COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on March 29, 2016, at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler (arrived at 6:01 p.m.), Mr. Neil, Mr. Hosfelt, Mr. Hare (departed at 6:40), and Mr. Hutchison. Mr. Lewis, Mr. Cole, and Mayor Christiansen were absent. Civilian members present for their Committee meetings were Mr. Keller (*Safety Advisory and Transportation*), Mr. Blakeman and Mrs. Stewart (*Utility*), and Mr. Shevock and Ms. Maucher (*Legislative, Finance, and Administration*). Mr. Shelton (*Safety Advisory and Transportation*), was absent.

Mr. Neil moved to amend the agenda to change the order of the committees, as follows: Legislative, Finance, and Administration Committee; Safety Advisory and Transportation Committee; and Utility Committee. The motion was seconded by Mr. Hare and unanimously carried.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Hare presiding.

AGENDA ADDITIONS/DELETIONS

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

Revenue Policy for Extra Duty/Voluntary Overtime - Annual Review of Hourly Rates

Members were advised that the City policy for Police Extra Duty/Voluntary Overtime provides for an annual review of the hourly rates charged for extra duty to insure cost recovery for providing these services. The hourly rates in the policy are developed based on the average rates paid each officer by rank or the actual wage/benefit rate paid, depending on the service being provided. Each year Staff prepares an analysis to determine if the extra duty revenues exceed the cost of the police officer wages and benefits plus estimated overhead cost.

Mrs. Donna Mitchell, Controller/Treasurer, informed members that the rates were revised as a result of the new Fraternal Order of Police (FOP) Collective Bargaining Agreement. She stated that Staff did not recommend changing the special event rate at this time. Mrs. Mitchell explained that the overhead and hourly rate for extra duty for Dover Downs events was not changed; however, Staff may possibly bring this item back. She stated that Staff would analyze the rates again in July to determine how the special event rates work out for the two (2) large events at Dover Downs in June.

Staff recommended approval of the proposed extra duty rates.

Mrs. Mitchell advised members that sometimes the actual rate plus the rate for workers' compensation and FICA must sometimes be used for the Officer Extra Duty Billing Rates for Grant Related Events, and stated that she would include a note to indicate this on the rate chart ***(Attachment #1)***.

Responding to Mr. Hare, Mrs. Mitchell confirmed that Staff would bring the policy back for revisions to ensure that the City is not losing money on it. She advised members that the City generally broke even in FY 2015; however, she doubted that the City would break even in FY 2016 because, although the FOP raises were retroactive, the City had already billed several customers and had been through several extra duty jobs. Mrs. Mitchell stated that the proposed rates would get the City back on track for next year, so the City would not be losing money.

In response to Mr. Hutchison, Mrs. Mitchell stated that the proposed extra duty rates had been reviewed by the Police Chief and all interested parties.

Mr. Neil moved to recommend approval of the proposed extra duty rates, as recommended by Staff. The motion was seconded by Mr. Shevock and unanimously carried.

Review of Hospitality and Civic Function Policy

Mr. Hare stated that he had requested that members review the City's Hospitality and Civic Function Policy because he thought there was a need to look at what members of Council pay for and what the City pays for. He proposed that, prior to an event, members submit their request to attend with a one (1) paragraph explanation of how attending the event will benefit the City. Mr. Hare explained that there had been occasions when individual members did not want to attend an event if they have to pay for it but did want to attend if the City pays. He stated that his philosophy had always been that if he wanted to go to an event, he would go whether or not the City pays for it.

Mr. Anderson expressed his opinion that some events are a given or an official duty. He stated that he puts in the budget and attends events that he feels are really important. Mr. Anderson noted that Council specifically budgets for the National League of Cities (NLC), which is all official business, as well as the Delaware League of Local Governments (DLLG). He indicated, for instance, that economic development relates to the Downtown Dover Partnership (DDP), and if Staff would be paid and reimbursed to attend such events, it would only make sense that City Council would also, since that is an organization that the City funds. Mr. Anderson felt that the City has a vested interest in knowing what is going on with regard to this event, knowing who is participating, and in supporting the awards involved. Mr. Anderson noted that the Robbins Hose Company was funded by the City and expressed his feeling that events for City function or a City corporation, such as the Robbins Hose Company or the Downtown Dover Partnership (DDP), should be a given and members should not have to justify them each time.

Responding to Mr. Anderson, Mr. Hare clarified that the Fire Company does not charge members of Council for their attendance, the Company pays for it. Mr. Hare noted that the City funds the DDP but does not fund the Kent Economic Partnership. He felt that if members wanted to attend the Economic Development Dinner, he would assume that they had attended all of the organization's meetings, know what is going on in this regard, and be able to submit a paragraph requesting that it be paid for and explain that they are up to date on everything the Partnership had been doing.

Mr. Hare stated that the City is a member of the DLLG and some members of Council attend the monthly dinner meetings. In regard to the NLC, Mr. Hare recalled that it was former Councilman Francis Weyandt's opinion that when members return from an NLC event, they should submit a report regarding what they learned with their expense information, which kept a lot of people from going. Mr. Hare noted that Mr. Weyandt's philosophy was that members should pay for events up front and then request reimbursement. Mr. Hare expressed his belief that too many members say they will only attend an event if the City will pay for it and, considering the City's current budget, Council should not be in that situation.

Mr. Neil felt that it depended on the purpose of having the money budgeted, explaining that if the purpose is to encourage members of Council to attend events to make sure that the Council is represented, then it serves a good purpose. He stated that it does not hurt the taxpayers if an individual member does not attend an event and the City is not paying for it. Mr. Neil did not see a reason why members would have to submit a request indicating that they wanted to attend an event because they think it is good, as opposed to attending because it is being paid for. He stated that it would not cost the taxpayers any money if members do not attend an event, and he believed that the conversation was moot.

Mr. Hare reminded members that the Mayor budgets for and represents the City at all of these functions. He stated that the key question is whether members would go if they had to pay for it.

Mr. Neil stated his understanding that the purpose is to encourage members of Council, not just the Mayor, to attend events in order to be exposed to what the event is and represent Council. He noted that he recently went to Washington, D.C. for the Capitol Hill visit but is not submitting an expense report for reimbursement because the City paid for the event and he felt that it was his duty to go.

Mr. Sudler stated that he agreed with Mr. Hare that members should provide a report or overview after they attend an event because it is important to share the information. He thought that this would provide transparency to the taxpayers and show them what the City is doing with the money.

Mr. Hare noted that the Kent Economic Partnership has meetings every month and Council has a representative on the committee. He wondered whether members who do not attend the monthly meetings would attend the Economic Development Dinner if the City was not going to pay for it.

Mr. Hutchison expressed his opinion that the policy should state that if a member signs up to go to an event and the City pays for it but the member fails to attend, the member should be obligated to reimburse the City.

Mr. Anderson stated that he agreed with Mr. Hutchison, except in cases when a member gets ill.

Mr. Hare moved to recommend that the Hospitality and Civic Function Policy be amended to state that if a member goes to an event, depending on the size of the event, they will come back and provide an update to Council regarding the benefits received from the event; if a member goes to a National League of Cities (NLC) event, they would provide Council with a more

extensive report of what they learned; and if a member signs up to go to an event and the City pays for it but the member fails to attend, the member will have to reimburse the City *(Attachment #2)*. The motion was seconded by Mr. Sudler and carried by a vote of eight (8) yes (Anderson, Sudler, Hosfelt, Hare, Hutchison, Slavin, Shevock, and Maucher) and one (1) no (Neil).

Proposed Ordinance #2016-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan (Sponsors: Cole and Koenig)

Mr. Scott Koenig, City Manager, advised that during their Regular Meeting of March 28, 2016, Council approved the proposed amendments to Article XVII Employee Benefits, Section 3 - Deferred Income of the City of Dover Personnel Policy (Employee Handbook), as recommended by staff, stating that the changes to the Handbook would not become effective until the ordinance amendments are adopted. He reminded members that the proposed amendments to the Handbook reflected changes created by the Dover Organization of Employees (DOE) Collective Bargaining Agreement as well as clarification regarding non-bargaining employees that are in the 401A Money Purchase Plan. Mr. Koenig explained that Proposed Ordinance #2016-10 was the companion document for the Handbook changes. In regard to DOE, he reminded members that there is an existing labor agreement that creates the contractual authorization to modify the matching contributions. In regard to non-bargaining employees, Staff wanted to get the Handbook changes through, and Council authorized the Handbook changes with the condition that they not become effective until the Code amendments are adopted.

Mr. Koenig reminded members that during the Committee meeting of March 15, 2016, he indicated that Staff was working to incorporate all of the retirement related and medical benefits into correct sections of the Code. He stated that this is a major project and, since that time, Staff had taken a step back and decided only to bring forward clear language regarding the 401A Money Purchase Plan.

Mr. Koenig reviewed Proposed Ordinance #2016-10. Referring to Lines 33-34, he reminded members that there is no longer an option for new employees to go into a defined benefit plan, except uniformed police officers who have the option of joining the municipal government plan at the State level.

Mr. Koenig explained that the language regarding contributions in Lines 38-39 and 44-45 would be changed to refer to the plan document, noting that Staff was in the process of modifying the plan document. He stated that the plan document for DOE had been modified and Staff had been preparing a plan document modification that would affect non-bargaining employees if this ordinance is adopted.

Mr. Koenig stated that the proposed amendments will change the 401A Money Purchase Plan required contributions in accordance with the DOE Collective Bargaining Agreement and the City of Dover Personnel Policy (Employee Handbook), and align definitions and eligibility requirements with existing policies. He informed members that if Council adopts Proposed Ordinance #2016-10, it would amend the contributions of non-bargaining employees from the current 3% minimum match/6% maximum match over time to the 6% minimum match/9% maximum match. The

ordinance language relating to the 401A Plan for non-bargaining employees would mirror the language that was adopted by Council for the DOE employees. Mr. Koenig stated that it would not change the 401 contributions for the American Federation of State, County and Municipal Employees (AFSCME) members or the International Brotherhood of Electrical Workers (IBEW) members that are in this plan, and would have no effect on police officer pensions or employees that are in the general pension plan.

Staff recommended adoption of Ordinance #2016-10.

Mr. Anderson stated that he would definitely favor the Proposed Ordinance but noted that it was left completely open ended. He asked whether Staff had looked at an amendment to cap the contribution at approximately $8,500, noting that the City can start capping the City match at some level. Responding, Mr. Koenig stated that there was some discussion about this at the Committee level; however, Staff did not do any calculations on the impact of a calculated match. He stated that if Council wants those numbers, Staff would have to prepare them for the First Reading.

Mr. Anderson expressed concern regarding the open-ended nature of the Proposed Ordinance, noting that the point of it is to make sure that all the employees have a minimum floor that is sufficient for them to retire. He clarified that the point is to make sure that no employee that works for the City retires in poverty, which he believed was a worthy public interest goal. Mr. Anderson explained that in the future someone could get paid $200,000 and get a match for almost $20,000. He felt that there should be a dollar amount cap on what the City matches, not on what an individual can contribute.

Mr. Koenig noted that he respected Mr. Anderson's opinion; however, he stated that placing a cap on the City match would not favor the higher income earners. He explained that the City had gravitated away from simply talking about salary and looking at total compensation across the board. Mr. Koenig felt that, in the long run, a cap would have a negative effect because it would treat people differently as they move up in the income bracket. He stated that a flat fee or a flat percentage would be the same, regardless of income bracket. Mr. Koenig advised that some people at that level are contributing in excess of the 9%.

Mr. Anderson stated that this is not a completely unprecedented idea, noting, for example, that there are dollar amounts, not percentages set for IRAs. He indicated that this would not discriminate because it is available to everyone and the higher income people would still be able to put in the same maximum percentage, according to their income. He was only suggesting a cap on the City contribution.

Responding to Mr. Anderson, Mr. Koenig reminded members that there is no cap on the defined benefit contribution, nor is there a cap on salaries in the police pension. He explained that only the non-bargaining employees that are at a higher income level would be capped.

Mr. Anderson stated that the City does not pay the police pension. In response, Mr. Koenig clarified that the City pays a percentage of payroll for the police pension.

Responding to Mr. Neil, Mr. Koenig stated that if members disapprove and vote down Proposed Ordinance #2016-10, then the non-bargaining group would not have a legal path forward to amend the contributions. He explained that the DOE bargaining unit will move forward with the amended contributions because of the DOE contract. If the ordinance is not passed, the City would not have legal standing to refer back to a document that allows escalation of the contribution for non-bargaining employees.

Mr. Neil agreed with Mr. Anderson's point, noting that looking forward at the finances of the City, the rich get richer. He stated that this is not a bad thing, but thought that it was something that members needed to consider because they would be making an obligation down the line, which he thought members should be very wary of.

Responding to Mr. Neil, Mr. Koenig agreed that this would be an obligation down the line; however, he noted that it is a pay-as-you-go obligation, since there is not a future obligation once the payment is made. He stated that he understood the point, but was unsure at what level the City would make the cap. Mr. Koenig questioned whether it is a cap that would escalate over time and how often Council would review the cap. He indicated that if Council caps the contribution, members would be discussing this issue again, without question. Mr. Koenig reminded members that the non-bargaining employees do not have a path to come and negotiate directly with Council because they are not represented.

Mr. Hosfelt stated that he agreed with Mr. Koenig. He did not understand why members would want to punish or hold back the City's leaders, the department heads who make the decisions on a daily basis. Mr. Hosfelt noted that these are the individuals who put everything together, including the budget, Public Works, and the Police Department. He explained that members have trusted these individuals and put them in positions of leadership and the City pays them a fair wage, but he did not think that holding them back or putting a cap on this would be fair to them. Mr. Hosfelt reminded members that other individuals have a way through negotiations to work this out, but the non-bargaining employees do not have that opportunity and are out there on an island by themselves and at the whim or the will of City Council. He did not see this as fair, noting that if it is good for the lowest person on the pay scale in the Police Department or Public Works, then he thinks that it is good enough for the City's department heads.

Mr. Hare stated that when this was first brought up, it was relayed that it was to help the lower income people so they would be able to retire and have something. He indicated that he agreed with Mr. Anderson and Mr. Neil and, based on the research he had done, he was not aware of any other city in Delaware that has a 9% match for all their employees, including all their upper management employees. Mr. Hare stated that if this was done because the City is worried about the lower income people, he would suggest that the City cap it at $100,000, and that would be a $9,000 maximum a year. He noted that the City can always revisit this matter in a year, two (2) years, or three (3) years if all of a sudden the salaries of 30 of the non-bargaining people were over $100,000. Mr. Hare stated that he had never heard of a 9% match on a 401K anywhere, in private business or local government. He explained that if it was done to help the lower income individuals, then he could support it, but he agreed with Mr. Neil and Mr. Anderson.

Mr. Shevock asked if the 9% being discussed was based on an employee's total salary or what they are putting in the 401K. Responding, Mr. Koenig stated that it is a percentage of the employee's base salary. He explained that under the new minimums, as it escalates, there will be a point where the minimum is 6% that the employee must contribute, and the City will match up to 9%. Mr. Koenig stated that the City has $40^{+/-}$ non-bargaining employees and a certain percentage of those employees are only going to contribute the minimum, while a couple of people are going to contribute over 9%, so the City's exposure would be up to 9%.

In response to Mr. Shevock, Mr. Koenig clarified that individual employees can go over the matches, up to a certain amount of money. He stated that the current maximum is 6% and there are a number of employees that are contributing more than 6% because they want to put additional funding into their retirement. There are a few people that are currently contributing over 9%, who will probably continue to contribute that amount of money. He stated that it is purely on an individual basis.

Mr. Sudler stated that he appreciated the initiative in regard to wanting to help out the lower income, lower paid employees; however, he questioned how much the employees can realistically contribute when they are currently having a hard time, not getting paid that much, and need money right now to pay their bills and monthly expenses. Mr. Sudler thought it was fine if the individuals who have the extra money can take advantage of it, but he did not think that the individuals at the lower end would be able to contribute 9% the way that the economy is now.

Responding to Mr. Sudler, Mr. Koenig stated that any increase from 6% to 9% is voluntary and individual employees make this decision based on whether they can afford to or want to do it, or whether they want to make adjustments to do it. He clarified that this would move the minimums from 3% to 6% and the maximums from 6% to 9%.

Mr. Hosfelt stated that this is a group of employees who have nobody to speak for them but the City Manager, and they speak for themselves. He reminded members that these were the same people that Council did not give a pay raise to last year and instead gave a bonus, which does not carry them far. Mr. Hosfelt stated that Council hit them once, is now going to hit them again, and who knows what this budget is going to bring. He noted that he sees this as a way to compensate good people for good work. Mr. Hosfelt stated that he is very fortunate that he collects a pension, and he knows how important that is. For those that do not have that ability to collect a pension, he saw this as an important step. He did not think it matters whether Dover is the only city in the State that does this, and believed that others should follow suit. Mr. Hosfelt stated that he thought this is a way to treat the City's employees for good work.

Mr. Neil stated that he did not regard asking for a cap at some point as being disrespectful and thought that it is a very generous contribution; however, at 9%, he believed it deserved some comment. He stated that the employees have the ability to contribute the maximum and go above it if they want. In his opinion, it was a question of looking forward in the future for the City, not an insult of the work that the leaders do. Mr. Neil noted that Council evaluates them and has a chance to say how good they are and compliment them, etc. He stated that he thought that it would be a little bit over generous at this time, looking down the road.

Responding to Ms. Maucher, Mr. Koenig explained that currently the minimum is 3% and Staff is proposing to escalate to 6% between now July 1, 2018. The maximum match right now is at 6% and that would escalate and mirror proportionately to 9% between now and July 1, 2018, when 9% would be the available number. He stated that the area between 6% and 9% is driven by what the employee wants to do. They do not have to contribute more than 6%, but they have to contribute at least 6% when those minimums are reached.

Ms. Maucher asked how much the City would contribute if an employee contributed 7%. Responding, Mr. Koenig stated that if an employee contributed 7.25% and the max was above 7.25, the City would match the contribution. He explained that it cannot be unbalanced towards the City but it can be unbalanced towards the employee. There could be an employee who contributes 15% of their salary, but the City's exposure would be whatever the maximum is.

Ms. Maucher asked what the income ranges are for those who are contributing over the current 3% up to 6%. In response, Mr. Koenig explained that the range for non-bargaining employees is between the low to upper $30's, up to the mid $120's. He noted that there are administrative assistants in confidential positions who are being paid in the upper $30's or perhaps low $40's, while his position is in the mid $120's. Mr. Koenig indicated that there is a wide range in this area, explaining that, at this point, a lot of the non-bargaining employees are in executive level management; however, there are a number of confidential administrative assistant positions throughout the organization that represent the lower end of that scale.

Mr. Neil moved to defer this matter for further discussion, seconded by Mr. Hosfelt and unanimously carried.

South Bradford Street Streetscape Enhancements (Division Street to Loockerman Street) - Transportation Enhancement Program Agreement

Mr. Scott Koenig, City Manager, informed members that the South Bradford Street Streetscape Enhancements project consists of the design and preparation of contract documents, explaining that it involves streetscape improvements along South Bradford Street from Loockerman Street to Division Street. Improvements include curb and sidewalk replacement, American with Disabilities Act (ADA) upgrades, curb ramp improvements, crosswalk improvements, and pedestrian lighting.

Mr. Koenig stated that this project is part of the transportation enhancement program through the Delaware Department of Transportation (DelDOT), the application for this grant was initially filed by the Downtown Dover Partnership (DDP), and the DDP was selected through a competitive process. He explained that the conceptual side of this plan had come to an end and there must be a contract in order to move forward. Since the DDP cannot entertain that contract, the project must shift to the City of Dover to move forward. Mr. Koenig stated that the City's exposure on the design side is approximately $25,000 of the estimated $125,000 design fee. The City will cover that portion of the agreement using either community transportation funding or funding from the street program. He stated that this would basically lock the City into receiving State money, similar to a grant award.

Mr. Koenig advised members that this project will enhance the sidewalks, add brick accents, improve the landscaping, and improve the street lighting. He explained that since approximately $1M will be spent on sidewalk and visual improvements, the City will also do the sewer and water replacement along this corridor prior to the actual construction of the sidewalks, lighting, and other improvements and will likely complete the paving afterward.

Mr. Koenig explained that this is only one (1) component of the overall project but this is the component that has third-party funding. He stated that when the project goes to construction, there will be an 80/20 match. Since it is a $1M construction project, the State will provide $800,000 and the City must provide the 20% match, which can come from either community transportation funding, street program funds, or other general fund projects that may finish under budget.

Mr. Koenig informed members that the conceptual design was just finished, design will take approximately a year to finish, then construction would probably be 12 to 18 months away, which will give the City time to replace the utilities and prepare for the sidewalk and lighting enhancements.

Staff recommended authorization to execute the agreement to initiate the design for this streetscape improvement project.

Mr. Neil moved to recommend authorization to execute the agreement to initiate the design for the South Bradford Street Streetscape Improvement Project, as recommended by Staff. The motion was seconded by Mr. Anderson and unanimously carried.

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

Meeting adjourned at 6:40 p.m.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Proposed Ordinance #2016-09 Amending 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 (Sponsors: Hosfelt and Cole)

During the Safety Advisory and Transportation Committee meeting of October 26, 2015, members discussed prohibited speed reduction devices as a result of a discussion that took place at a neighborhood meeting at the Greentree Shopping Center involving the owner of the property as well as business owners. Mr. Hosfelt stated that he would like the Committee to continue this discussion after a couple of months, which would allow him time to do further research, especially in regard to speed cushions. He stated that this subject would not be put aside and was worth investigation.

During the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting of March 29, 2016, Mr. Hosfelt reminded members that some of the business owners in the Greentree Shopping Center had expressed safety concerns which led to a discussion regarding whether speed bumps or speed humps were permitted on private property. He stated that, historically, the City of Dover had not had speed bumps or speed humps because the Police and Fire Departments had always stood against them because of response times and safety for their people. Mr. Hosfelt explained that after meeting with business owners in the Greentree Shopping Center, he met with Police Chief Paul Bernat and the newly elected Fire Chief, Carleton Carey, Jr., to discuss this concept. He reviewed a photo depicting a speed cushion, noting that it was unlike a typical speed bump where the entire roadway is covered with an increased asphalt. Although he had not seen a speed cushion in person, he had been informed that they were utilized in Harrington, Delaware, where they were well used and liked.

Mr. Hosfelt explained that Proposed Ordinance #2016-09 would permit speed cushions on privately owned commercial property. He indicated that the devices would be tested on private property and at some point the City may desire to try them on a public roadway. Mr. Hosfelt advised members that it appeared that installing these devices would satisfy business owners on private property. He expressed his belief that two (2) of the biggest proponents would be the Greentree Shopping Center and Eden Hill Medical Center, noting his understanding that some speed cushions had actually been put in place by owners who had not been aware that the City was discussing this matter. Mr. Hosfelt noted that comments regarding this proposal had been provided by Mr. Timothy Mullaney, Jr., Fire Marshal, and Mr. Jason Lyon, Water/Wastewater Manager, Public Works Department, who were not in favor of speed cushions.

In response to Mr. Hutchison as to how the devices are put in place and if they can be removed, Mr. Hosfelt expressed his belief that they are bolted or secured in place and would not move around the roadway. He stated that the width in the lane of travel between humps would allow for fire apparatus, garbage trucks, and other large vehicles.

Mr. Neil stated his understanding that vehicles would have to slow down to approximately 25 miles per hour before going over the speed cushions, which are slotted. He indicated that speed cushions

had been discussed in regard to speeding issues on North State Street. Mr. Neil expressed his hope that the Police Department had helped to slow down traffic in the North State Street area, noting that he had not heard much about this recently.

Mr. Hosfelt stated that the proposal was not for public roadways like North State Street, noting that there were similar speeding problems on Independence Boulevard in Bicentennial Village. He stated that the intent was to use speed cushions strictly on private property and the cost would be the responsibility of the business or property owner and not the City.

Mr. Hosfelt pointed out that Mr. Lyon had expressed concerns regarding possible damage to vehicles and unnecessary stress on the vehicles and operators; however, Mr. Hosfelt did not see this as an issue with the width and pathway specifications that had been built into the ordinance.

Mr. Scott Koenig, City Manager, stated his belief that the City did not pick up trash in the Greentree Shopping Center, so the devices would not be a problem for trash collection vehicles. He noted he was not really interested in the City collecting trash for large shopping centers; therefore, if this became a problem for garbage trucks, the City would be willing to make this trade-off if necessary. In addition, Mr. Koenig explained that the City does not plow large shopping centers, so there would be no issue with snow plowing equipment. He expressed his belief that the statute should really just be related to private streets, but noted the potential for gravitation to public streets. Mr. Koenig stated that speed cushions could cause operational issues if installed on public streets because there would be an associated cost. Given the level of frustration that some property owners have with this issue, he felt that the devices were something that the City should try, noting that the ordinance could be amended in the future if it does not work.

Mr. Hosfelt advised members that he had met with Mr. Koenig to get his comments and thoughts on the Proposed Ordinance before bringing it to the Committee.

Mr. Hutchison expressed his opinion that the proposal was an excellent way to help the Police Department address public safety issues and concerns since police officers cannot be everywhere. He stated that Christiana Mall has speed bumps and they work in slowing traffic.

Mr. Neil moved to recommend adoption of Proposed Ordinance #2016-09, seconded by Mr. Keller.

Mrs. Traci McDowell, City Clerk, advised members that Mr. Mullaney had advised her that there is a fire lane in front of the Greentree Shopping Center and stated her belief that this is where the speed cushion was proposed to be installed. She noted that Line 27 of the ordinance prohibits use of the devices in fire lanes and questioned if members wished to strike “fire lane” from this line of the Proposed Ordinance.

Mr. Hosfelt advised members that the proposed change would strike through the two (2) words "fire lane" in Line 27 of the Proposed Ordinance.

Mr. Neil and Mr. Keller stated that they were willing to include this change in the motion.

Mr. Slavin questioned if speed cushions would be installed in both the front and rear of the Greentree Shopping Center. Responding, Mr. Hosfelt stated that this would be the choice of the owner.

Mr. Slavin stated that the issue of speeding was more of a concern in the rear of the building. Responding, Mr. Hosfelt indicated that he anticipated speed cushions would go in the rear of the building first.

The motion to recommend amending Line 27 of Proposed Ordinance #2016-09 by striking the words "fire lane" and to recommend adoption of the ordinance as amended *(Attachment #3)*, was unanimously carried.

Discussion - Assignment of Dedicated Police Athletic League (PAL) Officer
During the City Council meeting of February 22, 2016, members referred this matter to the Committee for discussion.

Police Chief Paul Bernat provided an overview of the Police Department, noting that the Department is currently authorized for 101 police officers and at full strength, but has recruits and officers in training. He explained that six (6) officers would be in Field Training Officer (FTO) training through May 14, 2016 and three (3) recruits are in the Delaware State Police Academy. Chief Bernat informed members that the 101st officer, Mr. Timothy Mullaney, Jr., was hired on Monday, March 28, 2016, noting that Mr. Mullaney is a certified officer (City Fire Marshal) and will receive 14 weeks of FTO before being released. Chief Bernat stated that there was one (1) officer with an official resignation date of June 30, 2016 and four (4) officers are on light duty. He advised that a lieutenant was beginning week three (3) of a ten (10) week training program at Northwestern Police Command School this week, a detective was in week four (4) of a ten (10) week training program in a Crime Scene Investigation (CSI) school, four (4) officers were getting ready to attend Special Operations Response Team (SORT) training for 80 hours, and a K-9 officer was getting ready to attend a 12-week training program from April through July.

Chief Bernat informed members that the Department has implemented the beginning stages of the Police Athletic League (PAL) program and Master Corporal (MCpl.) Keith Hester was transferred to PAL on February 7, 2016. He stated that MCpl. Hester has over 19 years of experience working with youth and is an extremely dedicated youth police officer.

Chief Bernat reminded members that in January 2015, the Police Department requested 10 additional police officers from City Council. The Department specifically asked for two (2) officers to be dedicated to PAL, which could be confirmed by a review of the minutes of the Legislative, Finance, and Administration Committee meeting of January 12, 2015. He explained that, when attending meetings or speaking to the public, he is continually asked when the Department will start a PAL program, and he felt it necessary to identify the PAL officer and begin the preliminary processes for the program this past February. Chief Bernat indicated that with the PAL officer selected, the background work had begun. Staff had met with Mr. Robert Jameson, Executive Director, Police Athletic League of Delaware, and had been granted permission to start the City's program under the New Castle County Police Department's umbrella for PAL. Chief Bernat informed members that

the Dover Police Department is in the infant stages of starting a PAL basketball program, noting that the start-up of the City-wide PAL basketball league will demonstrate to corporate PAL the City's capability and dedication to the program. He stated that once the program is completed and measured, the Dover Police Department will have data to present to the PAL Board, which will allow for the development of the sole City of Dover PAL organization. Chief Bernat estimated incorporation for the Dover Police Department PAL in early Fall of 2016, noting that contact had been made with Mr. Kevin Baird, Esq. to discuss this process and he was very willing to help. Chief Bernat indicated that two (2) professional grade, safe basketball hoop systems and basketballs had been purchased, t-shirts were on order for the summer leagues. He stated that the City's Parks and Recreation Department would provide two (2) additional hoop systems and would be an active partner in the summer league. MCpl. Hester had received permission to use the courts at the Elizabeth W. Murphey School, and he and Sergeant Robbins had repainted the outside basketball courts on the Murphey School property. Chief Bernat noted that PAL basketball will be present at community outreach events on April 1, 2016 and June 11, 2016. He stated that MCpl. Hester will vet and train officers to fill positions at PAL program events, and these officers will be deployed under extra duty protocols.

Chief Bernat advised members that a $580,000 grant had been received from the Joint Finance Committee (JFC) and Attorney General Matt Denn last year, and 640 hours connected with this funding is dedicated to community events. He explained that part of this funding would be used toward the PAL program.

Chief Bernat explained that there are several moving parts in the Dover Police Department, and the Department is moving in the right direction. He reminded members that he had been the Chief of Police for two (2) years, and the past two (2) years had been very challenging. In 2015 the Department experienced seven (7) retirements and 21 (62%) of the individuals in the Department's 34 supervisory positions are new supervisors. Chief Bernat explained that the Police Department is a young department that will be well trained and highly motivated to protect and serve the citizens of Dover. He stated the importance of connecting with the community and that it was equally or more important to connect with the youth because they are the future. Chief Bernat felt that the City would be a better place to live if the Police Department could build a better rapport and understanding of law enforcement officers for children in the community.

In response to Mr. Hosfelt, Chief Bernat confirmed that he intended for MCpl. Hester to be the permanent PAL officer. He noted that MCpl. Hester would be eligible to retire in three (3) years, and expressed his hope that the position could be civilianized after MCpl. Hester's retirement.

Mr. Hosfelt questioned if the grant money that Chief Bernat mentioned paid for the extra duty coverage. Chief Bernat stated that funds received from the JFC would cover 640 hours, which would run out after one (1) year; however, the Department would look for other funding sources.

Mr. Anderson noted that the City previously had a PAL program that disappeared due to retirements and other needs in the police force. He asked Chief Bernat whether the City had been better off with or without the PAL. Responding, Chief Bernat expressed his opinion that the program makes a

difference. He advised members that a couple of former participants had recently been hired by the Department, noting that Detective Jordan Miller was one (1) of them. Chief Bernat felt that changing even one (1) life makes a difference and stated that they would change more than one (1) life.

Mr. Sudler thanked Chief Bernat for doing an excellent job. He asked if consideration had been given to having someone provide education on juvenile delinquency and appropriate behavior, in addition to the sports program. Responding, Chief Bernat stated that this would be a good idea.

Mr. Neil stated that in his youth he was led to believe that police officers were heroes. Noting the temptations for young people, he felt it was important for young people to see police officers as the good guys and he applauded their efforts.

Mr. Slavin indicated that his job would be to answer the questions of constituents. He questioned the need for a master corporal to be the program lead. Noting the plan to civilianize the position, Mr. Slavin inquired why the Department would not begin with a civilian division, stating his assumption that there would be a difference in salary between a civilian and an officer position. Responding, Chief Bernat explained that MCpl. Hester has 19 years of experience and he could not think of a better person to get the program started. He stated that, as with a house, there was a need to build a proper foundation or the program would collapse.

Mr. Slavin felt there would be an appearance that the City had authorized more officers than needed to go out on the streets to deal with the threat of violence, if a master corporal, which is a fairly significant position within the Department, was being placed on non-patrol duty. He felt that he could better explain this to constituents since Chief Bernat had provided clarification.

Mr. Slavin asked if the force would be reduced by one (1) position if the position were civilianized. In response, Chief Bernat indicated that he could not answer that right now but would be prepared to do so.

Mr. Slavin stated his understanding that the authorized officer position would serve the PAL purpose for three (3) years. He questioned if the need for the authorization would go away when the position goes to the civilian side. In response, Chief Bernat felt that it was important to have at least one (1) uniformed officer involved and that it was equally important to have the involvement of retired officers, who do not cost as much. He reiterated the importance of having a good foundation for the program.

Mr. Slavin stated that he was encouraged by a comment that Chief Bernat had made to him about his philosophy of building the program where the kids are located by looking for connections in the community, school, and places where they already gather and placing parts of the PAL program there. He stated that he applauded this model, which had been used by the Boys and Girls Clubs for a variety of their programs.

Chief Bernat explained that Central Middle School would be the key area, noting that MCpl. Hester had been a School Resource Officer at that location for 18 years.

Mr. Hutchison stated that Camp Barnes, run by the Delaware State Police; the Boys and Girls Club in the City and throughout the State of Delaware; and PAL programs had been able to accomplish a great deal over the years, and he felt there was nothing that the Dover Police Department could do that would be more important than addressing the issues and concerns of young people. He stated that the Police Department makes a difference and expressed the importance of a good foundation that will allow an opportunity to build for the future, noting that people could be saved. Mr. Hutchison stated that it is amazing how many individuals can be reached, noting that he serves on the board of the Elizabeth W. Murphey School and 30 to 35 students go there on a regular basis. He informed members that over 5,000 kids have gone through the Murphey School in the last 90 years and the establishment is still in business. Mr. Hutchison stated that he is a huge supporter of taking care of youth but acknowledged that there is a cost involved. He felt that this was a good cost because there is a benefit received.

Request For Left-Hand Turn Signals - Queen/Water Street and State/Water Street Intersections

During their meeting of September 28, 2015, the Committee recommended endorsing a letter to the Delaware Department of Transportation to study the Queen/Water Street and State/Water Street intersections.

Mr. Scott Koenig, City Manager, informed members that in October 2015, he forwarded a request from the City of Dover to Mr. Mark Luszcz, Chief Traffic Engineer, State of Delaware Department of Transportation (DelDOT) regarding the potential installation of left turn signals at the intersections of State/Water Street and Queen/Water Street. He informed members that he received an official reply from Mr. Luszcz on Friday, February 26, 2016, which did not indicate that the installation was needed; however, it also stated that if DelDOT did this installation there would only be a minor degradation of the intersection function and it would prevent the City from asking for additional study in the future. Mr. Koenig advised members that the State had basically acquiesced and indicated that if the City wants the left-turn arrows installed, DelDOT will put them on the design schedule and install them as soon as funding permits. Mr. Luszcz hoped that they would be done in FY 17, which would begin July 1, 2016, and this would eliminate the need for DelDOT to study this intersection going forward. Mr. Koenig indicated that, from staff's standpoint, there had been testimony that the arrows would be a reasonable improvement and he thought that most drivers would concur. He expressed his opinion that, in this case, the City would be ahead of the curve in transportation requests at these two (2) intersections.

Staff recommended authorizing the changes to the traffic signal phasing and allowing DelDOT to program and implement the changes as soon as funding permits.

Mr. Hosfelt stated that he agreed with Staff's recommendation.

Mr. Hutchison moved to recommend authorizing the changes to the traffic signal phasing and allowing DelDOT to program and implement the changes as soon as funding permits, seconded by Mr. Anderson and unanimously carried.

Safety Concerns (Sudler)

The Elks Lodge - 217 North Kirkwood Street

Mr. Sudler informed members that the Kirkwood Street community and surrounding neighbors had lost confidence in the ability of Dover Elks Lodge #1125, located at 217 North Kirkwood Street, to provide adequate security and safety measures for the general well-being of their community. They had reached out to the Lodge leadership and had not been able to come to a happy medium in regard to a soft approach to solving their concerns. Mr. Sudler stated that in February 2016, a meeting was held at City Hall to discuss various options for the current City ordinance and State doctrine to classify the Elks Lodge as a nuisance property. Attendees included Council President Slavin; Councilman Hutchison, who represented the Safety Advisory and Transportation Committee; Councilman Sudler; Representative Sean Lynn, 31st District; Mr. Albert J. Roop, Department of Justice; the Kirkwood Neighborhood Watch Executive Committee; and residents of Queen Street. Mr. Sudler stated that another meeting was scheduled for April 6, 2016 at 11:00 a.m. at City Hall, and indicated that he would update members regarding this meeting.

Mr. Hosfelt asked whether management from the Elks Lodge attended the meeting. Responding, Mr. Sudler indicated that the group had been unsuccessful in contacting the management of the Elks Lodge, although a community meeting was held with them in July 2015. He noted that a couple community meetings had been held.

Mr. Anderson stated that meetings had been held with members of the community and an action plan was agreed upon that included various facets, such as reviewing the type of music the DJ's would be playing and looking at hiring off-duty Dover police officers for random times so that there would be someone with authority to move people who are in the streets. He explained that the music in the area was loud and people would bring their own alcohol and set up their own parties outside, where 90% of the problems were occurring. Mr. Anderson stated that approximately nine (9) months had gone by and none of the steps toward the action plan had occurred. Communication had broken off, and this had been a continuing problem. Mr. Anderson expressed frustration, since the idea had been to work with the Elks Lodge and the community on a solution, and a solution was agreed upon and the neighbors did their part. The agreement was to form an active neighborhood watch association and take other actions; however, the Elks Lodge part of the agreement never materialized, so only half of the agreement had been kept, which was also a continuing problem.

Mr. Sudler stated that Police Chief Paul Bernat was also present at the first meeting and the Police Department had been very supportive in trying to address the concerns of the Kirkwood Street Neighborhood Watch and providing information. He indicated that the Neighborhood Watch was working with the Dover Police Department to try to obtain feedback from the Elks Lodge leadership to see if they would comply; however, no one appeared to be accessible to sit down and talk.

Mr. Slavin thanked Councilmen Sudler and Anderson for continuing to follow this issue. He advised members that at one (1) of the related meetings he attended, a multi-pronged approach was discussed. Those in attendance planned to check on the corporation and business license status of the company, as well as their exemption from property taxes. Mr. Slavin stated his belief that under their original charter they had set themselves up as a charitable organization, and there was some question as to whether they are charitable. In addition, those in attendance planned to check with the International Order of the Elks to see if this Lodge is in good standing, which would impact their exempt status with the City. Mr. Slavin felt that something would be found that would help to get to the root of this.

In response to Mr. Hutchison as to whether the police had any contact with the Elks organization, Chief Bernat indicated that Major Marvin Mailey, Deputy Police Chief, had been trying to contact this Lodge with negative results. He stated that he had heard that Mr. Dillard Christmas passed away in a traffic accident approximately two (2) or three (3) weeks ago and Chief Bernat felt that this was related to the difficulty in making contact with the Lodge. Chief Bernat advised members that the number of related complaints being received had dropped somewhat, noting that only five (5) had been received this year to date, including two (2) disorderly conducts with one (1) resulting in an arrest, one (1) gone on arrival (GOA), and one (1) gunshot. After investigating the gunshot, it was determined that an individual had shot themself in the leg. There was also a fraud-related domestic complaint. Chief Bernat stated that the Community Policing Unit is involved and Master Corporal Jennifer Lynch had attended two (2) neighborhood watch meetings that were held in February and March 2016, and another meeting was scheduled for April. He advised members that the Police Department is active in this area and was seeing some results. Chief Bernat stated the importance of contacting the Elks Lodge management, noting that the Police Department had found in the past that meeting with management seemed to get their attention.

Mr. Hosfelt stated his belief, based on past experiences, that the problems would return when the weather warms up and people begin opening their windows again.

Mr. Sudler stated that members of the community were encouraged to call with their concerns; however, they indicated that they did not want to call because they felt that if the police came to their houses, they would be targeted and there would be retaliation. He advised that a vote had been held regarding whether the community wanted the Elks Lodge to be closed and some people indicated that they wanted to participate; however, they were afraid of being seen going to vote and being targeted or retaliated against. Mr. Sudler felt that retaliatory acts play a significant role in complaints from the community. He noted that he was glad that complaints had decreased, but did not feel that this was a strong indicator. Mr. Sudler explained that his constituents had expressed that there was no point in calling since they had been dealing with this issue for years and felt that nothing would be done. He advised members that his constituents wanted something to be done, and he would like to get something done on behalf of his constituents. Mr. Sudler stated that 10 years of complaints had been reviewed and they had been extensive. He indicated that one (1) of the tactics planned to be used now was to see how many complaints are received from the surrounding areas on Queen and Cecil Streets, not just those from Kirkwood Street.

Chief Bernat noted that Fulton Street seemed to be a hot spot now as well. He informed members that a lot of extra-duty foot patrols were being used to saturate this area and they had been bringing results.

Mr. Sudler indicated that Mt. Zion A.M.E.. Church has some concerns about a store in that area.

Mr. Hosfelt stated that if someone were to call and report a crime, police officers would not have to show up on their doorstep. Chief Bernat concurred, stating that an individual reporting concerns could request to remain anonymous or tell the dispatcher that officers should not come to their house because they do not want retaliation. Although their information will appear on the dispatcher's screen, an individual can request that they not be contacted or request to remain anonymous.

Mr. Anderson stated that some people felt more comfortable making an appointment to talk with the police at the police station instead of having someone come to their home, which was an option that the Dover police made readily available. He indicated that looking at non-conforming use in residential areas had also been discussed and felt that this should be looked at when there is a threat to public safety. Mr. Anderson expressed his opinion that this should be an important part of the City Code, not just for one (1) area but as a general principle. He indicated that he has no problems with non-conforming uses but does have problems when such uses endanger people and there is no mechanism for review. Mr. Anderson expressed the need to move forward quickly on that principle.

Hamlet Shopping Plaza

Mr. Sudler advised members that business owners and residents in the area of the Hamlet Shopping Center were concerned about aggressive panhandling and youth gang activity in the Center, which they feel have impeded their future potential profits and sales. He indicated that these business owners and residents were orchestrating a commercial and residential neighborhood watch program.

Mr. Sudler informed members that a meeting was conducted at Tom's Bullpen, 1035 Walker Road. Attendees included Councilman Sudler; Council President Slavin; Representative Sean Lynn, 31st District; Councilman Anderson; a Dover Police Department community police officer; and code enforcement staff from the City. There were approximately 45-60 participants who voiced their concerns and remedies were provided. Mr. Sudler stated the intent to hold a follow-up meeting in approximately three (3) months to assess the increase or decrease in the activities that caused complaints and offered to provide an update following that meeting.

Mr. Anderson questioned if, as a result of the meeting, the Hamlet residents and community had worked with the Community Policing Unit to start a neighborhood watch association. Responding, Mr. Sudler indicated that business owners and residents had exchanged information in this regard and stated his intent to check with the point person to see how this was coming along.

Mr. Anderson felt, since the community was being proactive, that the City should be supportive of their efforts and make sure they get the resources to be successful, and Mr. Sudler concurred.

Mr. Sudler informed members that he shops at the Hamlet Shopping Center quite often and some business owners there had seen an increase in the police presence. He noted that criminal activity is deterred when officers park their vehicles and sit there, and he had observed police officers at the property. He thanked the Police Department and Police Chief Paul Bernat for their strong presence at this location.

Mr. Keller advised members that there was a gentleman employed by the 7-11 Store in the Hamlet Shopping Center whose presence had been helpful and who people look up to. He suggested that if there was any way the City could help this individual, this should be done. Responding, Mr. Sudler stated his belief that the gentleman's name is Corey, and he had acted as a security officer and mentor to some of the youth in the area. Mr. Sudler indicated that this individual had asked if the City could assist him in obtaining a security job in the Shopping Center or with the Dover Police Department. He had informed the gentleman that he was unsure if the Dover Police Department was taking on civilians but that he would ask. Mr. Sudler felt that this individual had done an excellent job of helping to keep the area clean and free from debris and criminal activity, but was unsure if he was still at this location.

In response to Mr. Hosfelt, Mr. Sudler stated that the management team for the Hamlet Shopping Center was not present at the meeting, noting that he had been unsuccessful in reaching out to the property owner. A representative of the Hamlet Homeowners Association was present, and Mr. Sudler had made contact with the president of the association.

ShotSpotter Gunshot Detection and Location Service

Due to time constraints, Mr. Anderson requested that the matter of the viability of the ShotSpotter Gunshot Detection and Location Service be referred to staff for review and that it be discussed during the next Safety Advisory and Transportation Committee meeting.

By unanimous consent, members recommended that the matter of the viability of the ShotSpotter Gunshot Detection and Location Service be referred to staff for review and that it be discussed during the next Safety Advisory and Transportation Committee meeting.

Mr. Hutchison moved for adjournment of the Safety Advisory and Transportation Committee meeting. The motion was seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 7:26 p.m.

UTILITY COMMITTEE

The Utility Committee met with Chairman Hutchison presiding.

AGENDA ADDITIONS/DELETIONS

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

Annexation Requests

1411 and 1417 South Governors Avenue, Owned by Heartland Delaware, Inc.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a Petition to Annex and Rezone property located at 1411 and 1417 South Governors Avenue, owned by Heartland Delaware, Inc. She advised members that the subject properties were located between Route 13 and Governors Avenue, immediately south of Webbs Lane. Mrs. Townshend explained that the two (2) parcels north of the subject properties, including the Wendy's restaurant, are currently located within City limits. She stated that the owner wants to make some improvements that would involve the use of all of the properties, and the annexation of the two (2) subject properties into the City limits would make that a clean process.

Mrs. Townshend informed members that the Comprehensive Plan Designation for the subject properties is Category 2: 0 to 10 years priority annexation areas. She noted that it had been approximately seven (7) years since the City's Comprehensive Plan was adopted, so this was on target.

Mrs. Townshend advised that the present use is principally commercial with a little bit of residential. The Comprehensive Plan Land Use Designation is medium density residential; however, Staff believed that the City can work with the State Planning Office to characterize it as a minor variation. She explained that the land use classification for the properties that are currently in the City are indicated as commercial in the Comprehensive Plan, and this was colored as residential, along with Rodney Village.

Mrs. Townshend stated that the Wendy's is currently served by City water, sewer, and electric, and the house structure currently has City electric. She advised members that City water and sewer services are available off of South Governors Avenue.

Staff recommended proceeding with annexation of the properties.

Responding to Mr. Neil, Mrs. Townshend confirmed that, once annexed, these properties would fall under the City for assessment purposes.

Mr. Anderson questioned what was driving this annexation request. In response, Mrs. Townshend stated that she was not exactly sure what the owner's development plans are but that the owner does plan to improve the property and being in the City would make the improvements easier to achieve.

Mr. Anderson noted that the surrounding properties were commercial and that it would probably be easier to get a commercial designation by annexing the subject properties into the City than it would be for the County to change its plans. Responding, Mrs. Townshend stated that the subject properties are currently zoned BG (General Business), which is commercial in the County. She explained that if the owner is going to do any expansion of the sewer or water infrastructure on the properties, it would require annexation into the City, which is most likely the reason for the

annexation request. Mrs. Townshend stated that this owner was proactive, noting that people typically come to the City when they are ready to hook up and then find out that they cannot.

Mr. Blakeman asked if Heartland Delaware, Inc. owned any other property in the City. In response, Mrs. Townshend stated that the only properties that she was aware of were the subject properties and the two (2) properties located immediately north of these properties.

Mr. Neil moved to recommend proceeding with annexation of the properties, as recommended by Staff, seconded by Mr. Blakeman and unanimously carried.

Property Located Adjacent to State Route 1 and Surrounding the Intersection of Leipsic Road and Persimmon Tree Lane Including Three (3) Unaddressed lots of a Single Parcel (Lots 8, 9, and 10A) and Property Located at 1229 Persimmon Tree Lane (Lot 18), Owned by Dover International Speedway, Inc.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a Petition to Annex and Rezone property located adjacent to State Route 1 and surrounding the intersection of Leipsic Road and Persimmon Tree Lane, including three (3) unaddressed lots of a single parcel (Lots 8, 9, and 10A) and property located at 1229 Persimmon Tree Lane (Lot 18), owned by Dover International Speedway, Inc.

Mrs. Townshend informed members that, during their meeting of March 28, 2016, City Council considered a rezoning request and first reading of Proposed Ordinance #2016-15 for property owned by Dover International Speedway, Inc. that is already within City limits. She stated that staff had been working with Dover International Speedway, Inc. for approximately one and one-half years to annex all of the properties used for festivals, camping, and other activities associated with the race and festivals into the City under a common zoning classification of RC (Recreational and Commercial). Mrs. Townshend reminded members that the City recently adopted text amendments to the RC zone that allow the City to manage some of the issues associated with the large music festivals, and stated her belief that it is important for all of the property to have the same zoning classification.

Mrs. Townshend stated that the properties are currently zoned AR (Agricultural Residential) in the County. She advised members that the Comprehensive Plan Designation for the subject properties is Category 2: 0 to 10 years priority annexation areas and explained that one (1) of the notes in the Comprehensive Plan indicates that the properties would be master planned at the time of annexation. Mrs. Townshend stated that staff had worked with the Speedway regarding the master plan for the festival layout, it was submitted to the State for Preliminary Land Use Service (PLUS) review and, although staff was awaiting written comments, there were no major issues.

Mrs. Townshend stated that the whole idea is to bring the festival uses under the City of Dover jurisdiction to make it easier to manage and make it very clear whose jurisdiction it is. She explained that currently, it is not entirely clear which areas are in whose jurisdiction at any given time, noting that it is possible to walk 10 feet and go out of the City.

Mrs. Townshend informed members that water, sewer, and electric are available to the property and, if development were to happen at some point, the property owner would be responsible for extending the infrastructure from Persimmon Tree Lane. She stated that she did not anticipate that there would be any major development, noting that a couple of storage buildings would probably be built in the coming year but nothing in terms of large-scale construction. Mrs. Townshend stated that no water, sewer, or electric demand was anticipated at this time; however, if the annexation is approved, the City would need to anticipate being able to serve the properties in the future. She noted that this request was reviewed by the Public Works Department as it relates to infrastructure

Staff recommended proceeding with annexation of the properties.

Responding to Mr. Neil, Mrs. Townshend confirmed that this was the area where the State Police sometimes conduct testing and programs. She expressed her belief that the annexation would not interfere with this, noting that the Speedway was very cooperative with the State Police.

Mr. Neil moved to recommend proceeding with annexation of the properties, as recommended by Staff, seconded by Mr. Blakeman and unanimously carried.

By unanimous consent, the Utility Committee meeting adjourned at 7:36 p.m.

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

Meeting adjourned at 7:36 p.m.

Timothy A. Slavin
Council President

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Attachments
Attachment #1 - Rate Chart for Extra Duty/Voluntary Overtime
Attachment #2 - Proposed Amendments to the City's Hospitality and Civic Function Policy
Attachment #3 - Proposed Ordinance #2016-09 with CCW/SA&T #1

Attachment 4

City of Dover			
Officer Extra Duty Billing Rates for Grant Related Events			
	Current	Revised	
	Officer	Officer	
	Billing	Billing	
Rank	Rate	Rate	
Patrolman	~~$42.00~~	$43.00	
Patrolman 1st Class	~~$51.00~~	$53.00	
Corporal	~~$55.00~~	$64.00	
Master Corporal	~~$65.00~~	$69.00	
Sergeant	~~$72.00~~	$75.00	
Lieutenant	~~$78.00~~	$80.00	
Captain	~~$85.00~~	$87.00	
**When applicable, actual wage and benefit rates will be billed.*			
Officer Extra Duty Billing Rates for Office of Highway Safety Grants			
Federal Approved Rate		No Change	$50.00

City of Dover			
Officer Extra Duty Billing Rates for Special Events (Spectator's over 5,000)			
No change at the current time - we will			
analyze in July 2016	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Special Event Rate	$57.00	$2.00	$59.00

City of Dover				
Officer Extra Duty Billing Rates for Non-Special Events				
		Officer		Total
		Billing	Overhead	Hourly
Rank		Rate	Rate	Rate
	Revised	$59.00	$8.00	$67.00
Extra Duty Rate	Current	~~$57.00~~	~~$6.00~~	~~$63.00~~
Vehicles Actively Used on Extra Duty Jobs - Hourly Rate				$ 16.25

CITY OF DOVER
HOSPITALITY & CIVIC FUNCTION POLICY

I. PURPOSE

There are occasions when the judicious extension of hospitality in connection with official City of Dover business is in the best interests of the City of Dover, hereinafter referred to as *"City."* There are also occasions where attendance at civic events and functions which are not sponsored by the City are in the best interests of the City, and thus may require attendance. This policy outlines City policy and procedures governing the manner and extent to which the City's employees, public officials, and appointees may extend hospitality while attending civic functions and events.

II. SCOPE

This policy applies to all hospitality and civic function expenses incurred by the City regardless of the source of funding, and to all City employees, public officials and appointees to City Boards, Commissions and Committees.

III. ALLOWABLE EXPENSES AND APPROVAL

A. Allowable Expenses and Occasions

Expenses for hospitality and civic functions must be directly related to, or associated with the conduct of City business. If the occasion is not sponsored by an organization of which the City sponsors or is a member of, then the occasion must serve a clear City interest, with negligible personal benefit derived by the official host or other City employees, public officials, and appointees. In addition, the expenditure of funds for hospitality and civic functions should be cost effective and in accordance with the best use of public funds.

Upon return, the participating official will provide an update to City Council regarding the benefits received from the event. If the event is a National League of Cities event, the participating official will provide to City Council a more extensive report of what they learned; and if an official registers for an event the City pays for and the official fails to attend, the official will have to reimburse the City for any cost incurred.

Examples of Prohibited/Restricted Expenses:

- Personal Memberships
- Political Expenses
- Holiday Gatherings for non-City affiliated organizations
- Non-budgeted Cash Donations

B. Approval of Transactions

When determining whether a hospitality or civic event expense is appropriate, the approving authority must evaluate the importance of the event in terms of the costs that will be incurred, the benefits to be derived from such an expense, the availability of funds, and any alternatives that would be equally effective in accomplishing the desired objectives.

C. Payment of Expenses

The Finance Department shall process the payment of hospitality and civic functions expenses upon receipt of the invitation, invoice, or proper support documentation, as determined by Finance, with the signature of the Mayor, a Member of Council, and/or City Manager.

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

(CCW/SA&T Committee Amendment Indicated in Yellow Highlight)

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 by deleting the text indicated in red strikeout and inserting the bold, blue text, 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 ~~**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.

(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 by deleting the text indicated in red strikeout and inserting the bold, blue text, 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 bumps or dips for the purpose of slowing down traffic shall not be permitted on any streets.**~~
   (e) 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.

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. ~~**Speed bumps or speed dips for the purpose of slowing down traffic on any street shall not be permitted.**~~
   (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: *

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\ATTACHMENTS & EXHIBITS\Committee Attachments\2016\03-29-2016\Proposed Ordinance #2016-09 w CCW-SA&T#1-Ch 98, App A, and App B-03-29-2016 Minutes Att.wpd

SYNOPSIS

The proposed amendments would permit speed cushions on privately owned commercial property.

(SPONSORS: HOSFELT AND COLE)

Actions History

03/29/2016 - Introduction - Council Committee of the Whole/Safety Advisory and Transportation Committee meeting

DRAFT