800	7.1	16	11.4	17	-1	8.5	13	4	3
Camden (SR10 & US13)	Saturday	1100	7.1	18	11.4	19	-1	8.5	14	5	4
Camden (SR10 & US13)	Saturday	1700	7.1	17	11.4	18	-1	8.5	14	4	3
Southbound											
Smyrna (US13 & DE6)	Wednesday	800	9.2	18	10	17	1	9.2	13	4	5
Smyrna (US13 & DE6)	Wednesday	1100	9.2	18	10	17	1	9.2	13	4	5
Smyrna (US13 & DE6)	Wednesday	1700	9.2	20	10	17	3	9.2	13	4	7
Smyrna (US13 & DE6)	Saturday	800	9.2	17	10	16	1	9.2	13	3	4
Smyrna (US13 & DE6)	Saturday	1100	9.2	20	10	18	2	9.2	13	5	7
Smyrna (US13 & DE6)	Saturday	1700	9.2	19	10	18	1	9.2	13	5	6

Forecasting Model Development and Results

The forecasting model was developed to understand the range of potential revenue increase that may occur with the planned commercial development and the improved access to the existing and planned development via the C-D Roads.

Through the course of the data collection and analysis the most salient assumptions that would drive the additional traffic and toll revenue emerged as follows:

1. How much traffic will be generated based on new commercial development;
2. How much traffic will be generated based on the existing development; and
3. How much of the new demand will access the new development via the toll road?

With this in mind, the project specific forecasting model was developed to allow for sensitivity tests along the lines of those important input assumptions. Table 9 presents options for those different assumptions. For trip generation it was assumed that either the current rate of trip generation per square foot would apply in the future or a higher demand would be relevant. These were applied independently to the existing and new developments. The percent of mall traffic that would use the toll road was also varied as shown in the table, with the assumption that additional and improved retail at the Dover mall may increase traffic from outside destinations accessing from SR1. Previously, Option 1 assumed 35% may access the Mall during weekends, however, through further analyzing existing mall access in comparison to existing weekend ramp traffic, in relation to newly provided information regarding the area of existing retail, lodging, casino, and university, a reasonable assumption after development is 25%.

Table 9: Assumption of Analysis

Assumptions	Options	
	1	2
Trip generation for new development	Current Traffic Rates	ITE Trip Rates
Trip generation for existing development	Current Traffic Rates	ITE Trip Rates
% of new demand coming from SR1 (Weekday/Weekend)	35%/25%	50%/50%

Additional assumptions of the analysis include the following:

1. The toll gantries at the new C-D Roads will be AET
2. The toll schedule will include a video that has a 40% surcharge for cars and 20% surcharge for trucks matching recent T&R studies for DelDOT
3. Leakage rates of 40 percent for non-EZ-Pass transactions at AET plazas per nationwide experience
4. Annual growth rate of 1 percent matching historical traffic counts in the area
5. Implementation year of 2018
6. Current toll schedule will remain in place for the full forecast
7. Vehicle and payment class shares will remain static

Assumptions where no analysis has been performed:

1. NASCAR attendance will stabilize at the current rates of attendance during the forecast period

2. We have made no analysis on any impact that new regional casinos could have on Dover Downs. We have assumed current levels of demand will continue for the forecast period.
3. All new retail is constructed, opened and fully occupied during the forecast period of the estimate

Alternatives were developed that ranged from conservative to aggressive varying the assumptions in Table 9. The definition of those alternatives and the resulting estimated additional revenue are provided in Table 10. The potential additional revenues range from $280,000 to $2.0 Million. **The Jacobs base case is Alternative 2, providing about $670,000 in additional revenue in 2018 (assuming the development is there in 2018)**. This additional revenue is additive to the estimated current revenue of approximately $250,000 annually of ramp toll revenue due to mall traffic, which assumes 18 and 11 percent of mall traffic comes from the toll road on weekdays and weekends, respectively, based on an analysis of existing traffic patterns and existing commercial and university areas as provided to Jacobs. Alternative 1, the most conservative case, assumes current trip generation rates and 35 and 25 percent of Complex traffic accessing via the toll road. Alternative 2, the base case, allows for higher trip generation rates for the new development but current rates for the existing and 35 and 25 percent of traffic from the toll road. Alternative 3 increases the percent from the toll road from Alternative 2 to 50 percent. Alternative 4, the most aggressive, assumes increased trip generation for both existing and new development.

Table 10: Alternative Definition and Results, 2018

Assumptions	Alt 1	Alt 2 Base Case	Alt 3	Alt 4
Trip generation for new development	1	2	2	2
Trip generation for existing development	1	1	1	2
% of new demand coming from SR1 (Weekday/Weekend)	1	1	2	1
Total Increased Revenues ($000's)	**$280.0**	**$668.9**	**$1,304.3**	**$2,058.9**

Annual transactions and toll revenue including additional toll revenue by alternative is provided in Table 11 below.

Table 11: Annual T&R and Additional T&R by Alternative

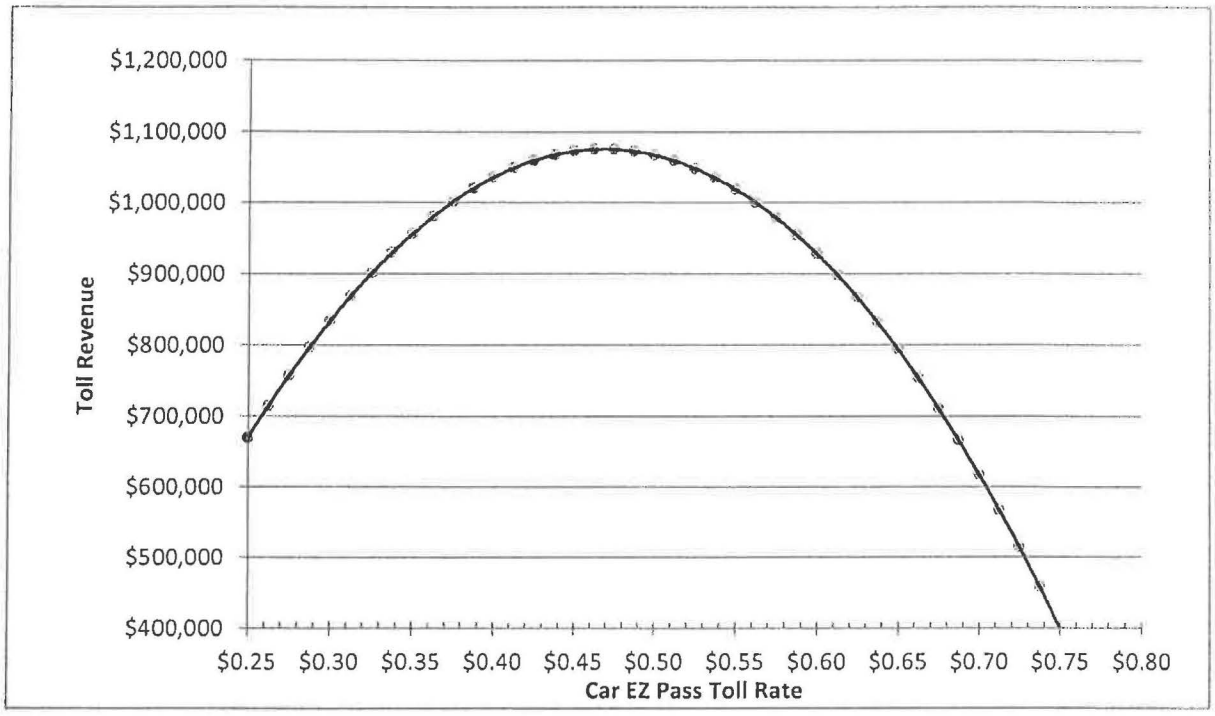
	Annual T&R at SC Ramp Plaza (No Build)		Additional Revenue due to Development at Mall ($000s)			
FY	Transactions (000s)	Revenue ($000s)	Alt 1	Alt 2	Alt 3	Alt 4
2016	4,981.0	$2,148.0				
2017	5,030.8	$2,169.5				
2018	5,081.1	$2,191.2	$280.0	$668.9	$1,188.0	$1,304.3
2019	5,131.9	$2,213.1	$282.8	$675.6	$1,199.9	$1,317.4
2020	5,183.2	$2,235.2	$285.7	$682.3	$1,211.9	$1,330.6
2021	5,235.1	$2,257.6	$288.5	$689.1	$1,224.0	$1,343.9
2022	5,287.4	$2,280.1	$291.4	$696.0	$1,236.3	$1,357.3
2023	5,340.3	$2,302.9	$294.3	$703.0	$1,248.7	$1,370.9
2024	5,393.7	$2,326.0	$297.3	$710.0	$1,261.1	$1,384.6
2025	5,447.6	$2,349.2	$300.2	$717.1	$1,273.7	$1,398.4
2026	5,502.1	$2,372.7	$303.2	$724.3	$1,286.5	$1,412.4
2027	5,557.1	$2,396.5	$306.3	$731.5	$1,299.4	$1,426.5
2028	5,612.7	$2,420.4	$309.3	$738.9	$1,312.3	$1,440.8
2029	5,668.8	$2,444.6	$312.4	$746.2	$1,325.5	$1,455.2
2030	5,725.5	$2,469.1	$315.6	$753.7	$1,338.7	$1,469.8
2031	5,782.8	$2,493.8	$318.7	$761.2	$1,352.1	$1,484.5
2032	5,840.6	$2,518.7	$321.9	$768.9	$1,365.6	$1,499.3
2033	5,899.0	$2,543.9	$325.1	$776.5	$1,379.3	$1,514.3
2034	5,958.0	$2,569.3	$328.4	$784.3	$1,393.1	$1,529.4
2035	6,017.6	$2,595.0	$331.7	$792.2	$1,407.0	$1,544.7
2036	6,077.8	$2,621.0	$335.0	$800.1	$1,421.1	$1,560.2
2037	6,138.5	$2,647.2	$338.3	$808.1	$1,435.3	$1,575.8
2038	6,199.9	$2,673.6	$341.7	$816.2	$1,449.6	$1,591.5
2039	6,261.9	$2,700.4	$345.1	$824.3	$1,464.1	$1,607.5
2040	6,324.5	$2,727.4	$348.6	$832.6	$1,478.8	$1,623.5

Toll Rate Sensitivity Analysis

Jacobs was requested to perform a toll rate sensitivity analysis of the Alternative 2 Base Case scenario, as presented above. We assumed that toll rates at the existing Scarborough ramp would remain as they currently are, and analyzed potential revenues with increased toll rates applied to the newly constructed Scarborough Road C-D ramp and new ramps at Persimmon Tree Lane. As toll rates increase on the newly constructed ramps total revenue increases, however the increased toll eventually becomes cost prohibitive to drivers and they may choose to instead exit at the existing Scarborough ramp which maintains the lower current rates. The figure below represents the potential revenues resulting from increased toll rates.

The sensitivity analysis has resulted in a maximum toll rate of between $0.45 and $0.50 cents for EZ Pass cars exiting at the new ramps. As toll rates continue above this rate, revenues decline as traffic shifts more to the existing Scarborough Ramp. Should higher toll rates be pursued by DelDOT, an optimal toll rate would lie between the current and maximum rates presented, providing flexibility to further adjust the rate as necessary.

Figure 3: Toll Rate Sensitivity Analysis



Limits and Disclaimers

It is Jacobs' opinion that the traffic and gross toll revenue estimates provided herein are reasonable and that they have been prepared in accordance with accepted industry-wide practice for an order-of-magnitude level study. However, it is important to note the following assumptions which, in our opinion, are reasonable:

- This report presents the results of Jacobs' consideration of the information available as of the date hereof and the application of our experience and professional judgment to that information. It is not a guarantee of any future events or trends.
- The traffic and gross toll revenue estimates will be subject to future economic and social conditions, demographic developments and regional transportation construction activities that cannot be predicted with certainty.

- The estimates contained in this report, while presented with numeric specificity, are based on a number of estimates and assumptions which, though considered reasonable to us, are inherently subject to economic and competitive uncertainties and contingencies, most of which are beyond the control of DelDOT and cannot be predicted with certainty. In many instances, a broad range of alternative assumptions could be considered reasonable. Changes in the assumptions used could result in material differences in estimated outcomes.
- Jacobs' traffic and gross toll revenue estimations only represent our best judgment and we do not warrant or represent that the actual gross toll revenues will not vary from our estimates.
- We do not express any opinion on the following items: socioeconomic and demographic forecasts, proposed land use development projects and potential improvements to the regional transportation network.
- The standards of operation and maintenance on all of the system will be maintained as planned within the business rules and practices.
- The general configuration and location of the system and its interchanges will remain as discussed in this report.
- Access to and from the system will remain as discussed in this report.
- No other competing highway projects, tolled or non-tolled are assumed to be constructed or significantly improved in the project corridor during the project period, except those identified within this report.
- Major highway improvements that are currently underway or fully funded will be completed as planned.
- The system will be well maintained, efficiently operated, and effectively signed to encourage maximum usage.
- No reduced growth initiatives or related controls that would significantly inhibit normal development patterns will be introduced during the estimate period.
- There will be no future serious protracted recession during the estimate period.
- There will be no protracted fuel shortage or significant changes to fuel price during the estimate period.
- No local, regional, or national emergency will arise that will abnormally restrict the use of motor vehicles.

In Jacobs' opinion, the assumptions underlying the projections provide a reasonable basis for the revenue projections. However, any financial projection is subject to uncertainties. Inevitably, some assumptions used to develop the projections will not be realized, and unanticipated events and circumstances may occur. There are likely to be differences between the projections and actual results, and those differences may be material. Because of these uncertainties, Jacobs makes no guaranty or warranty with respect to the projections disclosed in this Study.

APPENDIX

Travel Time Savings When Utilizing Route 1 to Arrive at Dover Mall from Various Destinations

This document evaluates the average time savings travelers may expect when arriving at Dover Mall in Dover, DE from various nearby destinations. Travel times were developed using Google Maps and selecting for various corresponding times of day on both a Wednesday and a Saturday.

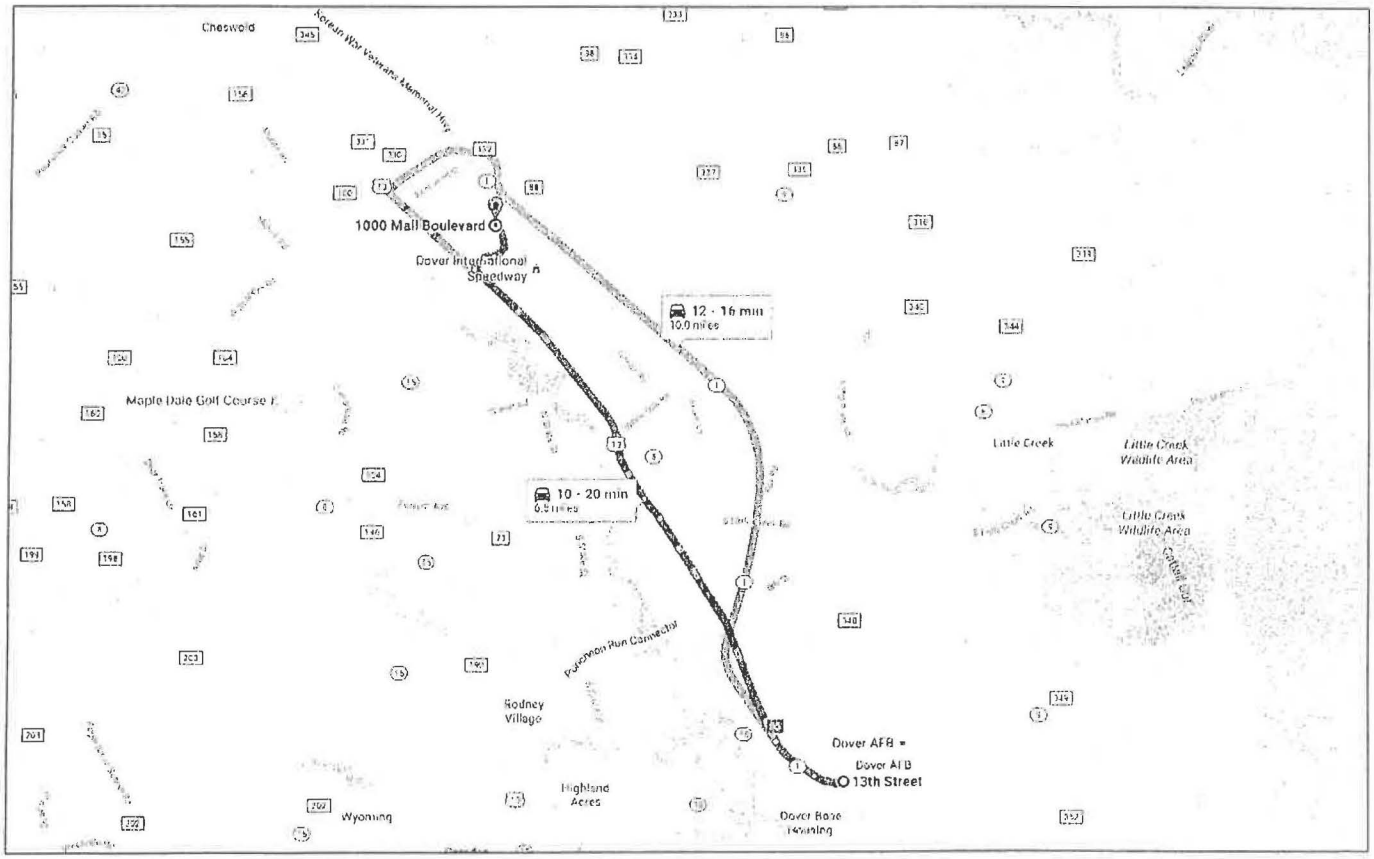
Forecast travel times were first compared using a "No-Build" scenario, in which existing roads and conditions were assumed for both Route 1 and US-13.

To compare travel times for the "Build" scenario, existing conditions were assumed for US-13, as no improvements are planned for that road as part of this forecast. To determine northbound Route 1"Build" travel times, a direct path was selected from the origin to a point perpendicular to Dover Mall. From that point, it was assumed that there would be an additional travel distance of 0.5 miles to reach the mall, and an additional four minutes of travel time due to two assumed traffic lights. To develop "Build" travel times for southbound Route 1 traffic, a direct path along Route 1 was chosen from the origin to a point perpendicular to Dover Mall. From there, an additional 0.5 miles of travel distance and two minutes of travel time (assuming one traffic light) were added to the route.

NORTHBOUND TRAVEL TO DOVER MALL

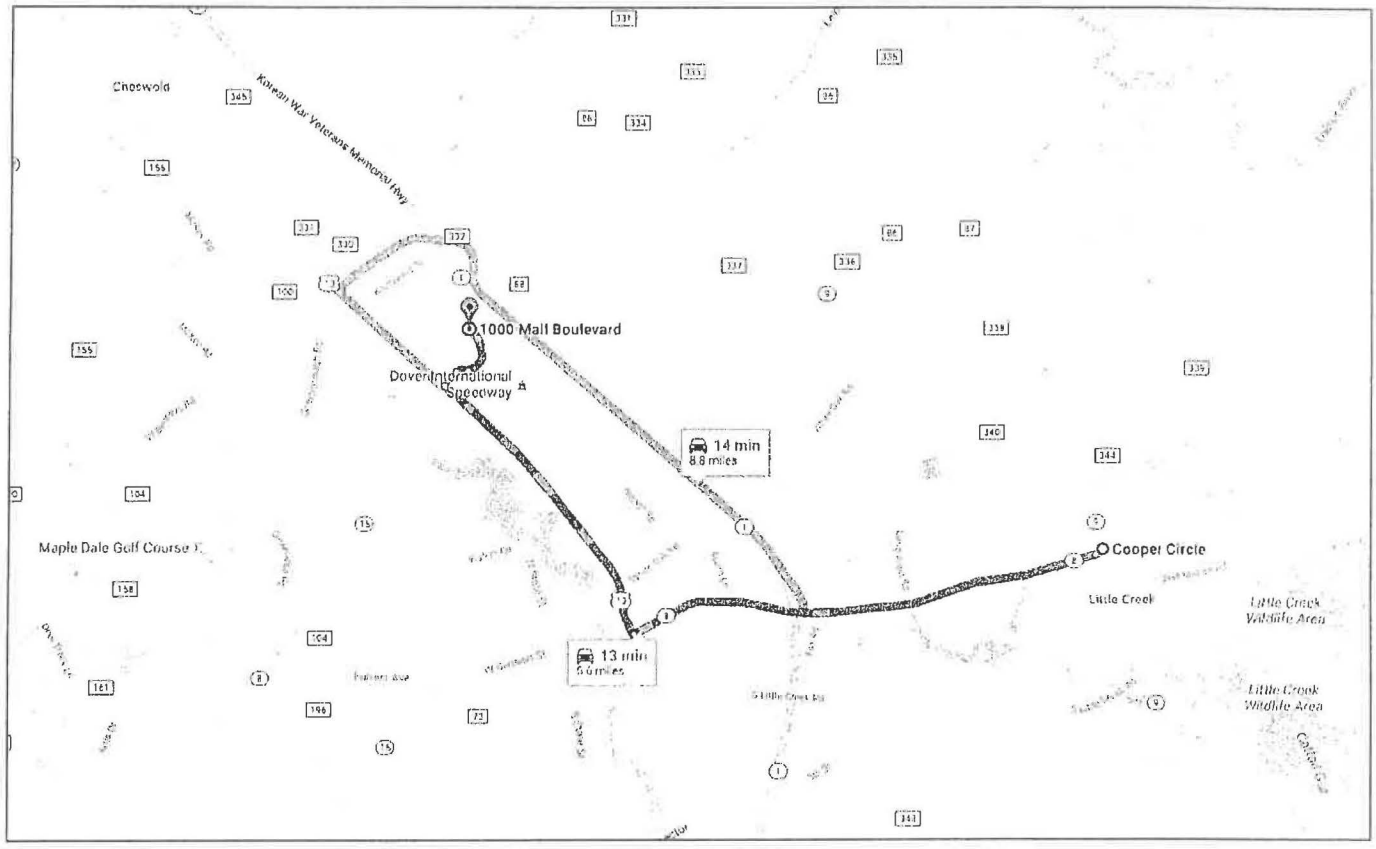
Travel to Dover Mall from Dover AFB

Under the existing (No-Build) scenario, the average time savings for those traveling to Dover Mall from Dover AFB (13th Street access) via Route 1 versus US-13 amount to roughly one minute. Under the Build scenario those same travelers can expect to save four minutes on average. This time savings does not vary significantly between weekdays and weekends.



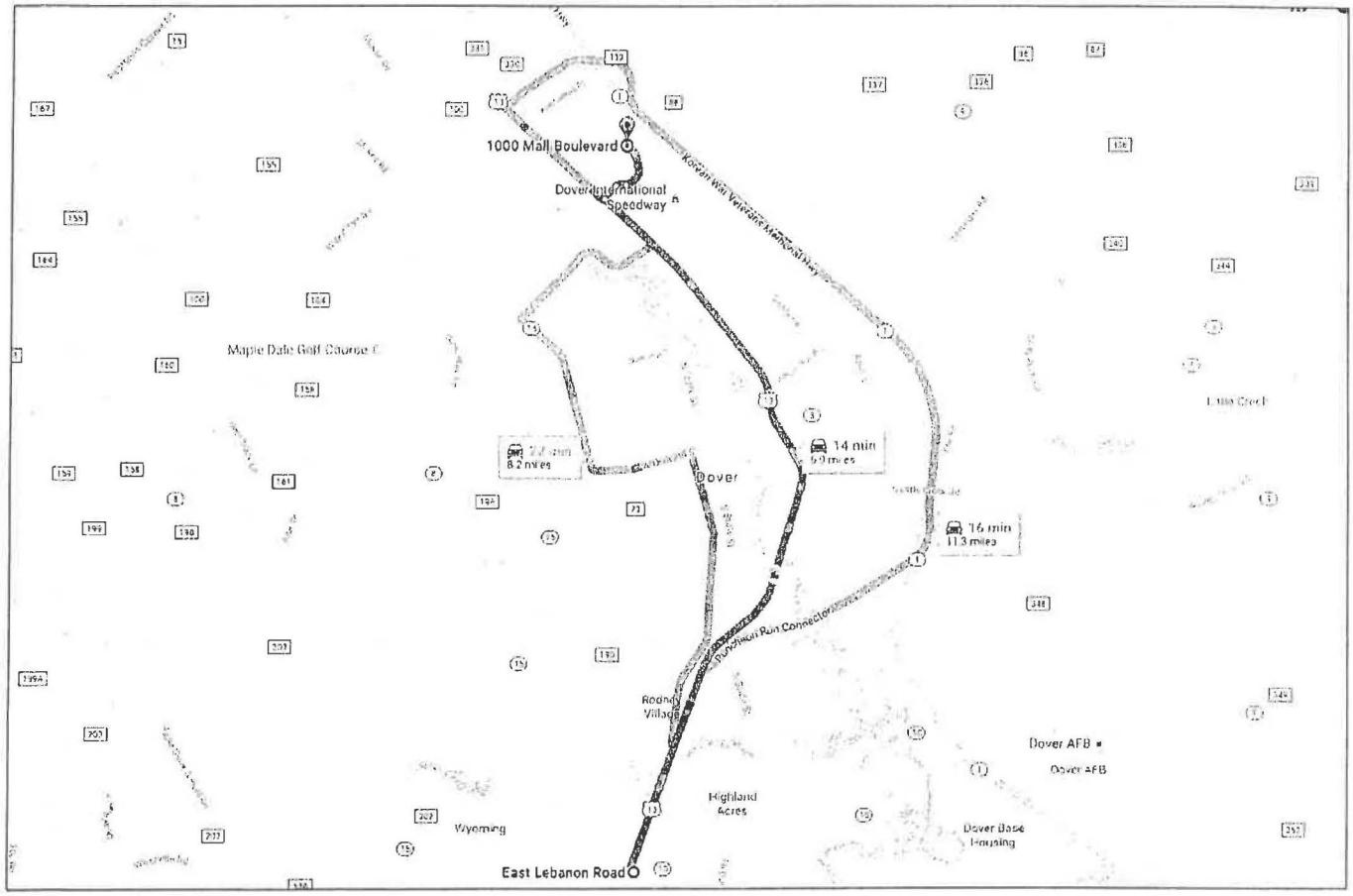
Travel to Dover Mall from Cooper Circle

When traveling from the Cooper Circle area, under the existing (No-Build) scenario, there are no time savings for those traveling to Dover Mall via Route 1 versus US-13. Under the Build scenario those same travelers can expect to save approximately five minutes on average by using Route 1. These travel times do not vary significantly between weekdays and weekends.



Travel to Dover Mall from Camden

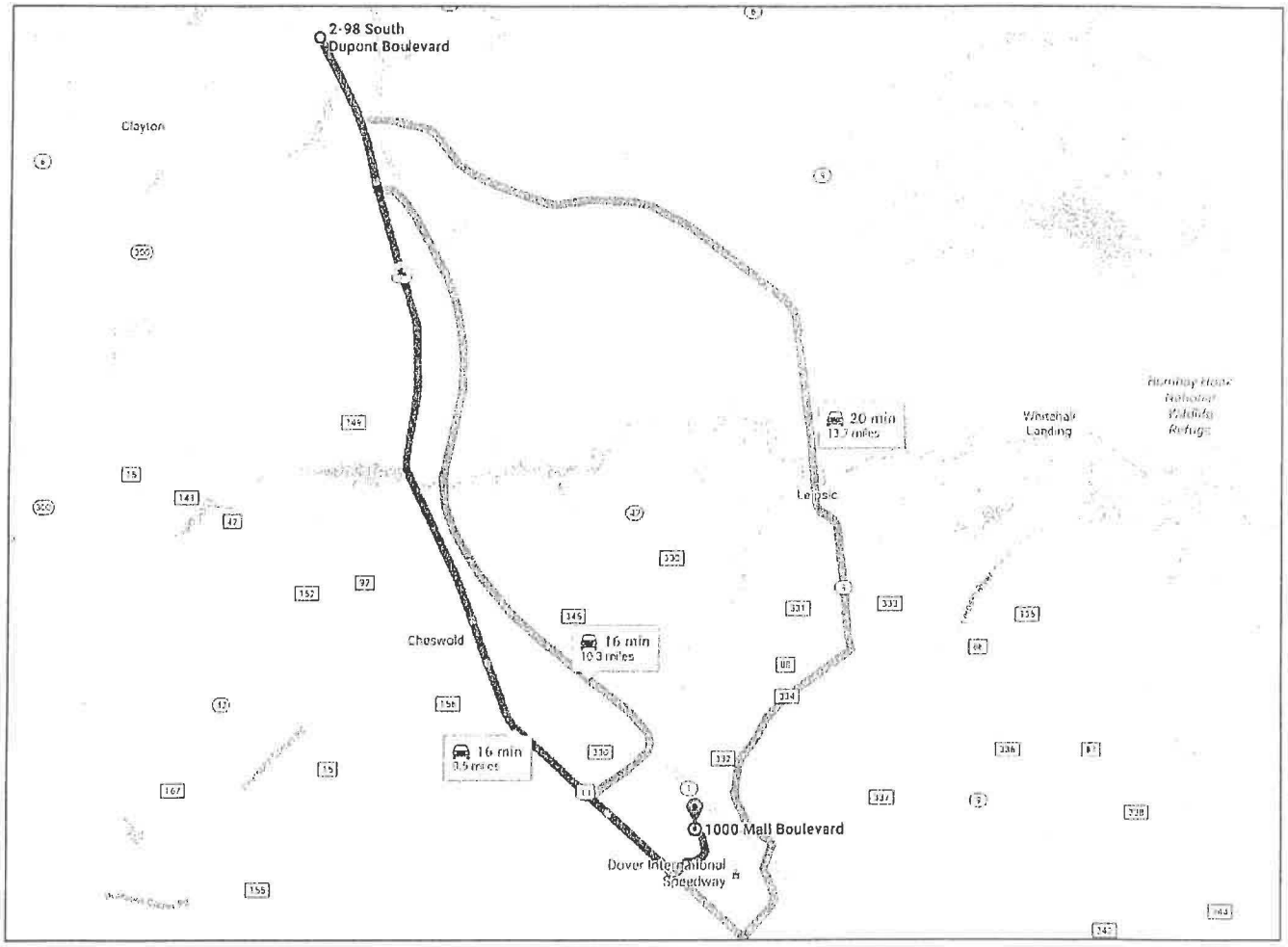
There are no travel time savings to be gained when traveling from the Camden area to Dover Mall via Route 1 under the existing (No-Build) scenario. Under the Build scenario those same travelers can expect to save approximately four minutes on average by using Route 1. These travel times do not vary significantly between weekdays and weekends.



SOUTHBOUND TRAVEL TO DOVER MALL

Travel to Dover Mall from Smyrna

Under the existing (No-Build) scenario, the average time savings for those traveling to Dover Mall from the Smyrna area via Route 1 versus US-13 amount to roughly one minute. Under the Build scenario those same travelers can expect to save almost six minutes on average. This time savings does not vary significantly between weekdays and weekends.



ATTACHMENT #4
Council Committee of the Whole Meeting of 02/14/2017

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(/)

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Tax-Increment Financing

Tax Increment Financing (TIF)

Tax increment financing, or TIF, subsidizes companies by refunding or diverting a portion of their taxes to help finance development in an area or (less frequently) on a project site.

Usually, TIF helps to pay for infrastructure improvements (streets, sewers, parking lots) in the area near a new development. In some states, TIF can also be used for acquiring land (including eminent domain), paying for planning expenses (legal fees, studies, engineering, etc.), demolishing and rehabbing buildings, cleaning up contaminated areas ("brownfields"), or funding job training programs. Some states allow TIF to directly subsidize private development expenses.

How TIF works

TIF is authorized at the state level and administered by local governments. The local government designates an area it wants to target for redevelopment as a "TIF district" (sometimes also called by other names such as tax increment district, or TID).

State law defines the criteria for creating a TIF district. The area may have to meet criteria for blight such as property abandonment, building code violations, or aging housing stock. Many states have expanded their criteria to allow TIF to be used in "conservation areas" at risk of becoming blighted, or in "economic development areas" in which officials hope to encourage more development, create jobs, or increase the tax base. Most states also have a "but for" clause, requiring developers to certify that the project would not go forward "but for" the TIF.

As businesses locate in a TIF district and the area redevelops, the property values rise. Rather than simply collecting the increased taxes from TIF district properties, the city splits the property tax revenues into two streams. The first stream is set at the original amount of the property value before redevelopment, known as the "base rate." This stream continues to go where it did before, typically to the school district or the city's general fund that pays for local services such as police and fire departments.

The second stream contains the additional tax money generated by the higher property value, or the "tax increment." This stream does not go to the city or schools, but is kept separate and used to pay for the redevelopment. In some states and the District of Columbia, increases in sales tax revenues can be diverted as well.

The money a city invests in TIF projects is often obtained through the sale of bonds, which are then repaid over time with the annual tax increment funds. If the incremental revenue is not sufficient to pay off the bonds, the city has to make up the difference. Some cities take a more conservative "pay as you go" approach, spending TIF money only as the tax increment comes in each year. The city may spend the money on improvements itself, or may use the money to repay the developer for improvements the developer already completed.

Accountability and outcomes

Many proponents of TIF argue that improvements made under the program "pay for themselves." That is, cities and towns assume that TIF will spur new development, increase property values, and create new tax revenue that would not have existed otherwise, which will be used to pay off the costs of the development.

This is a risky wager since it assumes that "but for" the TIF, no development would have occurred in the TIF district and property values would have remained unchanged. In reality, it is impossible to know whether a project will successfully generate the anticipated tax increases. It is also difficult to determine whether property value increases that do occur in TIF districts were exclusively the result of the TIF.

The "but for" provision in many TIF laws has already been weakened to allow TIF to be used on almost any project. In most states, TIF was originally intended for use only in areas deemed "blighted" or "distressed" where investment would not otherwise occur. Many states have since loosened their TIF criteria to allow TIF to be used to develop non-blighted and affluent neighborhoods (see Good Jobs First's report *Straying from Good Intentions* (http://www.goodjobsfirst.org/sites/default/files/docs/pdf/straying.pdf) on the weakening of TIF and enterprise zone requirements).

Today it is not uncommon for TIF to finance development in suburbs and even rural areas. TIF increasingly funds big-box retailers and shopping centers that contribute more to sprawl than to poverty reduction. Located far from the urban core, such projects are often inaccessible to inner city residents most in need of jobs.

In the end, the "but for" provisions of state TIF laws often fall by the wayside, allowing TIF to finance development that would happen anyway. This results in a loss of revenue that could have gone to pay for schools and local services. Given that the diversion of taxes continues until the TIF district expires, which is typically 7 to 30 years, the long-term fiscal impact can be quite significant.

TIF can be improved by restricting the program's use to truly blighted areas, and by requiring projects to meet community needs such as affordable housing, job training, and the creation of quality jobs that provide family-supporting wages and benefits to local residents. TIF developers should be required to file annual, publicly-available reports showing their compliance with these obligations. Every TIF agreement should also contain a clawback clause requiring developers to pay back all or part of the subsidy if they fail to meet their job, wage, and other responsibilities.

Researching TIF subsidies

Researching TIF laws and procedures requires looking for documents at several levels of government. Look at the state level to find out if your state authorizes TIF, and what the requirements of the program are. Research at the city and/or county level is required to find out whether local governments add further requirements to TIF programs.

City and county development departments typically have information about TIF districts, including the life of the district, the improvements made, and details on how improvements were funded. Property tax records are public information, and can be obtained for particular companies within the district by contacting the city or county. Sales tax records are typically not public information. For research on TIF proposals, note that state TIF laws usually require cities and towns to hold public hearings before a TIF district or project is approved.

If you are researching the subsidies a company has received, keep in mind that TIF can benefit developments both directly and indirectly. Sometimes TIF districts are set up to lure a particular large company to the area. In such cases, the development agreement with that company or developer often spells out the locality's commitment of the benefits TIF will provide. In other cases, TIF districts may finance improvements that benefit an area generally; in rare cases, states and cities allow TIF funds to be used for improvements that are not within the TIF district at all.

The development agreement may also contain details about how TIF improvements were financed. In some cases in which improvements directly benefit a particular company, that company may put up the money for the improvements and then be repaid over time through rebates of the tax increment portion of their property and/or sales tax (so that the TIF basically functions as a tax abatement).

Resources:

For more on the weakening of TIF laws, see *Straying From Good Intentions: How States Are Weakening Enterprise Zone and Tax Increment Financing Programs* (http://www.goodjobsfirst.org/sites/default/files/docs/pdf/straying.pdf).

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DELAWARE HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. ___

AN ACT TO AMEND CHAPTER 17, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL TAX INCREMENT FINANCING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. AMEND Section 1702(k), Chapter 17, Title 22 of the Delaware Code by striking the figure "50,000" and substituting in lieu thereof the figure "35,000".

Section 2. This Act shall become effective upon its enactment into law.

SYNOPSIS

This amendment to the definition of "municipality" in the Municipal Tax Increment Financing Act would allow the City of Dover to take advantage of the economic development opportunities afforded by the Act.

SPONSOR:

DELAWARE HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. ___

AN ACT TO AMEND CHAPTER 18, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. AMEND Section 1801(4), Chapter 18, Title 22 of the Delaware Code by striking the figure "50,000" and substituting in lieu thereof the figure "35,000".

Section 2. This Act shall become effective upon its enactment into law.

SYNOPSIS

This amendment to the definition of "municipality" in 22 Del. C. § 1801(4) would allow the City of Dover to take advantage of the economic development opportunities afforded by Municipal Special Development Districts.

RESOLUTION

WHEREAS, tax increment financing and special development districts are mechanisms frequently employed by local governments to enable the funding of certain capital improvement and infrastructure development projects which may not occur otherwise; and

WHEREAS, all 50 states in the United States of America have adopted statutes enabling tax increment financing and special development districts in some form; and

WHEREAS, the State of Delaware General Assembly has previously enacted statutes which allow New Castle County and the City of Wilmington, but no other political subdivisions within the State, to utilize tax increment financing and special development districts as funding mechanisms for certain capital improvement and infrastructure development projects; and

WHEREAS, the City of Dover views tax increment financing and special development districts as alternative funding mechanisms with significant potential and utility for certain economic development and community redevelopment projects in both the City of Dover and Kent County, Delaware.

NOW, THEREFORE, BE IT RESOLVED that the City of Dover City Council does hereby resolve to support the enactment of legislation by the Delaware General Assembly that would enable the utilization of tax increment financing and special development districts within both the City of Dover and Kent County, Delaware.

[INSERT SIGNATURE BLOCKS FOR CITY COUNCIL MEMBERS]

City of Dover

MAYOR AND COUNCIL

PROPOSED COUNCIL RESOLUTION NO. 2017-02

A RESOLUTION SUPPORTING THE ENACTMENT OF LEGISLATION BY THE DELAWARE GENERAL ASSEMBLY THAT WOULD ENABLE THE UTILIZATION OF TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS WITHIN BOTH THE CITY OF DOVER AND KENT COUNTY, DELAWARE

WHEREAS, tax increment financing and special development districts are mechanisms frequently employed by local governments to enable the funding of certain capital improvement and infrastructure development projects which may not occur otherwise; and

WHEREAS, all 50 states in the United States of America have adopted statutes enabling tax increment financing and special development districts in some form; and

WHEREAS, the State of Delaware General Assembly has previously enacted statutes which allow New Castle County and the City of Wilmington, but no other political subdivisions within the State, to utilize tax increment financing and special development districts as funding mechanisms for certain capital improvement and infrastructure development projects; and

WHEREAS, the City of Dover views tax increment financing and special development districts as alternative funding mechanisms with significant potential and utility for certain economic development and community redevelopment projects in both the City of Dover and Kent County, Delaware.

NOW, THEREFORE, BE IT RESOLVED that the City of Dover City Council does hereby resolve to support the enactment of legislation by the Delaware General Assembly that would enable the utilization of tax increment financing and special development districts within both the City of Dover and Kent County, Delaware.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2017\DRAFT\RESOLUTION NO. 2017-02 TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS\Resolution No. 2017-02 Tax Increment Financing and Special Development Districts.wpd

ROBIN R. CHRISTIANSEN	TIMOTHY A. SLAVIN
MAYOR	COUNCIL PRESIDENT

Actions History
02/27/2017 - Scheduled for Introduction - City Council

Draft

INDEPENDENCE BOULEVARD TRAFFIC CALMING HISTORY

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on July 27, 2015 at 4:00 p.m. with Chairman Hosfelt presiding. Members present were Mr. Hutchison, Mr. Sudler (arrived at 4:01 p.m.), Mr. Keller, and Mr. Shelton. Members of Council present were Mr. Cole (arrived at 4:01 p.m.) and Mr. Slavin (departed at 4:02 p.m. and returned at 4:03 p.m). Mayor Christiansen was also present (departed at 4:02 p.m. and returned at 4:10 p.m.).

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that updates were requested from the Delaware Department of Transportation (DelDOT) for projects that were put forward as transportation priorities in regard to the Capital Transportation Plan (CTP). She provided updates on these projects, as follows:

Traffic Calming - North State Street / Traffic Calming - Independence Boulevard

Mrs. Townshend indicated that a meeting was held at the end of June to discuss traffic calming in the areas of North State Street and Independence Boulevard. She noted that the meeting included the Mayor, the Chief of Police, other City officials, and representatives from DelDOT. Mrs. Townshend stated that DelDOT had funding available for the planning, outreach, and design aspects of traffic calming in these two areas. She indicated that the City was in the process of providing members for a working group that would work on this project. Mrs. Townshend stated that this item was added to the agenda so that the Committee could have the opportunity to discuss how members wanted to proceed in terms of representation in the working group.

Mr. Slavin stated that word was put out to the North State Street and Independence Boulevard community groups, respectively, to present the names of three (3) potential members who would be part of the working group, and the idea was to bring this to the Committee. He indicated that the working groups were different in nature than the Safety Advisory and Transportation Committee. Mr. Shelton asked if funding had been put aside from DelDOT for the College Road corridor between McKee and Kenton Roads. He noted there are no sidewalks on that road, which has a lot of activity, with runners, bikes, and children. Responding, Mrs. Townshend indicated that the City had listed this area as one (1) of its transportation priorities with the State; however, DelDOT had indicated that they do not have funding allocated. She expressed her opinion that the City should keep pressing for this.

In response to Mr. Sudler, Mrs. Townshend stated that she was not aware of any other sources of income or funding to speed up transportation priorities. She indicated that all federal transportation funds that come to Delaware come through the Department of Transportation and projects are funded with both state and federal funds.

Mr. Sudler asked if Staff had thought about asking Senator Brian Bushweller and Rep. Sean Lynn for assistance. Responding, Mrs. Townshend stated that the State Bond Bill Committee and DelDOT spent a significant effort during this past legislative session looking at ways to fund transportation improvements, noting that available funding was limited and they were doing the best they can with what they have.

In response to Mr. Hosfelt's request for clarification regarding the sidewalks around Dover High School, Mrs. Townshend explained that originally there was no money for any of the sidewalk construction around the school, until approximately 12 months before it opened. Through the efforts of Senator Bushweller; Governor Markell; Anne Visalli, Director of the Office of Management and Budget; and DelDOT staff, approximately $700,000 was found to acquire easements and install sidewalks on the north side of Route 8. Without that, students from Cranberry Run, Heatherfield, Heatherfield East, and Marsh Creek would all have had to be bused to school, because there would have been no safe way for them to walk. DelDOT paid for the design, acquisition cost, and the construction of that sidewalk, as well as the construction of the HAWK signal so that the students could cross the road. Mrs. Townshend advised that a sidewalk gap study was done by the Dover/Kent County MPO which identified all the gaps, including those on the south side of Route 8. It was determined that the north side was the higher priority, because if there were sidewalks on the south side of the road, there would still be a need to bus the students across the street; therefore, the north side was done, and the south side was not. She stated that Mifflin Road was also identified as an important gap as many kids walk from the high school to the Pitts Center to play basketball and there are no sidewalks on this road. Mrs. Townshend informed members that the City had continued to emphasize that the project is not complete just because there are sidewalks on the north side. She indicated that she, along with the MPO staff, participated in a bicycle and pedestrian assessment of Route 8 with the Federal Highway Administration (FHA) more than six (6) weeks ago, and members observed students leaving the school, walking on the south side of the road, and crossing at locations other than the HAWK signal. It was her belief that the FHA would be making a report back to DelDOT about the need to improve safety in that area.

In response to Mr. Sudler regarding the cost of the improvements needed at College Road, Mrs. Townshend advised that the project had not gotten to the point of an estimate. She indicated that a study conducted several years ago examined what needed to be done in a general way but never got to any type of a design, noting the difficulty of obtaining a cost estimate without a design. Responding to Mr. Sudler as to whether consideration had been given to reaching out to the Delaware State University board of trustees to see if they would be willing to donate financial resources to help initiate this exterior infrastructure improvement, Mrs. Townshend indicated that this had not been done, noting that this is a DelDOT road and this would be DelDOT's decision. She stated that Staff could certainly make that connection and start those discussions. Mrs. Townshend noted the possibility; however, she stated that Staff's experience had typically been that unless these types of projects are required as part of transportation improvements through a development project, the landowners prefer not to contribute.

Mr. Hutchison asked if a letter had been written, signed by the Mayor and Council President, outlining the City's concerns pertaining to the sidewalk on the south side of Route 8. Responding, Mrs. Townshend stated that a transportation prioritization memo was sent to the Secretary of Transportation last year and this project was detailed in the text of the memo. It was her recollection that she sent an email to the Secretary recently, but had not heard anything back, other than the previous report that DelDOT had given the City that the project was complete. Mrs. Townshend reiterated that the most recent report stated that the project on the north side was complete and

DelDOT will continue to work with the City and the MPO on the other necessary fixes. She stated her belief that DelDOT realizes that while a portion is complete, the entire job is not done.

Mr. Richard Hudson, 23 Freedom Drive, Bicentennial Village, expressed his concern, with respect to traffic calming at Independence Boulevard, that a few individuals were pushing for this street calming and stated the need to look at safety on that street. He indicated that there were no speed limit signs on Independence Boulevard between Forrest Avenue and Walker Road but there was a 25 mph speed limit sign coming off Walker Road. Mr. Hudson stated that, coming off Forrest Avenue, there are commercial properties on the right and left and behind that an open retention pond, noting that there is almost 1,300 feet before there is a stop sign and there are two (2) houses with small children. Mr. Hudson stated he would like to see some stop signs, perhaps children playing signs, or temporary radar signs put up before trying to block off the street. He stated that this is an arterial street with an 80-foot right-of-way, so it appeared to be a wide open street and suggested that warnings be put there.

Mr. Hudson expressed his concern that the names of those put forward for the working group were three (3) individuals of a minority group and were not representative of the whole. He stated that a petition was circulated which indicated that people did not want the street blocked off. He requested that members look at the concerns of all residents, not just a select few.

For clarification, Mr. Slavin stated that the calming that was being considered was exactly what Mr. Hudson had talked about and would consist of a series of signs or other measures, other than closing the road. Mr. Slavin did not believe that closing the road was being looked at, noting that DelDOT has a catalog of options to calm traffic.

In response to Mr. Sudler, Mr. Hudson stated that he was in favor of putting up signs and warnings and against blocking the road off. He indicated that the minority group that he mentioned previously wanted to block off the road, similarly to what was done in the area of the Camden Wal-Mart. Mr. Hudson indicated that at a recent meeting, the vast majority did not want the road closed off.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on October 26, 2015, at 4:00 p.m. with Chairman Hosfelt presiding. Members present were Mr. Hutchison, Mr. Sudler (arrived at 4:12 p.m.), Mr. Keller, and Mr. Shelton. Members of Council present were Mr. Anderson (arrived at 4:27 p.m.) and Mr. Cole.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that she had received an update on transportation projects from the Delaware Department of Transportation (DelDOT) and there was not much to report since the previous update provided during the Committee's meeting of July 27, 2015. She stated that it was a pleasant surprise that the Bicycle and Pedestrian Program at DelDOT was getting some unexpected funding, which would help with some of the projects on the City's priority list, including planning for the Senator Bikeway, which would help with the construction of sidewalks within the walk zone of the new Dover High

School. Mrs. Townshend noted that U.S. 13 sidewalk construction would also be addressed through this funding.

In regard to matters for future discussion, Mr. Anderson advised members that concerns were heard at a recent neighborhood watch meeting about shots being fired and confusion about how to identify where they are coming from. He stated his understanding that there was a State program called Shotspotter that involved grants and wondered if it had any use or viability. Mr. Anderson stated that the program seemed to have pluses and minuses to it.

Mr. Hosfelt stated his belief that the City of Wilmington had looked into the Shotspotter program at one point.

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on April 26, 2016, at 6:00 p.m., with Mr. Hare presiding in the absence of Council President Slavin. Members of Council present were Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt (departed at 7:14 p.m. and returned at 7:31 p.m.), and Mr. Hutchison. Mr. Anderson and Mr. Lewis were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Keller (*Safety Advisory and Transportation*), Mr. Blakeman and Ms. Stewart (*Utility*), and Mr. Shevock and Ms. Maucher (*Legislative, Finance, and Administration*). Mr. Shelton (*Safety Advisory and Transportation*) was absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

Speed Control Measures - Independence Boulevard

Chairman Hosfelt stated that a working group including neighbors, residents, State Representative Sean Lynn, and staff from the Delaware Department of Transportation (DelDOT) had been working on speed control measures for Independence Boulevard in Bicentennial Village since the Summer of 2015.

Representative Sean Lynn, 31st District, stated that Bicentennial Village is situated in his district. Mr. Lynn advised members that residents had brought forward concerns about speeding through the main corridor of Bicentennial Village and the use of this thoroughfare as an alternative to Saulsbury Road as a north/south connector to avoid more highly trafficked or regulated routes. Based upon a request from the neighborhood, a working group was set up with DelDOT to look at traffic calming measures throughout the neighborhood. Mr. Lynn explained that a radar sign had been put in place and other traffic calming measures were proposed. He indicated that approval was being sought from Council to install these measures in Bicentennial Village, noting that he would pay for this project using his Community Transportation Funds (CTF). Mr. Lynn stated that this project was a portion of a two (2) part traffic calming measure proposal. The second portion, located on North State Street, would be brought forward once it is approved by the working group.

Mr. Tom Dix, 664 Independence Boulevard, member of the Bicentennial Village Civic Association and the working group, stated that he had a stake in this problem due to residing at this location. He stated that, last May, a six (6) day survey was done on his street, and 5,000 - 6,000 cars transited Independence Boulevard on any one (1) day. Mr. Dix advised members that when the Police Chief saw this report, he dispatched the motorcycle squad to address speeders, and neighbors were caught going 46 and 40 mph. It was Mr. Dix's opinion that drivers feel they can go as fast as they dare because the street is 37 feet wide, noting that this did not make for a peaceful community. He asked members to consider the proposals before them, noting that the working group had studied and worked hard on this issue. Mr. Dix requested members' due consideration, noting the desire to return his street to a nice, peaceful street.

Mr. William Garfinkel, 9 Freedom Drive, member of the Bicentennial Village Civic Association and the working group, echoed Mr. Dix's remarks. He stated that Independence Boulevard is now a dangerous street with too many cars using it as a bypass to avoid Kenton Road, noting that there are two (2) blind curves. Mr. Garfinkel stated his understanding that yellow lines would be placed on the road; however, he felt that Independence Boulevard could not be another Kenton Road anymore, reiterating that 6,000 cars per day were using the road and this was dangerous in this residential development that should never have been a pass-through. He explained that he and Mr. Dix were asked to join the group by Mayor Christiansen and it was their job to keep the community involved. Mr. Garfinkel explained that they have a Facebook page used by hundreds of people and also joined Nextdoor, a private social network, to try to get out as much information as possible. He indicated that all these plans were discussed at the civic association meeting held in January, noting that they were not a secret and everybody knew about it. Mr. Garfinkel stated that he was very impressed with what DelDOT had done on the project and hoped that members would vote favorably on this issue.

Members were provided concept drawings of the proposed traffic calming measures in Bicentennial Village, including an Independence Boulevard Realigned Intersection and an Independence Boulevard at Colony Drive Proposed Roundabout ***(Attachment #1).*** Mr. Mike Somers, Traffic Calming Supervisor, DelDOT, indicated that these files would also be provided for the Facebook page referenced by Mr. Garfinkel. Referring to the realigned intersection depicting Lamplighter Lane and Green Blade Drive, Mr. Somers advised members that drivers often run stop signs that do not meet normal warrants, and the concept of a realigned intersection had come out on a national level to help eliminate or reduce the running of stop signs. He stated that DelDOT had installed three (3) way stops in various locations and had good luck with them. In regard to the roundabout depicted at Green Blade Drive and Colony Drive, Mr. Somers advised members that this mini-roundabout would encourage a slow-down at the intersections and would also create a safe intersection, noting that these kinds of circular measures had been applied worldwide and were very effective.

Mr. Glenn (Guy) Pusey III, Engineering Designer, RK&K, advised members that drivers had been observed going very fast around the curve at Green Blade Drive and Colony Drive and that the roundabout would deflect traffic. He noted that roundabouts used in the past in Delaware were not very good and DelDOT had learned from its mistakes.

Mr. Somers indicated that the current roundabout at Mifflin Road was done in a rush and with virtually no money since residents in the apartment complex wanted to try it but did not have money for the project. Although it was not particularly well built, Mr. Somers stated that those in the apartment complex had spoken highly of it and it does what they wanted it to do. He advised members that there are more recent examples at the DelDOT campus, noting that the roundabout closer to Bay Road is a better example than the roundabout in the back, which was not built to standards. Mr. Somers stated that the roundabout program had been in place since 2001; however, it was more widely received in northern Delaware.

Mr. Hosfelt opened the floor for public comment.

Ms. Rhonda Lewis, 27 Liberty Drive, questioned the accuracy of the traffic count of nearly 6,000 cars if the count was taken after Dover High School left the Walker Road area. She stated that Walker Road, from McKee Road to Kenton Road, has only 7,350 cars per day. In regard to the Mifflin Road roundabout, Ms. Lewis stated her belief that this roundabout was put there for speed control and was not about the apartments, noting that she had lived there at the time. She also expressed concern about realigning the Lamplighter Lane intersection since this would take away the parking for Continental Park, noting that kids play football and soccer there and need to be picked up.

Ms. Lewis questioned what would happen to the three (3) way stop sign at Freedom Drive. Responding, Mr. Somers stated that the original idea was to take it out; however, the working group felt strongly about leaving it.

Ms. Lewis expressed her opinion that taking the stop sign out would make a speedway worse than they have now, but keeping it would be a ridiculous amount of traffic control in a very small street, which was 30-some odd feet wide. She indicated that it was built in the 70's to collect the traffic from Route 8 to Walker Road, and there was only a block and a half of houses that face the road. Ms. Lewis felt that this indicated that this had not been the intent of a neighborhood street. She understood that there is speeding in the area; however, she felt the traffic was not as bad as it had been when Dover High was at its previous location. Ms. Lewis stated that, when coming out of the three (3) way stop signs or the stop sign at Liberty Drive, she does not have to wait as long anymore; however, she did not doubt that the gentleman who lives there sees the cars and speeding. Ms. Lewis advised members that she was unaware that there was a neighborhood association or a Facebook page. She indicated that the first notice that she received regarding this matter was a notice for a meeting at the City of Dover Police Department, and she did not think she was alone in this regard. Ms. Lewis stated that she had concerns but was unsure if the measures proposed were the best way to handle them.

Responding to Mr. Hosfelt, Ms. Lewis indicated that she was not in agreement with either of the proposed measures.

Mr. Les Blakeman, 209 Falmouth Way, Cranberry Run, informed members that he uses the road frequently because cars fill the lane at the Route 8/Dover-Kenton Road intersection and are backed up into the lane of traffic. He typically drives down to Bicentennial Village and across to Walker

Road. Mr. Blakeman felt that a lot of similar overflow traffic was contributing to traffic in Bicentennial Village and, if some of this were fixed, he believed some of the traffic would dissipate.

Mr. Brad Ebaugh, 172 Continental Drive, agreed with Mr. Blakeman that extending the congested traffic lane would help. Noting that he comes up Mifflin Road every day, he stated that he observes people who cannot make the left-hand turn and instead turn by Redner's grocery store, using this as a cut-through. Mr. Ebaugh felt this cut-through would not be used if there was an adequate turn lane farther back on Route 8. In addition, he stated that he had been at his residence 25 years but had not received any information about a Facebook page or anything else related to this matter until one of his neighbors made him aware. Mr. Ebaugh felt that the previous comment made that the neighborhood was in on this issue was not accurate. He stated that he would like more information before saying yes or no, but he did not like the idea of crowding the Continental Park field and not allowing parents to park in this area, believing that they would then park all through the streets.

Mr. Tom Monahan, 151 Continental Drive, stated that he was not happy with having four (4) yields at the intersection, noting that there were already speeders on the street who were going through yield signs. He advised members that he would like to see stop signs on Colony Drive and Green Blade Drive so drivers would know to stop and then go on the roundabout. He felt that four (4) yield signs would be asking for a lot of accidents.

Captain Dave Spicer, Dover Police Department, stated that he had been privileged to sit in on a lot of the meetings leading up to this point and thought it would be appropriate to compile data on how many traffic accidents occurred in this area over a three (3) year period. Dating back to 2013, there were approximately three (3) traffic accidents on Independence Boulevard alone. In 2014, there were two (2) traffic accidents on Independence Boulevard, and there were ten (10) in 2015. Captain Spicer did not know why this increase occurred; however, he felt there was definitely a problem occurring on Independence Boulevard. He indicated that there were no traffic accidents so far in 2016.

Mr. Sudler questioned how many community meetings were held in regard to this topic. Responding, Mr. Hosfelt indicated that there had been at least three (3) meetings.

Mr. Dix informed members that he had personally placed flyers on all the doorknobs in his community and everyone was notified. Mr. Garfinkel concurred; however, others in the audience expressed disagreement.

Mr. Neil thanked the homeowners who brought this issue to members' attention and also Representative Lynn. Mr. Neil stated that he had attended a number of related meetings at Legislative Hall. He felt if the proposed projects would slow people down, this would be an advantage. Mr. Neil noted that there would be a cost; however, if one (1) life were saved, it would be worth it. He indicated that the parking issue would be taken into consideration since it was important to a lot of people in the neighborhood. Mr. Neil felt that the road should not be a thoroughfare.

Mr. Hutchison expressed his opinion that the roundabout on Mifflin Road had been very effective from a public safety standpoint. He stated that the proposed roundabout was larger in design and should create an easier way for traffic to flow in and out.

Mr. Cole stated that the Continental Park issue mentioned previously had not come up during any of the previous related meetings and questioned if it is used a lot. Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that this is a City park, but the City does not hold programs there, and it is space for the public to use.

Mayor Christiansen echoed the concerns of the community and stated the desire to make sure that the entire community signs onto this plan or another plan. Having attended several of the meetings, he stated that there were quite a few people from the community who were on board with the proposal, however, he cautioned that this should be something that the entire community wants. He noted that police officers had arrested quite a few people that live in the neighborhood due to traffic violations. Once it is explained, and everyone is on board, Mayor Christiansen felt that Council should take the direction needed to provide safety.

Mr. Hare concurred with the Mayor, noting that tonight, two (2) individuals had spoken in favor of the proposal, one (1) not in favor, and one (1) wanted more information. Another gentlemen indicated he would like to see stop signs in a few different places. Mr. Hare felt that this matter had gone to two (2) or three (3) community meetings, but perhaps if another meeting was held, everyone present should sign a paper indicating whether they were for or against the plan. When the matter then came before Council, it would be a representation of more than just two (2) or three (3) people. Mr. Hare indicated that the community has to be the deciding factor, noting that he would like at least to see something reflecting the views of those who live on Independence Boulevard. He felt that someone should go up and down Independence Boulevard and get residents to sign off on the proposal.

In response to Mr. Cole regarding what the deadline would be for him to move forward, Representative Lynn explained that CTF funds had been set aside for this project and, if not expended, these funds would move into another project; therefore, funds would have to be expended relatively quickly.

In regard to community involvement, Representative Lynn stated that the Mayor had selected the individuals who sat on the working group from Bicentennial Village. Representative Lynn indicated that he personally attended multiple community meetings, noting that there are always people who state that they are unaware of such meetings. He advised that multiple meetings were held, they were well advertised on the Nextdoor app and on Facebook, and they were very well attended. Representative Lynn stated that the vast majority of the people at the meetings supported the project.

Mr. Hosfelt stated that he put notices out on Nextdoor and on the Bicentennial Facebook page to ask residents to attend and to speak either in favor or against the proposal so that it could be known where everybody stands. He advised members that some people agree and others do not, and he was unsure if all residents would ever agree to one (1) plan. As a past police chief and current

councilman who lives near and travels that roadway, Mr. Hosfelt stated that something needed to be done on Independence Boulevard, noting the increase from two (2) to ten (10) accidents last year. He questioned what it would take to make the change, and whether it would be a child running across the road when leaving Continental Park. Mr. Hosfelt stated that meetings, which had been held since last summer, could continue and members could continue to argue and talk about this; however, he felt the matter was at the point where a decision must be made. He indicated that the funds which were present would go to something else if the City did not take advantage of them. Mr. Hosfelt stated that there were two (2) good speed control alternatives present and expressed his opinion that members needed to make a decision.

Ms. Susan Hessler, 120 Cobblestone Lane, stated that she had attended two (2) of the community meetings and there was not an overwhelming majority that wanted anything done, except for some sort of speed control, whether it was a lighted fixture such as that now on Bicentennial. She expressed concern, if a roundabout were installed, that instead of going through the circle, people would come out onto Colony Drive, go through the light at Meetinghouse Lane and Colony Drive, and then divert onto Bicentennial Boulevard to cut over to Walker Road, and traffic would just be redirected. Ms. Hessler felt that this would create more of an excessive traffic pattern through the neighborhood.

Mr. Hosfelt stated his view that, historically, people had not circumvented the current roundabout on Mifflin Road to go through Woodmill to Route 8.

Based on the size and dimensions of the roundabouts, Ms. Hessler did not think they could be compared. She indicated that people cut through Colony Drive now, and she felt the mindset would be that if people want to get to Walker Road, they would go down to Bicentennial Boulevard and go right or left on Walker Road.

Mr. Sudler questioned how concerns regarding parking at Continental Park would be addressed if the park was used for recreation. He questioned if there would be parking allowed for a time frame or if those who park there would be ticketed.

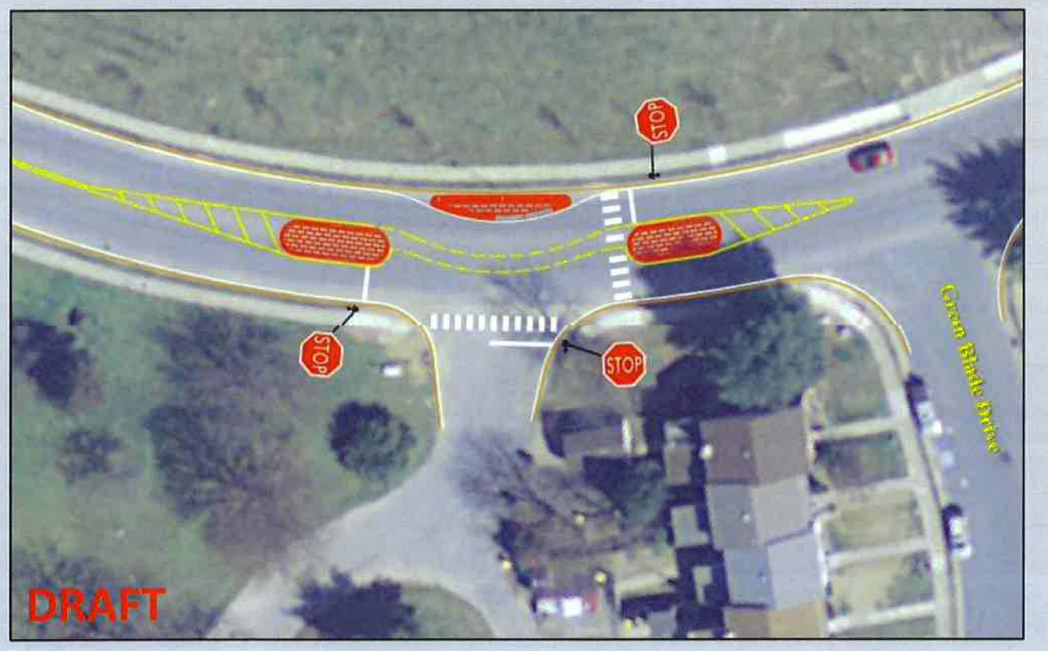
Mr. Hosfelt stated his belief that there were no signs on the roadway that restrict parking at this time and parking would remain open.

Mr. Sudler moved to recommend acceptance of the recommendation of DelDOT and the working group for the roundabout, seconded by Mr. Neil and unanimously carried.

NOTE: Council approved the Committee's recommendation by consent agenda on May 9, 2016.

Attachments
Attachment #1 SA&T - Concept Drawings of the Proposed Traffic Calming Measures in Bicentennial Village

INDEPENDENCE BOULEVARD REALIGNED INTERSECTION



NOTES:

- **THE ALTERNATIVE SHOWN IN THE MAP AND RENDERINGS IS FOR CONCEPTUAL PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.**
- **THE DIAGRAM WAS NOT DRAWN TO SCALE. THE EXACT DIMENSIONS WILL NOT BE DETERMINED UNTIL FINAL DESIGN.**





INDEPENDENCE BOULEVARD AT COLONY DRIVE
PROPOSED ROUNDABOUT

EXISTING CONDITIONS



PROPOSED – VIEW 1



NOTES:

- **THE ALTERNATIVE SHOWN IN THE MAP AND RENDERINGS IS FOR CONCEPTUAL PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.**
- **THE DIAGRAM WAS NOT DRAWN TO SCALE. THE EXACT DIMENSIONS WILL NOT BE DETERMINED UNTIL FINAL DESIGN.**

PROPOSED – VIEW 2



ACTION FORM

PROCEEDING: Council Committee of the Whole	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: City Manager's Office	**DATE SUBMITTED**: 02/23/2017
PREPARED BY: Kay Sass, Public Affairs and Emergency Management Coordinator	
SUBJECT: Dover Broadcast and Production Equipment	
REFERENCE: RFP #17-0016CC	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Sole Source Letter	
EXPENDITURE REQUIRED: $164,089.00	**FY2017 REMAINING GRANT**: $170,124.54
FUNDING SOURCE (Dept./Page in CIP & Budget): Grant from Verizon Franchise Agreement	
TIME TABLE: Notice to proceed to be issued immediately upon Council approval. Project anticipated to be completed in sixty (60) calendar days.	
RECOMMENDED ACTION: Award 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 authorize 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.	

BACKGROUND AND ANALYSIS

For many years Comcast has provided the City of Dover with the recording and distribution of content for Dover City Council meetings. During the recent negotiations with Comcast, they wanted to move away from providing this service. In May of 2016 staff started looking at the needs and requirements to continue the broadcast.

The RFP Meeting was sent out by Procurement Manager Pete Gregg in accordance with the City's purchasing policy by the City's Purchasing Agent under RFP#17-0016CC on November 3, 2016 and closed on November 28, 2016. A Mandatory preapproval meeting was held for Q&A on November 14, 2016 three vendors expressed interest, ultimately two (2) submitted for proposal. Proposals were opened on November 28, 2016. The City of Dover received two (2) proposals shown in the table below:

CONTRACTOR	LOCATION	BASE BID
VISUAL SOUND, INC.	BALTIMORE, MD	$195,794
TOTAL VIDEO PRODUCTIONS	**MICKELTON, NJ**	**$151,849**

City staff reviewed the submissions and found that Total Video Productions submission met all requirements for the qualifications of the project. The staff recommends awarding the contract to Total Video Productions, not to exceed the amount of $160,546.00 for the Broadcast and Equipment Project. In addition, staff recommends to continue to use Telvue as the sole source vendor in the amount of $8,740.00 for FY 17. To be paid through the reserve until we need to start budgeting for it.

TELVUE | TelVue Corporation
16000 Horizon Way, Suite 500
Mt. Laurel, NJ 08054

Sept. 1, 2016

Sole Source Statement

To Whom it may concern:

TelVue's server software is proprietary and it runs on PC server hardware and video decoders specially selected by TelVue for optimal performance.
Our business model is straightforward: the TelVue servers are offered only by TelVue, because we don't release proprietary code separately from the hardware. This proposed system upgrade for the city of Dover, DE is the only one that is compatible in terms of "parts."

As above, it is our proprietary software for content management and scheduling that we alone service and support. TelVue is the only company that can offer Dover, DE a trade in credit for its existing playback system, against the retail purchase price of a new one. TelVue is also able to offer Dover, DE applicable municipal discounting against retail pricing as well, making this proposal and its options better than any others.

Paul Andrews, SVP-Marketing and Sales
TelVue Corporation
16000 Horizon Way, Suite 500
Mt. Laurel, NJ 08054
pandrews@telvue.com

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **City Council**

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

Date: **February 23, 2017**

Subject: **Permanent Assignment of Duties Associated with Interim Management Plan and Organizational Changes – Budget Preparation**

During the Regular Council Meeting on March 25, 2013 (minutes attached) budget preparation responsibilities were officially assigned to the Finance Department. As I indicated in an email on February 3, 2017, the Controller/Treasurer, Mrs. Mitchell, informed me on or about January 3, 2017 that she was not going to be involved in the budget process. In addition, she disclosed this issue was discussed in Executive Session related to her evaluation. To my knowledge, no member of City Council communicated this critical fact and diversion from the approved assignment of duties to me either verbally or in writing.

If Council intends to alter the assignment of duties, then a motion should be put forth to formally amend the assignment of duties. The City Manager disagrees with the potential alteration of the assignment of duties; however, the Council has the authority amend the assignment at their discretion.

Attached are the referenced City Council minutes and my email dated February 3, 2017.

sdk/SDK
Attachments

Koenig, Scott

From: Koenig, Scott
Sent: Friday, February 03, 2017 3:13 PM
To: Slavin, Timothy; City Clerks Office
Cc: McDowell, Traci; Mitchell, Donna
Subject: Budget Preparation Duties - FY-2018 Budget - Formal Council Action Requested
Attachments: 25 March 2013 City Council Minutes - Permanent Assignment of Duties.pdf

Importance: High

Council President Slavin:

Attached for your reference are the minutes of Dover City Council meeting of March 25, 2013, whereby City Council authorized the transfer of the bulk of the budget preparation responsibilities to the Finance Department as detailed on Page 2. This transfer of responsibilities also included a fiscal component with respect to compensation for staff related to the action. This transfer was also in an effort to reduce duplication of effort and centralize budgeting efforts as detailed in the minutes. My notes indicate that Mrs. Mitchell informed me on or about Tuesday, January 3, 2017 at 1:30 p.m. that she was not going to be involved in the budget process. She disclosed to me this issue was part of a discussion related to an executive session for her evaluation. To my knowledge, no member of City Council communicated this critical fact and diversion from the approved assignment of duties to me either verbally or in writing. Furthermore, an item of this nature should have required a public vote as the initial action required, if Council intended and supported this departure from their prior approved actions. A public vote by the full Council and the associated record should have been required for transparency.

Personally, I believe that Mrs. Mitchell's request is not consistent with our efforts to streamline our government where possible; however, this decision is one of the City Council not the Chief Administrative Officer. At the last Committee Meeting of the Whole, I presented a request to hire a Budget Analyst and described some of the conditions related to this request. This request was rejected at the committee level and I fully except it to remain on the consent agenda with the proposal being rejected by the Council. Obviously, this places the City Manager's office in a very difficult position with respect to the development of the FY-2018 budget. The technical expertise associated with the primary budget development is located in an office that is not under the direction of the City Manager, and the Council has failed to disclose their agreement with the departure from the public record associated with the prior assignment of duties in March 2013.

I formally request via this email that an agenda item be placed on the February 27, 2017, City Council meeting agenda to amend the public record to comply with Mrs. Mitchell's understanding of the executive session discussion from last fall or to reaffirm the decision made in March 2013.

THIS EMAIL HAS BEEN BCC'D TO MEMBERS OF CITY COUNCIL AND MAYOR CHRISTIANSEN.

Best Regards,

Scott D. Koenig, P.E., ICMA-CM
skoenig@dover.de.us
City Manager
City of Dover
P.O. Box 475
Dover, DE 19903
302-736-7005 (Voice)
302-736-7002 (Fax)

"Engineering isn't about perfect solutions; it's about doing the best you can with limited resources" *- Randy Pausch*
p. X - Introduction to ***The Last Lecture****.*

REGULAR COUNCIL MEETING

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

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

AGENDA ADDITIONS/DELETIONS

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

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

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

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

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

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

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

Public Works

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

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

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

Information Technology

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

Finance

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

Planning

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

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

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

Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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