REGULAR COUNCIL MEETING

The Regular Council Meeting was held on June 13, 2016 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil (departed at 8:09 p.m. and returned at 8:13 p.m.), Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:37 p.m.)

OPEN FORUM

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

There was no one present wishing to speak during the Open Forum.

Mr. Slavin requested members to join in a moment of silence for the victims of the June 12, 2016 tragedy in Orlando, Florida.

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

AGENDA ADDITIONS/DELETIONS

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

Mr. Anderson requested that item #12 - 2016/17 Committee Appointments - Council President, be removed from the Consent Agenda.

Mr. Lewis requested that item #1-B - Adoption of Minutes - Special Council Meeting - Budget Review of May 24, 25, and 26, 2016, be removed from the Consent Agenda.

Mr. Neil moved for approval of the Consent Agenda, as amended. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MAY 23, 2016

The Minutes of the Regular Council Meeting of May 23, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING - BUDGET REVIEW OF MAY 24, 25, AND 26, 2016

Mr. Lewis indicated that, during the Special Council Meeting - Budget Review of May 24, 2016, he asked Mr. Scott Koenig, City Manager, what his plan B for balancing the 2017 budget would be if the revenue did not come in as anticipated. Mr. Lewis stated that he reviewed the minutes and did not see Mr. Koenig's response included. He advised members that he had just discussed the matter with Mrs. Traci McDowell, City Clerk, prior to the meeting.

Mr. Slavin stated that Mr. Lewis' concerns were noted and would be corrected via the City Clerk.

Mr. Sudler indicated that he had not seen the discussion regarding the appraisal of the Ridgely Street property in the minutes. Responding to Mr. Slavin, Mr. Sudler agreed to ask the City Clerk to check the minutes. *(City Clerk's Office Note: Subsequent to the meeting, Mrs. McDowell advised members that the Ridgely Street appraisal was mentioned several times throughout the Special Council Meeting - Budget Review of May 24, 25, and 26, 2016 minutes and the final motion for the appraisal could be found on page 68 of the minutes (page 130 of the June 13, 2016 Council packet).)*

By motion of Mr. Neil, seconded by Mr. Lewis, the Minutes of the Special Council Meeting - Budget Review of May 24, 25, and 26, 2016 were unanimously approved, and bore the written approval of Mayor Christiansen.

CERTIFICATE OF CONGRATULATIONS - TOWNSEND BROTHERS CHEVROLET - 86 YEARS OF BUSINESS

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

CERTIFICATE OF CONGRATULATIONS

presented to

Townsend Brothers Chevrolet

in recognition of

86 Years of Business

Proudly serving the Dover community since 1930.

The City of Dover extends its sincere congratulations on this special milestone. Thank you for your service and commitment to our community.

June 13, 2016

On behalf of the Mayor and Council, Mayor Christiansen presented the Certificate to Mr. Jeff Townsend. Mr. Townsend thanked the City for everything it has done for Townsend Brothers and the community, noting that it is a real partnership. He stated that, as a business in the local community, Townsend Brothers tries to take care of the customers who live here, noting the Townsend Brothers and the City have a lot of the same customers.

PRESENTATION - 2015 ANNUAL REPORT - ROBBINS HOSE COMPANY (DOVER FIRE DEPARTMENT)

Fire Chief Carleton Carey, Jr. reviewed the Robbins Hose Company (Dover Fire Department) 2015 Annual Report. Chief Carey also reviewed the major incidents that had occurred during the first six (6) months of 2016, noting that there was one (1) serious trailer fire, six (6) serious motor

vehicle accidents with extrication; six (6) working house fires, one (1) of which occurred earlier that day; two (2) building fires; three (3) critical carbon monoxide leaks in apartment buildings; seven (7) incidents where vehicles went into structures; special rescue calls; serious dryer fires in home utility rooms in January and February; and one (1) major gas leak on Loockerman Street. In addition, he noted that the Department had assisted other fire departments nine (9) times, including assisting with a fire in Magnolia on June 12, 2016, and there had been 538 fire calls this year. Chief Carey also informed members that Robbins Hose Company had added five (5) new members this year, and three (3) individuals were scheduled to become members in July.

Mr. Hutchison asked how long the department has had a duty officer on call and how this duty is covered. Responding, Chief Carey stated that a duty officer on call has been in place for at least five (5) years, explaining that a duty officer works 24/7, 365 days per year. He stated that one (1) of the eight (8) elected officers is always on call. For example, Chief Carey noted that sometimes an officer would be sent out if an alarm goes off and there is no one in the station.

Mr. Hutchison thanked Chief Carey and all of the volunteers for a job well done, noting that Robbins Hose Company and the City have a lot to be proud of.

Mr. Slavin recognized former Fire Chief Mark Hall, who was in attendance. He thanked Chief Carey and former Chief Hall, noting that the information provided in the 2015 Annual Report reflected the result of their working together so well last year.

Mr. Sudler asked what caused the seven (7) incidents where vehicles went into structures, as well as the gas leak. In response, Chief Carey stated that the gas leak was the result of a car running into a gas meter and knocking it off the foundation. He explained that some of the seven (7) cars that went into structures were the result of individuals driving under the influence, one (1) was a medical issue, and one (1) was a pregnancy.

Mr. Sudler moved for acceptance of the Robbins Hose Company (Dover Fire Department) 2015 Annual Report. The motion was seconded by Mr. Anderson and unanimously carried.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-09 WITH COUNCIL COMMITTEE OF THE WHOLE/SAFETY ADVISORY AND TRANSPORTATION COMMITTEE AMENDMENT #1 (CCW/SA&T #1)

A public hearing was duly advertised for this time and place to consider proposed amendments to Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I. - In General, Section 98-10 - Speed Reduction Devices; Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section A - Streets, Paragraph 1; and Appendix B - Zoning, Article 10 - Planning Commission, Section 2 - Site Development Plan Approval, 2.54 - Proposed Development.

Mr. Sudler moved that the Final Reading of Proposed Ordinance #2016-09 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 April 11, 2016.)*

Councilman Hosfelt, Chair of the Safety Advisory and Transportation Committee, reminded members that Proposed Ordinance #2016-09 was considered by the Safety Advisory and Transportation Committee in the Fall of 2015. He advised that owners of private shopping centers had expressed interest in having speed cushions or some type of speed control measure on private property to slow traffic and deter those who use private property to circumvent the normal flow of traffic. Mr. Hosfelt noted that first responders had historically been opposed to any type of speed reduction device; however, Police Chief Paul Bernat, Fire Chief Carleton Carey, Jr., and former Fire Chief Mark Hall had given speed cushions their blessing, so the Proposed Ordinance was being brought forward to Council.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that because the Proposed Ordinance would amend a portion of the Zoning Ordinance, a public hearing before the Planning Commission was required. She noted that it had also been reviewed by the Development Advisory Committee (DAC). Referring to Page 2 of the Petition to Amend Text of the Dover Code of Ordinances, Land Subdivision Regulations, and Zoning Ordinance, Mrs. Townshend pointed out a series of proposed revisions to the Ordinance. She indicated that the revisions were principally technical corrections in terms of construction and that the most significant were recommendations G, H, and I. In terms of agency comments, Mrs. Townshend advised that the Department of Public Works and Fire Marshal's Office both expressed some concerns regarding the Ordinance. She stated that the Ordinance relates only to private drives and does not affect much from a Public Works standpoint, except trash collection, and City snow plows would not be impacted. Mrs. Townshend stated that the Fire Marshal's Office had concerns about placing speed cushions in fire lanes, noting that most of the places where placement had been considered would be in fire lanes. She informed members that a public hearing regarding the Ordinance had been held before the Planning Commission on May 16, 2016, and no members of the public spoke. Following the public hearing, the Planning Commission recommended against adoption of the Ordinance due to the operational concerns of member agencies.

Mrs. Townshend advised that because the Planning Commission gave an unfavorable recommendation, if members chose to adopt the Ordinance they would need to state, for the record, their reasons for voting against the Planning Commission's recommendation. She indicated that there was a variety of possible actions that Council could take, as follows: 1) adopt the Proposed Ordinance as presented, in which case members would state their reasons for the record; 2) disapprove the Proposed Ordinance; 3) adopt the Proposed Ordinance with amendments A - I on Pages 2 - 3 of the Petition to Amend Text of Dover Code of Ordinances, Land Subdivision Regulations and Zoning Ordinance; or 4) refer the Proposed Ordinance back to the Safety Advisory and Transportation Committee to review the proposed amendments.

Mr. Hutchison advised members that the Safety Advisory and Transportation Committee had reviewed this matter in great detail and listened to concerns raised regarding speed cushions. Mr. Hutchison felt strongly that public safety comes first. He thought that speed cushions could address the issues and concerns expressed by citizens and their benefits outweighed any of the concerns expressed. Mr. Hutchison stated that he supported the Ordinance as written.

Mr. Sudler concurred with Mr. Hutchison. He questioned whether members needed to state their reasons, for the record, for voting against the Planning Commission's recommendation, noting that the requirement was not in the Dover Code. He stated that he had received a 1998 legal opinion from the City Clerk's Office; however, the requirement to state reasons was not in the Dover Code. Mr. Sudler wanted to make it known to his colleagues that, to his knowledge, they were not held to pointing out for the record why they vote for or against any zoning recommendation.

Mr. Anderson advised that he attended both the Planning Commission and Safety Advisory and Transportation Committee meetings when this matter was considered. He noted that there was no public input at the Planning Commission meeting. Mr. Anderson believed that the argument raised was not valid because speed cushions, unlike speed bumps, are designed to allow fire and emergency equipment to pass. He stated that he found no compelling reason not to adopt the Proposed Ordinance, as recommended by the Safety Advisory and Transportation Committee, which studied this issue in depth.

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

Mr. Hosfelt moved for approval of Council Committee of the Whole/Safety Advisory and Transportation Committee Amendment #1 (CCW/SA&T #1) as presented. The motion was seconded by Mr. Cole.

Responding to Mr. Anderson's request for clarification on Amendment #1, Mrs. Traci McDowell, City Clerk, advised that the Amendment #1 changes were highlighted in yellow in the Proposed Ordinance and the term "fire lanes" had been stricken. She explained that it was pointed out by Mr. Timothy Mullaney, former City of Dover Fire Marshal, that fire lanes were most likely the areas where shopping center owners would want speed cushions. Mrs. McDowell advised that Mr. Mullaney recommended the amendment if the intention was to permit speed cushions in fire lanes.

The motion to approve Council Committee of the Whole/Safety Advisory and Transportation Committee Amendment #1 (CCW/SA&T #1) as presented was unanimously carried.

Mr. Hosfelt moved for adoption of the ordinance as amended. The motion was seconded by Mr. Cole and, by a unanimous roll call vote, Ordinance #2016-09 was adopted, as follows:

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

That Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I. - In General, Section 98-10 - Speed Reduction Devices of the Dover Code be amended to read as follows:

Sec. 98-10. - Speed reduction devices.

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

> *Speed bump* shall mean a transverse hump, generally designed as a rounded, raised pavement structure usually from two to six inches high and one to three feet from front to back, set into the surface of a street, parking lot, or driveway to slow the traffic. Their design generally dictates comfortable crossing speeds of five miles per hour or less so they are usually appropriate only for use where vehicle speeds are typically the lowest to begin with such as parking lots, private roads, and on some residential streets.
>
> *Speed cushion* shall mean a speed hump with an unraised path for fire trucks and ambulances through the hump. Speed cushions are devices designed as several small speed humps installed across the width of the road with spaces between them. They are generally installed in a series across a roadway resembling a split speed hump.
>
> *Speed hump* shall mean a raised area in the pavement surface, usually from three to four inches high and 10 to 12 feet from front to back, extending transversely across the travel way. The purpose of the length of a speed hump is to allow the entire vehicle to be on the hump at once before it descends the far side onto the pavement to reduce the likelihood that a vehicle will "bottom out" when going over the speed hump. Speed humps are typically applied to residential streets where speed limits do not exceed 25 miles per hour.

(b) *Prohibited*. Any device used as a means of speed reduction on any city street, drive, parking lot, or any other driveable surface, which causes a change in elevation which may result in emergency equipment having to reduce speed during a time of emergency, is prohibited.

(c) *Permitted*. Speed cushions may be installed on privately owned commercial property, at the owner's expense, following review by the Safety Advisory and Transportation Committee and approval by City Council. Any other type of speed reduction device on private commercial property within the City is prohibited.

(d) *Installation and Design standards*. Installation and design standards for speed cushions shall be in accordance with the *Delaware Traffic Calming Design Manual*.

(Code 1981, § 7-4; Ord. of 5-26-1998)

BE IT FURTHER ORDAINED:

That Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section A - Streets, Paragraph 1 of the Dover Code be amended to read as follows:

A. - Streets.

1. The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
   (a) Public convenience and safety.
   (b) Proposed uses of the land to be served by said streets.
   (c) Proper relation and connection with, continuation and projection of streets to adjacent areas; whether these streets are existing, or proposed in another subdivision, in a neighborhood plan, in the development plan, or in the official map, as approved or adopted by the commission. Where existing or proposed streets are located on adjacent land, then the planning commission shall require street extensions at points in which the commission determines are suitable for future connections to adjacent developable lands on each side of the development.
   (d) Topography and other land features.
   (e) Speed reduction devices on any city or private street, drive, parking lot, or any other driveable surface, which causes a change in elevation which may result in emergency equipment having to reduce speed during a time of emergency, is prohibited. Speed cushions may be installed on privately owned commercial property, in accordance with Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I. - In General, Section 98-10 - Speed Reduction Devices.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 10 - Planning Commission, Section 2 - Site Development Plan Approval, 2.54 - Proposed Development of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

2.54 Proposed development.
   (A) Existing buildings and other structures.
   (B) Location and width of all proposed streets and rights-of-way.
   (C) Location of all proposed structures, except one-family detached dwellings, and an indication of the total number of dwelling units.
   (D) Location and dimensions of all lot lines.
   (E) Building setback lines on all lots.
   (F) Location of all uses not requiring structures, including parks, playgrounds and other open space areas.
   (G) Location and plans for any outdoor signs.
   (H) Location, direction, power and time of use for any proposed outdoor lighting.
   (I) The location, size and arrangement of proposed sidewalks, driveways, loading areas, off-street parking areas and other paved areas.
   (J) Indication of the total amount of impervious surfaces and the development coverage.
   (K) Any proposed changes in elevation of the site and elevations of all streets, parking areas, and building foundations. The datum to which all elevations, including existing contour elevations, refer shall be clearly indicated on the plan.
   (L) Plans for surface drainage of the site. Such plans shall include stormwater run-off calculations and shall show the proposed method of accommodating the anticipated run-off.

(M) Any proposed below-ground or above-ground utilities and any contemplated public improvements, including road improvements, on or adjoining the property. Plans for such utilities and improvements shall indicate whether the developer, the city, or other agency will bear the financial responsibility for the construction, and which improvements are intended to be dedicated to the city.

(N) Proposed grading, screening and other landscaping, including types and locations of proposed street trees.

(O) Architectural elevation drawings or other graphic representations illustrating exterior building characteristics of proposed buildings and/or building additions that would be visible from the public right-of-way. Elevation drawings shall be drawn to scale and shall reflect major architectural elements such as exterior surface materials, windows, doors, columns, and wall-mounted signage. Elevation plans are intended to provide a general depiction of the physical appearance, massing and scale of the proposed construction.

(P) Speed reduction devices on any city or private street, drive, parking lot, fire lane or any other driveable surface, which causes a change in elevation which may result in emergency equipment having to reduce speed during a time of emergency, is prohibited. Speed cushions may be installed on privately owned commercial property, in accordance with Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I. - In General, Section 98-10 - Speed Reduction Devices.

ADOPTED: JUNE 13, 2016

PUBLIC HEARING - ELECTRIC REVENUE FUND BUDGET

A public hearing on the Electric Revenue Fund Budget is required for compliance with City of Dover Electric Revenue Bonds Resolutions prior to adoption of the budget. Notice of the public hearing was properly advertised for this time and place.

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

No further action was taken. Council President Slavin noted that the First Reading of the Budget Ordinances would take place during the latter part of the meeting and that the Final Reading and adoption of the Ordinances were scheduled for the Regular Council Meeting of June 27, 2016.

60-DAY PROGRESS REPORT - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 1032-1058 SOUTH DUPONT HIGHWAY, OWNED BY BMDR LLC

During the Regular City Council Meeting of November 9, 2015, members considered a Violation of the Dangerous Building Ordinance at 1032-1058 South DuPont Highway, owned by BMDR LLC. At that time, Council declared the structure located at 1032-1058 South DuPont Highway a dangerous building; ordered that the property be repaired or demolished by July 1, 2016 by the owner or equity owner at their own risk; ordered the Building Inspector to cause the demolition of the structure if not completed by the owner within 10 days of the date established by City Council; ordered the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be

added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner; and that progress reports be provided at the Council Meetings scheduled for January 11, 2016, March 14, 2016, and June 13, 2016.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she had driven by the property and had not observed any major progress. She explained that a permit had been issued a couple of months ago. Mrs. Townshend spoke to Mr. Robert MacLeish, Sr., Lighthouse Construction, Inc., who indicated that they were actively working inside the building on things that have to be done before they can start construction and would continue forward with renovations.

In response to Mr. Hosfelt regarding her recommendation, Mrs. Townshend recommended evaluating the property in another three (3) months.

Mr. Hare moved to return the item to full Council in 90 days for a progress report, seconded by Mr. Hosfelt and unanimously carried.

PLANNED NEIGHBORHOOD DESIGN: SENIOR CITIZEN HOUSING OPTION - THE GRANDE - 90 SAULSBURY ROAD (CLUBHOUSE AND POOL)

The Planning Office received a proposal to construct a Clubhouse and Pool to serve The Grande Planned Neighborhood Design (PND), Senior Citizen Housing Option (SCHO), at 90 Saulsbury Road. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that The Grande is located on Route 8 just west of Saulsbury Road. Three (3) buildings have been constructed, and construction of a fourth building will begin in the near future. Mrs. Townshend explained that the current proposal was to construct a pool and clubhouse at 90 Saulsbury Road, which is adjacent to The Grande property, and these amenities would serve those who live at The Grande. She advised that, under the PND ordinance, the first step is for City Council to review the proposal and determine if it is worthy of further review by the Planning Commission. Mrs. Townshend indicated that if this determination is made by City Council, the applicant can file a conditional use application with the Planning Commission.

Mr. Anderson questioned if the Planning Commission had reviewed this matter previously. Responding, Mrs. Townshend explained that the Planning Commission had reviewed the apartments at the Grande but not this specific parcel of land or the clubhouse and pool.

Responding to Mr. Anderson as to whether the proposal was consistent with the PND or if exceptions were being requested, Mrs. Townshend stated that she believed that the proposal was consistent with the PND.

Staff recommended forwarding the plan to the Planning Commission for review.

Mr. Hare moved that the Planned Neighborhood Design Development, Senior Housing Option, for The Grande (Clubhouse and Pool) be referred to the Planning Commission for review. The motion was seconded by Mr. Sudler and unanimously carried.

BOARD OF ASSESSMENT APPEALS REPORT - MAY 23, 2016

The Board of Assessment Appeals met on May 23, 2016, with Chairman Garfinkel presiding.

EXEMPTIONS

Central Delaware Habitat for Humanity

Locations:	**Exempt Request:**
67 S. Queen St.	$13,800
18 S. Queen St.	$0 (already exempt)
47 S. Kirkwood St.	$11,900
27 N. New St.	$13,100
24 N. New St.	$0 (already exempt)
20 N. New St.	$47,600
101 S. Queen St.	$13,400
16 S. Queen St.	$0 (already exempt)
45 S. Queen St.	$11,900
19 N. New St.	$75,500
23 N. Kirkwood St.	$10,000
53 S. New St.	$47,500
223 W. Division St.	$0 (already exempt)
50 S. Governors Ave.	$102,500

BACKGROUND AND ANALYSIS

An exemption request for the above referenced properties was submitted to the Assessor's Office.

These properties are being renovated for low-income families to provide an affordable mortgage. Once these properties are complete and the ownership is transferred, they will be added back to the tax rolls. (As a supplemental billing)

RECOMMENDED ACTION: Recommend that the request for exemption be approved.

Mr. Gallo, Executive Director, was present for the meeting.

He told the board that Central Delaware Habitat for Humanity is seeking tax exemption for some dilapidated properties the organization purchased, which will be rebuilt and sold to low income families. He also pointed out that with these projects the city streets will be revitalized, therefore bringing in more taxes. Mr. Burns asked how long this process usually takes, Mr. Gallo replied that the process from purchasing to selling usually takes no more than a year.

Mr. Burns asked how the organization is able to afford all of these projects. Mr. Gallo explained that they received funds from different organizations.

Mr. Burns asked the Assessor what her opinion was, Mrs. Bundek replied that the organization had been working with the city for a while now and that the city is aware that the properties will eventually go back onto the tax roll.

Mr. Galvin made the motion to approve the exempt request for items 1-12 and 14 on the agenda.

Mr. Burns seconded the motion. Motion carried 3-0.

Chairman Garfinkle brought everybody's attention to 223 W. Division Street, which had been approved for the exempt status by the board a year ago and was to be revisited by the Board of Assessment Appeal in 2016. He asked Mr. Gallo to tell the board what the current status of that property is.

Mr. Gallo informed the board members that this building is to be used as an affiliate office for the organization, which would bring them closer to downtown Dover. He mentioned that he is waiting to find out if enough funding for this office has been generated. As soon as the funding is available the building will be converted into office space for Central Habitat for Humanity, which would allow for a closer contact with the community.

Chairman Garfinkel mentioned an organization that appeared before the board the year prior, requesting the exempt status for properties that were to be rented and that the Board of Assessment Appeals denied the request as did City Council at the council meeting at a later council meeting, due to the fact that these properties were going to be used as income properties.

Mr. Gallo assured that the building would only be used by the Habitat and that none of the offices would be rented out.

Mr. Burns inquired about NCALL (National Council on Agriculture Live & Labor Research Fund Inc.), which is another agency similar to the Habitat organization. He asked the Assessor if properties held by this organization are also exempt from taxes.

After making a call to the office, the Assessor assured that the property held by NCALL is exempt.

Chairman Garfinkel informed Mr. Gallo that he does not see a problem granting the exemption, as long as the building is not going to be rented out.

Mr. Gallo assured the Board that the building will only use by his organization. He went on to explain that if he is not able to convert the building within the next couple of years, he will try to sell it, which will put the property back on the tax rolls.

Mr. Burns made the motion to accept the exempt request for 223 W. Division Street with the prevision, that the building will only be used for office space for the organization.

Mr. Galvin seconded the motion. Motion carried 3-0.

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

Mrs. Bundek informed the appellant, that the City Council has the final decision and that a certified letter with the date of the Council Hearing would be mailed.

Whatcoat Community Development Inc.

Location:	**Exempt Request:**
992 Whatcoat Village Dr.	$4,186,800

BACKGROUND AND ANALYSIS
An exemption request was submitted to the Assessor's Office.

This property has been under this ownership since 1970. They are currently paying property tax to the City of Dover

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

Present for the meeting were:

Christopher Lamb Esq., attorney for the property owner
Vandana Sareen, VP of the Development for The Michaels Organization
Kara Velez, Community Manager for Whatcoat Village Apartments
Mr. Hill and Mr. Adams, Representing Whatcoat Community Development Inc.

Mr. Lamb started by informing the Board of Assessment Appeals where the property is located. He went on to let the board know that the current owner is Whatcoat Community Development Inc. which is a 501(c)(3) organization and had been incorporated in 1970.

Mr. Lamb went to read the purpose of the organization:

"The corporation is hereby organized, exclusively for a charitable and religious purpose, and the Business and object to be carried on and prompted by it is to provide, on a non-profit basis, Housing for low and moderate income families and families in need of housing where no adequate housing exists for groups, pursuant to Section 236 of the National Housing Act."

The attorney explained that the property consists of 78 rent restricted, family apartment units and that 57 units are subsidized by HUD (Housing and Urban Development). He also mentioned that DSHA (Delaware State Housing Authority) and HUD regulate the properties and that tenants are mostly minorities and very low income and that the property qualifies for the exemption under 9 Del. C. § 102-182.

Per Mr. Lamb, the property is in need of substantial renovations, costing a lot of money. Therefore, the property would not be able to carry the full tax load. He also explained that the owner realizes the burden the property is putting onto the city and is therefore offering to enter into a $9,000 PILOT (Payment in Lieu of Taxes) with the City of Dover. This offer has also been extended to Kent County for $10,000.

It was also explained that the property, because of its nature, is eligible for tax credits. These credits are sold to Investors; this money is then used to do this substantial renovation.

Ms. Sareen pointed out that under the low income tax credit all units would be subsidized units, meaning by law the income of the residence should be 60% below national average, however the property owner has committed to have the average income at 35% of the median income in Kent County Delaware, which would mean the yearly income per family would be approximately between $15,000 to $20,000.

Mr. Burns asked if the property is currently paying taxes and how much those are, since the city would be losing those taxes for a long time to come.

The Assessor told the board that the current taxes are approximately $16,000.

Mr. Lamb expressed that he is hoping the $9,000 PILOT will be accepted by the city as they do not want to be a burden.

Mr. Burns asked the Assessor what her recommendations are?

Mrs. Bundek replied that based on the City Solicitors recommendations, the property should be granted the exemption.

Mr. Burns made the motion to approve the exempt request with the recommendation that the city manager give the offered PILOT serious consideration.

Mr. Galvin seconded the motion. Motion carried 3-0.

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

Mrs. Bundek informed the appellant that the City Council was the final decision and that a certified letter with the date of the Council Hearing would be mailed.

MONTHLY REPORTS - APRIL 2016

By motion of Mr. Neil, seconded by Mr. Hare, 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
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

EVALUATION OF BIDS - THE ENERGY AUTHORITY (TEA) CONTRACT RENEWAL

Mr. Scott Koenig, City Manager, advised members that several months ago, he and Mr. Harry Maloney, Electric Director, came before the Council Committee of the Whole and discussed potential negotiations with Mr. Kirk Betts, the City's utility attorney, regarding extension of the City's contract with The Energy Authority (TEA). He reminded members that TEA performs energy purchasing for the City of Dover. Mr. Koenig advised that staff was recommending an extension of the contract that would also include an Integrated Resource Plan (IRP).

Mr. Kirk Betts stated that it brought him great joy to come back with the success of the plan that members had sent him out to achieve on the City's behalf. He noted that the City has had a relationship with TEA since 2011. Mr. Betts advised that TEA acts as the City's outside, everyday consultant to help operate the electric utility, particularly the more complicated parts outside the City's distribution system, which includes buying and selling energy on the market. Mr. Betts stated that TEA not only plans the dispatch of the City's plants but also tries to manage peak load through dispatching, energy purchases through PJM, helping to obtain contracts where the City's counterparties buy directly from entities that operate through PJM, and balancing this every day. He explained that TEA prepares one (1) year and five (5) year plans to look forward on operations in the context of the budgeting and purchases, and keeps records on how many positions the City has contracts for and how much the City is at risk day to day. Mr. Betts noted that TEA comes to the City each month and provides reports.

Mr. Betts advised that in the prior five (5) year contract, TEA helped to operate the City's plant and oversee the contract with North American Energy Services (NAES). Mr. Betts stated that Mr. Harry Maloney had taken over the responsibility of direct oversight of the plant operating staff, which was a significant part of the original TEA contract. The fact was brought up that Mr. Maloney was now doing a lot of NAES's work and the City was essentially overpaying for the service. Mr. Betts indicated that TEA, being a municipally-run entity, responded very favorably to that comment and offered to renegotiate the contract, which was about to expire. TEA lowered their price and also offered a service of the approximate value of the one (1) year that Mr. Maloney had overseen the NAES contract. Mr. Betts stated that the contract being considered tonight was lower in price by 16.17%, which took into account Mr. Maloney's oversight of NAES, as well as other aspects of the contract that the City found were not particularly necessary anymore. For example, Mr. Betts explained that when TEA entered the contract, they embedded in the price some risk for numerous trips to Dover; however, it had been found that a monthly trip was enough, so extra trips

were stripped. Mr. Betts stated that Council had asked them to obtain a contract that was more reflective of the way the City operates with Mr. Maloney and staff and integrates their work, and to work hard to get a reduction, which had been done.

Mr. Betts explained that a new component would be coming in Task Order 1. Not only did TEA reduce the cost, but they gave the City $175,000, the approximate value of Mr. Maloney's services over the last year, which would go toward an IRP. Mr. Betts explained that the IRP would help look at whether the utility would be serving customers from the generation and buying side going forward, and also how its customers are responding in today's marketplace. He reminded members that the last time he came before members, changes in the marketplace were discussed. Mr. Betts indicated that generation by coal and nuclear plants was slowly being phased out and solar power, wind power, demand side response, and LED lighting were now factors. He advised that for the first time in his professional lifetime, PJM was showing no growth, and part of the last five (5) year plan that TEA had provided showed virtually no growth for the City's load. Mr. Betts advised that this was not because the City's customers were not using energy but the way energy is used today, noting that LED lighting is about 40% - 80% more efficient than typical incandescent light. These factors were having a big impact on how the City looks forward toward serving its customers. Mr. Betts stated the need to consider how to manage the City's risk of overbuying and having to liquidate in the marketplace as customers change. He explained that the IRP would provide a 20-year perspective, with the first five (5) years and out to 10 years having the most value to the City. It would look at the resources the City should bring to the table when looking at how to serve customers and optimize the value to them and the City. Mr. Betts stated this would be the first such plan for the City, noting that Delmarva Power and Light has to do this every two (2) years and it is a standard best practice in the industry today in planning how to serve customers and managing the risk in serving them. Mr. Betts indicated that this value was being added to the contract, and this portion of the contract would begin almost as soon as the contract is approved. It was hoped that it would be completed in December 2015, but it would more likely be January or February 2016 before a final proposal would come back to the City. Mr. Betts stated that this would be an unbiased report that takes into account operational data, what is going on in the Peninsula and new facilities being built, as well as changes in PJM. He indicated that approximately 72 variables would go into an economic analysis that would produce approximately eight (8) paths for the City to consider regarding how to serve its customers.

Mr. Betts reiterated that the City entered the contract with TEA in 2011 and, prior to that, the City contracted with PACE out of Virginia, with an annual fee of $2.447M. He noted that the proposed fee going forward for virtually the same services, except oversight of NAES, would be approximately $835,000, or around one-third of the cost of the service six (6) years ago. Mr. Betts recommended taking advantage of this opportunity quickly. He stated that he, Mr. Maloney, and City staff strongly recommended moving forward with the proposal.

Mr. Sudler stated that he had heard the pros regarding this contract and questioned if there were any major cons that concerned Mr. Betts. Responding, Mr. Betts stated that his major concern with any contract is that the parties understand the contract and take advantage of the full scope of it. He noted, for example, that some things had been stripped from the contract, such as training experiences that were deemed unnecessary or too time consuming and were not taken advantage of. Mr. Betts stated that items had been discussed with the City to determine if they were of value or not

and removed. He felt it important to be aware of what is in a contract and take advantage of the full scope of it. From a professional point of view, Mr. Betts noted that clients often forget about opportunities that are in a contract. He felt that the IRP was a big opportunity that should be worked very hard by the City over the next six (6) or seven (7) months so that the City would realize the value and obtain some genuine planning, as opposed to responsive or reactive planning. He stated that these were not necessarily cons of the contract but were concerns.

Staff recommended authorizing the City Manager to execute all contract documents for the three (3) year contract extension and Task Order #1.

Mr. Neil moved for approval of staff's recommendation, seconded by Mr. Anderson and unanimously carried.

DISCHARGING THE YOUTH ADVISORY COMMITTEE AND RESCINDING RESOLUTION NO. 2008-11 - ESTABLISHING A YOUTH ADVISORY COMMITTEE AND RESOLUTION NO. 2010-03 - AMENDMENT TO COUNCIL RESOLUTION NO. 2008-11

During the Special Council Meeting - Budget Review of May 26, 2016, Council established a youth focus group initiative across City government. The purpose of the program would be to solicit input on ideas, solutions, and issues from the youth of the City. The following departments will be required to hold a focus group with the youth who are residents of the City of Dover: Planning, Parks and Recreation, Dover Public Library, and Police. The focus group will be held before December 1 of each year and reports of the various departments will be made to Council no later than February 1 of the following year.

Mr. Hare moved to discharge the Youth Advisory Committee and rescind Resolution No. 2008-11 - Establishing a Youth Advisory Committee and Resolution No. 2010-03 - Amendment to Council Resolution No. 2008-11. The motion was seconded by Mr. Hutchison.

Mr. Anderson moved to refer this matter to the proper committee, which he stated would be the Parks, Recreation, and Community Enhancement Committee, and go through the proper process. The motion was seconded by Mr. Lewis.

Mr. Lewis questioned what the proper protocol would be and whether this matter should first be referred to committee. Responding, Council President Slavin indicated that there was no requirement for items to go through a committee.

The motion to refer this matter to the Parks, Recreation, and Community Enhancement Committee failed by a roll call vote of seven (7) no (Sudler, Neil, Cole, Hosfelt, Hare, Hutchison, and Slavin), one (1) yes (Anderson), and one (1) abstention (Lewis).

Mr. Sudler stated his understanding that the main reason for this action was due to the lack of minutes, transparency, and authorization from Council in regard to the Youth Advisory Committee. Mr. Sudler agreed with the proposed action but requested Council President Slavin to clarify the reasons for it for the sake of constituents.

Mr. Slavin stated that he applauded the efforts to involve youth in government; however, he felt that the form and structure that required them to have their own committee and follow the rules of the Freedom of Information Act (FOIA) proved to be a difficult fit, noting that there were numerous violations, including meetings without a quorum, public notice, and minutes. Mr. Slavin indicated that in place of the Youth Advisory Committee, through a motion during the budget process, an initiative was created which will require different departments within government to hold focus groups of youth from the community. He explained that young people will be invited to share their ideas, which would essentially have the same net effect of gathering ideas from the youth and incorporating their ideas in managing the City and planning City activities, without the trappings of the structure that was causing problems.

Mr. Neil believed that Council wanted to make sure that the youth of the City have a voice, although it would not necessarily be in the current form. He stated that Council wants to hear from the youth and serve them, so this would not be a negative but would take a different direction.

Mr. Anderson disagreed with the characterizations of the Youth Advisory Committee, which had been discussed previously, and he indicated that there were inaccuracies. He felt this motion was a mistake and did not support it. Mr. Anderson believed that the Youth Advisory Committee had been doing everything that was asked of it over the past six (6) months under current leadership and that this was an inexplicable move.

The motion to discharge the Youth Advisory Committee and rescind Resolution No. 2008-11 - Establishing a Youth Advisory Committee and Resolution No. 2010-03 - Amendment to Council Resolution No. 2008-11 carried by a roll call vote of seven (7) yes (Sudler, Neil, Cole, Hosfelt, Hare, Hutchison, and Slavin), one (1) no (Anderson), and one (1) abstention (Lewis).

2016/17 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT (Deferred During the Annual Meeting of May 9, 2016)

Council President Slavin requested approval of the following appointments:

City Chaplains

Bishop Thomas L. Holsey of Bibleway Temple Church of God in Christ
Chaplain Wallace Dixon of Bibleway Temple Church of God in Christ

Civilian Pension Plan - Board of Trustees

David L. Anderson
Brian E. Lewis
Scott D. Koenig, City Manager (ex-officio member)
Donna S. Mitchell, Controller/Treasurer (ex-officio member)

Compensation Commission

Council President Slavin requested that the Compensation Commission appointments be deferred.

Construction Code Appeals Committee
David L. Anderson
Brian Lewis
Scott D. Koenig - City Manager (ex officio member)

Legislative, Finance, and Administration Committee
William F. Hare - Chair
Scott W. Cole
Roy Sudler, Jr.
Courtney Stewart (by Council President)
Daniel T. Shevock (by Committee Chair)

Other Post-Employment Benefits (OPEB) Trust Fund Board
Scott W. Cole
James E. Hosfelt, Jr.

Parks, Recreation, and Community Enhancement Committee
Roy Sudler, Jr. - Chair
David L. Anderson
James E. Hosfelt, Jr.
M. Milford Caldwell, Jr. (by Council President)
Ann Baker Horsey (by Committee Chair)

Police Pension Plan - Retirement Committee
David L. Anderson
Brian E. Lewis

Safety Advisory and Transportation Committee
James E. Hosfelt, Jr. - Chair
James L. Hutchison, Sr.
Brian E. Lewis
Dana Shelton (by Council President)
Thomas J. Keller, Jr. (by Committee Chair)

Utility Committee
Scott W. Cole - Chair
James L. Hutchison, Sr.
Fred A. Neil
Lester L. Blakeman, Sr. (by Council President)
Tricia Arndt (by Committee Chair)

Mr. Anderson stated that he would be voting negatively because he believed that the appointments would violate the seniority tradition.

Mr. Lewis noted concerns with the appointments and believed that the process should be changed.

Mr. Sudler requested to hear the concerns of Mr. Anderson and Mr. Lewis. Responding, Mr. Anderson stated that he had simply wanted to state his comment for the record. Mr. Lewis stated that he felt there were flaws in the process and it needed to be changed at a later time through one (1) of the current committees. Responding to Mr. Lewis, Council President Slavin indicated that he was open to any suggestions.

Responding to Mr. Hare, Mr. Nicholas Rodriguez, City Solicitor, stated that there was not an ordinance or anything in the Code that referenced seniority in regard to appointments made by the Council President and that the appointments were appropriate.

Council President Slavin advised that he had served as Chair of the Legislative, Finance, and Administration Committee and sat next to former Councilman Reuben Salters, who had been on Council for many more years than Mr. Slavin, noting that this was at Mr. Salters' invitation.

Mr. Sudler moved for approval of the Committee appointments for 2016/2017, as recommended by Council President Slavin. The motion was seconded by Mr. Hare and carried by a vote of seven (7) yes (Sudler, Neil, Cole, Hosfelt, Hare, Hutchison, and Slavin), one (1) no (Anderson), and one (1) abstention (Lewis).

2016/17 MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT (Deferred During the Annual Meeting of May 9, 2016)
Council President Slavin requested approval of the following appointments:

Central Delaware Chamber of Commerce - Liaison Members
Mayor Robin R. Christiansen, Ex-Officio (Non-Voting member)
David L. Anderson (Non-Voting Guest)
William F. Hare (Non-Voting Guest)

City/County Committee (Liaison to Kent County)
Mayor Robin R. Christiansen
Council President Timothy A. Slavin
Fred A. Neil
William F. Hare
James L. Hutchison

Kent County Tourism Board of Directors
Fred A. Neil

Kent Economic Partnership Board of Directors
David L. Anderson (Council President's nominee)

President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library, and Other City Properties
Council President Slavin requested that the President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library, and Other City Properties appointments be deferred.

By consent agenda, Mr. Neil moved for approval of the Miscellaneous appointments for 2016/2017, as recommended by Council President Slavin. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote.

2016/17 COMMITTEE APPOINTMENTS - MAYOR (Deferred During the Annual Meeting of May 9, 2016)

Mayor Christiansen requested that the Compensation Commission, Downtown Dover Partnership, and Election Board appointments be deferred.

By consent agenda, Mr. Neil moved to defer the 2016/17 Mayoral Committee Appointments, seconded by Mr. Hare and carried by a unanimous roll call vote.

APPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - DOVER PUBLIC LIBRARY ADVISORY COMMISSION - JILL B. STREET - FIVE (5) YEAR TERM TO EXPIRE JUNE 16, 2021 (TO FILL THE EXPIRED TERM OF DOROTHY SNYDER)

Mayor Christiansen recommended the appointment of Ms. Jill B. Street to serve on the Dover Public Library Advisory Commission for a five (5) year term to expire June 16, 2021, to fill the expired term of Dorothy Snyder.

By consent agenda, Mr. Neil moved for approval of the appointment of Ms. Street to the Dover Public Library Advisory Commission, as recommended by Mayor Christiansen. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCE #2016-17 - 2016/2017 CITY OF DOVER BUDGET ORDINANCES

Council President Slavin reminded the public that copies of proposed ordinances are available at the entrance of the Council Chambers, on the City's website at www.cityofdover.com under "Government," or by contacting the City Clerk's Office at 736-7008 or cityclerk@dover.de.us. Final action by Council on the Proposed Ordinance will take place during the Council Meeting of June 27, 2016.

Mr. Scott Koenig, City Manager, stated that Proposed Ordinance #2016-17 was the result of approximately nine (9) hours of introduction and discussion regarding the proposed FY 2017 spending plan. Staff had presented an approximately 300-page document for Council's review, which had been consolidated into the 27-page Proposed Budget Ordinance. Mr. Koenig advised that the aggregated General Fund budget was approximately $46.7M for FY 2017 and included approximately $42.2M of revenue and expenditures. The aggregated budget for the Water and Sewer Fund was approximately $16.696M, which included approximately $15.467M of revenue and expenditures, and the aggregated budget for the Electric Fund was approximately $92.73M, including $79.428M of revenue and expenditures. Mr. Koenig advised that the total spending plan was estimated at approximately $137,119,000. He noted that the General Fund included no property tax or fee increases for FY 17. Under the Water and Sewer Fund, no rate and fee increases were proposed for FY 17, and these will be closely reviewed moving into future budget years. Mr. Koenig indicated that no rate increases were proposed in the draft FY 17 Electric budget. He noted that Council had voted in favor of the alternate budget design which included an approximate 2% Power Cost Adjustment (PCA) on the energy portion of the electric bill and this alternate had been included

in the Proposed Budget Ordinance. Mr. Koenig indicated that the FY 16 authorization for staff of 359 employees would be reduced through adoption of the budget to 354 full-time equivalents. He stated that the Ordinance reflected the debate and discussion that occurred during the Special Council Meeting - Budget Review. Mr. Koenig thanked Council and staff who contributed input to the document, and indicated that staff was looking forward to the implementation of the FY 17 budget.

Mr. Slavin thanked Mr. Koenig; Mrs. Donna Mitchell, Controller/Treasurer; and department heads for their tireless efforts in preparing the budget. He noted that there had been approximately 10 hours of budget hearings throughout the course of a week and, thanks to the work of Council members and staff, they had returned a budget that Mr. Slavin felt the City could be pleased with. He noted that there was no property tax rate increase, no hidden fee increases, utility rates remained largely unchanged, and the number of positions had been decreased, which were all of the typical indicators that were wanted. Mr. Slavin stated that an additional property tax that had been assessed against downtown property owners had been eliminated, which would reduce taxes for those in the Business Improvement District (BID). He indicated that the budget was the result of everyone's hard work over the 10 hours and hundreds of questions that were asked and answered by staff and thanked everyone for their efforts.

Mr. Sudler concurred with Mr. Slavin's remarks to department heads, and he especially thanked Mr. Koenig for getting back to him regarding his concerns pertaining to fleet vehicles, noting that this was done in a very professional and expeditious way.

Mr. Lewis quoted Voltaire, stating that "Appreciation is a wonderful thing: It makes what is excellent in others belong to us as well."

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance as read by the City Clerk, by title only, as follows:

PROPOSED ORDINANCE #2016-17 - 2016/2017 CITY OF DOVER BUDGET ORDINANCES

FINAL READING - PROPOSED ORDINANCE #2016-10 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 8 - DEFERRED COMPENSATION PLAN

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of May 23, 2016. 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. Neil moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Cole and unanimously carried.

Mr. Scott Koenig, City Manager, advised members that Proposed Ordinance #2016-10 would memorialize discussions held in recent months regarding deferred compensation, also known as the 401A Money Purchase Plan. He explained that these changes were part of the collective bargaining agreement associated with the Dover Organization of Employees (DOE) contract. Mr. Koenig stated

that changes would also be applied to non-bargaining staff moving forward, and the Proposed Ordinance would provide a Code reference to document the plans.

Mr. Hare questioned if a minimum contribution of 6% was still included in the ordinance. Responding, Mr. Koenig stated that, to his recollection, the content of Council's motion was that the minimum match for non-bargaining employees would remain at 3% and the maximum would increase to 9%. He indicated that the DOE employees were covered by the collective bargaining agreement and the minimum match would gravitate from 3% to 6% over a time period, with the maximum match increasing to 9%. *(City Clerk's Office Note: During the Regular City Council Meeting of May 23, 2016, members amended Proposed Ordinance #2016-10, the proposal for non-bargaining employees, such that 3% is maintained as the minimum, with the maximum allowable being 9%, and that the increases are at the employee's option.)*

Mr. Hare questioned if the minimum for non-bargaining would be 3%, and this was confirmed by Mr. Koenig.

Mr. Slavin stated that the Proposed Ordinance that members would be voting on this evening included a minimum contribution of 3%.

Mr. Lewis requested clarification regarding the change he had previously requested that contributions would be open to the individual's discretion. Responding, Mr. Koenig explained that the intent was that the minimum contribution for non-bargaining employees would remain as it is today at 3%, but the maximum contribution would gravitate up in accordance with the schedule that was previously identified. He indicated that the maximum match for non-bargaining employees would go to 8% on July 1, 2016.

Responding to Mr. Slavin, Mr. Koenig confirmed that the contribution would be at the discretion of the employee.

Mr. Hare moved to adopt Ordinance #2016-10, seconded by Mr. Neil.

Mr. Anderson stated that he still had the same concern he had before, which was that he believed the City should have a maximum level of contribution.

By a roll call vote of eight (8) yes (Sudler, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin) and one (1) no (Anderson), Council adopted Ordinance #2016-10, as follows:

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan of the Dover Code be amended to read as follows:

DIVISION 8. - DEFERRED COMPENSATION PLAN

Sec. 2-391. - Definitions; interpretation.

(a) *Terms defined*. As indicated in this division, unless the context otherwise clearly indicates or the deferred compensation plans contradict, the following terms shall mean as indicated below:

Eligible employee means any person regularly employed in rendering service to the city on a full-time basis who is not participating in any retirement plan to which the city contributes for them and whose compensation is paid directly by the city. An employee will be considered a full-time employee if he/she regularly works 40 hours each week.

Participant means any eligible employee of the city who has met all of the requirements for participation in the deferred compensation plan and has, upon employment, made an irrevocable election to participate in the deferred compensation plan as defined in this subsection (a) and who has satisfied all the conditions and requirements set forth in this division and in the provisions of the plans.

(Code 1981, § 2-211; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000)

Sec. 2-392. - Established; purpose.

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

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

Sec. 2-393. - Eligibility of participants.

Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994, who makes an irrevocable decision to join the deferred compensation plan, shall, upon compliance with the provisions of this division, become a deferred compensation plan participant on May 1, 1994. Thereafter, each eligible employee who selects the deferred compensation plan upon employment shall become a participant in accordance with the plan. All new employees, except police officers, hired after September 28, 2009 are required to join the defined contribution pension plan as defined in subsection 2-324.

(Code 1981, § 2-213; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 7-10-2000)

Sec. 2-394. - Contributions.

(a) *Employee contributions*. For each year while a participant of the deferred compensation plan, a participant shall contribute, by payroll deductions, a percentage of his/her compensation

as defined in the deferred compensation plan, which shall be a participant's base pay, plus scheduled overtime, payment for being on-call, except those hours reported for being called out, and any retroactive pay corrections which involve any one of the mentioned payments, up to the legal limits as defined in the deferred compensation plan.

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

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

(Code 1981, § 2-214; Ord. of 4-25-1994; Ord. of 5-22-2000; Ord. of 6-12-2000; Ord. of 7-10-2000; Ord. of 9-11-2000)

ADOPTED: JUNE 13, 2016

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, thanked staff for the efforts put forth in the FY 16 budget year. He expressed excitement about entering into the FY 17 budget year and thanked Council for listening to staff, making suggestions, and moving the budget process along to deliver the FY 17 budget.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin extended early wishes for a happy birthday to Councilman Hutchison.

Mr. Sudler thanked the National Council on Agricultural Life and Labor Research Fund, Inc. (NCALL); the Cen-Del Foundation, especially Ms. Tenish Gregory, Executive Assistant; and Police Chief Paul Bernat and the Dover Police Department for participating in a community event which helped to bring all communities together. He stated that turnout was great and the event was awesome. He thanked everyone who participated.

Mr. Hare reminded everyone that on Tuesday, June 21, 2016 there would be a Second District community meeting at the Capitol Baptist Church at 7:00 p.m. that would be open to anyone who would like to come.

Mr. Hosfelt stated that the Firefly Music Festival would be held later in the week. He extended appreciation to City staff for all that the City had done for the Festival to this point.

Mr. Anderson thanked the citizens and City staff for participating consistently with the neighborhood watches that had been performed over the past year to year-and-a-half. He indicated that they were an important part of the community and provided necessary feedback. Mr. Anderson particularly

thanked the Police Department and the Planning Department's code enforcement staff for their participation.

Mr. Anderson advised that at 7:00 p.m. on Thursday, June 23, 2016 there would be a pizza and politics event at Romano's Restaurant, located on Walker Road across from the old Dover High School. He invited anyone who wanted to drop by and talk one-on-one. Mr. Anderson noted that not everyone likes to stand up and speak in front of a forum; however, quiet people have valuable ideas as well. He stated that his telephone number is on the City's website.

Mr. Anderson indicated that he and Mr. Sudler would be announcing another town hall meeting in July, noting that these meetings had been quite successful. He looked forward to this continued partnership, noting that there was important information regarding grants and monies available through First State Community Action Agency.

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

Meeting adjourned at 8:47 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of June 13, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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