COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on March 15, 2016, at 6:00 p.m., with Council President Slavin (departed at 7:07 p.m.) presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Lewis was absent. Mayor Christiansen was present. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), and Mr. Shevock and Ms. Maucher (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Councilman Anderson presiding.

AGENDA ADDITIONS/DELETIONS

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

Community Development Block Grant (CDBG) Application Review

Mrs. Tracey Harvey, Planner I, advised members that the Planning Staff had provided the proposed Community Development Block Grant (CDBG) allocation recommendations for the FY16 CDBG grant renewal and that proposed grant funding recommendations would be allocated to the sub-grantees that were awarded multi-year grants from the approved 2015-2019 Consolidated Plan. She stated that $236,509 in funding was available for FY16 based on the grant allocation of $227,955 and anticipated program income of $8,554. Mrs. Harvey explained that 20% of the grant would be used for program administration to manage the CDBG program and up to 15%, with a maximum of $35,476, would be applied to public service activities.

Mrs. Harvey reviewed a brief description of the programs proposed by the City's Community Development Office for funding, stating that allocations were recommended by Staff as follows:

2016 Grant Projects	Grant Request	Current Amount	Recommended Amount
Homeownership Assistance Program	$60,000	$60,000	**$50,000**
Program Administration	$47,342	$47,005	**$47,301**
Dover Interfaith Mission for Housing	$27,000	$27,000	**$22,000**
Connections Community Support Program	$15,000	$7,391	**$7,208**
Milford Housing Development Corporation (Emergency Home Repairs)	$40,000	$35,262	**$25,000**
Milford Housing Development Corporation (Homeowner Rehabilitation)	$60,000	$52,892	**$55,000**
Central Delaware Habitat for Humanity	$40,000	$40,000	**$30,000**
Total	$289,342	$269,550	**$236,509**

Responding to Mr. Hosfelt, Mrs. Harvey confirmed that 20% of the grant would be used for program administration and would cover the salaries of those managing the grant, including her own.

Mr. Hosfelt questioned what public service activities 15% of the grant would be applied to. Responding, Mrs. Harvey explained that the Dover Interfaith Mission for Housing and Connections Community Support programs provide public service activities and would comprise up to 15% of the grant.

Mr. Neil asked if the City's Homeownership Assistance Program involved people who are cleared by the National Council on Agricultural Life and Labor Research (NCALL) to purchase their homes through Habitat for Humanity. In response, Mrs. Harvey explained that the Homeownership Assistance Program is separate from Habitat for Humanity, which does their own financing and holds mortgages.

In response to Mr. Anderson's request for further information on the Homeownership Assistance Program, Mrs. Harvey explained that this program provides up to $20,000 in settlement assistance for first-time homebuyers to purchase affordable housing within the City of Dover.

Mr. Neil questioned how applicants for the Homeownership Assistance Program are cleared, how they go about reaching out for funds, and how they know that funds are available to them.

Mrs. Harvey stated that a Request for Proposals (RFP) is issued every five (5) years for different organizations to apply for the CDBG program. Information is emailed, advertised, distributed by press releases, and posted on the City's website.

Mr. Anderson asked if applicants for the City's homeownership program are qualified through NCALL. Responding, Mrs. Harvey informed members that NCALL provides housing counseling but does not provide grants for affordable housing. She explained that the normal process is for an applicant to first go through NCALL to see if they are eligible and to ensure that they have a credit score of at least 620, are a first time homebuyer, and meet other program guidelines. Applicants are then referred to the City of Dover.

In response to Mr. Sudler, Mrs. Harvey confirmed that there is a partnership between the City and NCALL.

Mrs. Horsey noted that in the past members had heard presentations from all of the CDBG sub-grantees regarding their programs. She questioned the reason for the decrease in the overall amount of money budgeted for these programs. Responding, Mrs. Harvey stated that more funding was available for projects in FY 15 because there was no need to fund program administration due to a rollover of funds from FY 14.

Mr. Sudler questioned the reason for the difference between the $27,000 requested and the $22,000 proposed for the Dover Interfaith Mission for Housing. Responding, Mrs. Harvey stated that applicants can request any amount; however, the amount of grant funds awarded is limited to what

is allocated in the budget. She explained that cuts in funding were proposed for all of the projects due to decreased funding available this year.

Responding to Mr. Anderson regarding the CDBG cycle, Mrs. Harvey explained that projects were in the second year of a five (5) year cycle.

Mr. Sudler moved to recommend acceptance of the proposed Community Development Block Grant (CDBG) allocations for FY16, as recommended by staff. The motion was seconded by Mr. Hare and unanimously carried.

Review of Active Recreation Area Plan - The Arbors Senior Garden Apartments - 1051 College Road (Planning Reference S-16-07)

Mrs. Dawn Melson-Williams, Principal Planner, advised members that The Arbors Senior Garden Apartments Active Recreation Plan was being reviewed as part of the site plan review process. The proposed residential development consisted of a garden apartment building with a total of 48 dwelling units. She indicated that the property was located on the north side of College Road just northwest of the intersection with McKee Road. This property had been through the review process multiple times since 2005; however, in each instance the plan had expired before the project commenced. Mrs. Melson-Williams noted that there had been changes in the property's ownership over the years.

Mrs. Melson-Williams explained that there is a requirement for residential developments to provide recreational amenities to residents, stating that the Code sets forth the rate at which an active recreation area must be provided. In this case, 150 sq. ft. of active recreation area must be provided per dwelling unit. With 48 dwelling units proposed, a minimum of 10,000 sq. ft. of active recreation area must be provided.

Mrs. Melson-Williams stated that the proposed project would provide the required amount of recreation, which would be established in two (2) distinct areas, one (1) located close to the building and the other located on the west side of the property, across what would be a City street known as Senior Way. There would be a walking path with a series of benches and pathway lighting, and a gazebo was also proposed. Mrs. Melson-Williams advised members that the applicant had provided a revised Active Recreation Area Plan that tweaked some of the elements of the project on March 14, 2016 ***(Attachment #1)***. She stated that the chipped stone walking path had been changed to a concrete surface, following staff's recommendation, and minor changes related to parking issues had been made to the plan. Mrs. Melson-Williams indicated that the applicant had looked at providing a safer crossing at the Senior Way entrance area and was proposing a mid-block crosswalk system that would be further reviewed by the City's Public Works Department as to appropriate traffic control. She noted that the applicant had also updated their plan utilizing an active recreation area calculation rate of 150 sq. ft. per dwelling unit, as required for this type of project, rather than the typical 275 sq. ft. per dwelling unit that was included in their original proposal.

Mrs. Melson-Williams advised members that Planning Department staff had put forth a number of recommendations regarding the project. She stated that the project meets the area requirements and staff felt the proposed amenities were appropriate for this type of residential development. She

advised members that their task was to make recommendations in regard to the proposed active recreation area plan to be provided to the Planning Commission for consideration as the project site plan is reviewed.

Responding to Mr. Hosfelt, Mrs. Melson-Williams stated that the proposal was for one (1), three (3) story, U-shaped building with 48 units.

In response to Mr. Hosfelt regarding how the required square footage was determined, Mrs. Melson-Williams explained that the requirement was based on dwelling units and the applicant was required to provide 150 sq. ft. of active recreation area per dwelling unit.

Mr. Hosfelt asked if the neighboring areas, such as Hidden Oaks, were notified of the project. Responding, Mrs. Melson-Williams explained that neighboring areas are notified of the filing of the site plan application and will have an opportunity to participate in the public hearing that will be conducted during the Planning Commission meeting scheduled for later in the month.

Responding to Mr. Sudler, Mrs. Melson-Williams stated that there would not be fencing around the recreational area. She explained that the proposal includes a walking path that meanders through an open area and there are a number of landscape plantings in the form of trees that would provide a buffer area. She noted that this property is adjacent to other residential uses.

Mrs. Horsey stated her assumption that Senior Way would become a way in and out for other housing developments. She asked if the northern part of the walking path would have a marked crosswalk. Responding, Mrs. Melson-Williams indicated that the revised plan for the project showed the inclusion of a marked crosswalk. She explained that, since Senior Way was proposed as a City street, the Planning Department would be working with the Public Works Department to provide appropriate traffic control measures for a mid-block crossing. She anticipated that there would be a pedestrian crossing sign but did not believe a full stop condition would be implemented at the location.

Mr. Neil asked who would maintain the area across the street from the apartments and if this would be the responsibility of the apartment owner. Responding, Mrs. Melson-Williams informed members that this was considered one (1) tract of land that was divided by the right-of-way for the road, so the management of the apartment complex would be responsible for maintaining the landscaping, walking path, and grass.

Responding to Mr. Hosfelt, Mrs. Melson-Williams confirmed that the proposed street would connect to the Emerald Pointe subdivision. She explained that when Emerald Pointe was laid out, the developer was required to provide stub roads to all vacant adjacent properties. This project would pick up the stub road from Emerald Pointe and extend it to College Road.

Mr. Anderson asked if the City would be responsible for providing pedestrian signs for the crosswalk. In response, Mrs. Melson-Williams indicated that the developer typically incurs the cost of constructing the road to City street standards. She felt that sidewalk traffic control measures, such

as stop signs and street name blades, would be provided by the developer to the City's standards before the City would take ownership of the road.

Mr. Hosfelt moved to recommend approval of the Active Recreation Area Plan for The Arbors Senior Garden Apartments with the comments and conditions provided by Staff. The motion was seconded by Mr. Neil and unanimously carried.

Update - Residential Appeal Process and Non-Compliant Non-Conforming Uses

During their meeting of January 11, 2016, Council approved the Committee's recommendation that Staff be requested to prepare a residential appeal process and to also look at those properties within City limits that are clearly non-compliant with the uses to be reviewed by the Committee during their March meeting.

During the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee meeting of March 14, 2016, Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the first step in this process would be to determine the degree of the problem with non-conforming uses by finding out how many such uses exist. She advised that her staff had been working with the Geographic Information Systems (GIS) staff in the Public Works Department, and they are in the process of developing an application that would allow the City's planners to go into the field and document non-conforming uses. Mrs. Townshend stated that staff could then determine which of the non-conforming uses would be permitted as a conditional use, noting that multi-family residential uses would not be permitted any longer in certain residential zones. From that point, a strategy could be developed on how to attrition non-conforming uses.

In response to Mr. Sudler regarding how long this process would take, Mrs. Townshend stated that it would probably be another couple of weeks before GIS staff could have the application ready for field use, and there would be a few weeks of field work. She anticipated the process would take approximately two (2) to three (3) months.

Mayor Christiansen asked if there was a paper trail for these non-conforming properties or if it had been assumed by the Planning Department and Mayor and Council that exceptions to the rules in place were granted for these properties. Responding, Mrs. Townshend stated her belief that there was very little in the way of a paper trail on most properties. She stated that some non-conforming uses had existed in the 1960s prior to the implementation of the City's zoning ordinance. In other cases, uses such as conversion of single-family homes to apartments had happened in the 1990s and earlier, and Mrs. Townshend advised members that the City's documentation from those days was not as strong as it is today.

Mayor Christiansen asked if the City Solicitor had been consulted and apprised of the lack of documentation for these properties, noting that litigation could be involved. He suggested that the Solicitor provide an opinion regarding the City's legal stance on conditional use without documentation.

Mrs. Townshend clarified that these were non-conforming uses rather than conditional uses and had existed prior to the current standard. She advised members that she had a number of discussions with Mr. Nicholas Rodriguez, City Solicitor, and Mr. William Pepper, Deputy City Solicitor, and they all agreed that before a strategy could be determined on how to phase out or address non-conforming uses, there was a need to know how many there are and the nature of the various uses.

Mayor Christiansen felt that there may be a maintenance of standards issue and that questions might arise if a non-conforming use had persisted for an extended time and the City suddenly changed its approach. He questioned if there would be a grandfathering provision.

Mrs. Townshend informed members that an existing section in the Code addresses non-conforming uses and sets up grandfathering. These Code provisions state that a non-conforming use can continue to exist in perpetuity; however, it cannot be expanded and if it has ceased for a period of one (1) year, it cannot be re-established. Mrs. Townshend indicated that there is language in the Code that sunsets non-conforming uses in residential zones 20 years after adoption of the ordinance or 40 years after the commencement of the use. She stated that Mrs. Traci McDowell, City Clerk, had looked into the history of the ordinance, and it was difficult to determine the onset of the 20- and 40-year periods. Mrs. Townshend indicated that staff would first identify where non-conforming uses are and then look at existing Code to determine if there is enough language to address them. If there is not enough language to address them, staff would determine if there is a need to modify the Code and then develop a method of better documenting or registering non-conforming uses so they can be better tracked in the future. Mrs. Townshend noted that a series of actions was needed and the first step would be to figure out how big the problem is. She stated the need to be consistent and legally defensible and not to phase out some uses without looking at the whole picture.

In response to Mr. Slavin, Mrs. Townshend stated that non-conforming uses were addressed in Appendix B, Article 7 of the Dover Code. She confirmed that the Code was created by City Council and there was nothing in it that was immutable and would take away Council's right to amend, correct, or alter that section of the Code. Mrs. Townshend stated her expectation that staff would be looking at Code changes that would give better control with regard to non-conforming uses as a result of considering this issue.

Mr. Slavin stated his belief that a provision would probably be suggested that would sunset all non-conforming uses at the same time, and asked if property owners with a non-conforming use would be given the opportunity to pursue a conditional use at that time. In response, Mrs. Townshend explained that if the specific type of use was stated as a conditional use in the zoning ordinance, this could be done. She stated that another alternative would be to sunset non-conforming uses after one (1) or two (2) years unless the Board of Adjustment grants otherwise; however, it could create an influx of applications to the Board of Adjustment. Mrs. Townshend advised that this alternative would provide documentation of every non-conforming use that is allowed to stay, the reason why, and a public process.

Mr. Slavin stated his belief that the root cause that the City was trying to get to was non-conforming use, not the creation of paperwork to allow non-conforming use. Responding, Mrs. Townshend stated that some of the non-conforming uses included churches, schools, and other types of facilities.

Mr. Slavin stated that if there were an influx of conditional use applications, there might be a desire to consider changes to existing Code regarding conditional uses.

Responding to Mr. Slavin, Mrs. Townshend explained that there is not a sunset period for conditional use, unless the use stops or there is a failure to abide by the conditions, in which case the matter would go back to the Planning Commission.

Mr. Slavin stated that it would not be desired to move the problem from non-conforming use to conditional use. He encouraged staff to think about changes to the ordinance regarding conditional use that would set up a new conditional use from a set point forward with an automatic sunset. If people want to continue that conditional use, they would have to prove this need again, without the process being too burdensome. Responding, Mrs. Townshend stated her belief that this could be done.

Mr. Hare expressed his understanding that a non-conforming use that had been in effect for 15 years could be continued; however, if the property was sold or disposed of, it could no longer be non-conforming. Responding, Mrs. Townshend stated that use was not tied to ownership. She explained, for example, that if a property was sold to another party, as long as they continued in operation the use could continue. If the original property owner ceased operation and then sold the property, the new owner could not reestablish the non-conforming use.

Mr. Sudler questioned how staff would handle a situation where neither the City nor the property owner could produce documentation regarding a non-conforming use. Responding, Mrs. Townshend explained that the City never grants property a status as a non-conforming use. She stated, for example, that a property might have been zoned commercial; however, at some point the City determined, usually through the comprehensive plan process, that the property should not be commercial but residential and rezoned the property, which resulted in the creation of a non-conforming use. Mrs. Townshend advised members that in the 1960s there was not clear documentation of when these changes happened, and zoning maps and zoning text must be researched. Alternatively, she stated that in 1990 it was legal to divide a home into two (2) or three (3) apartments in the General Residence Zone (RG-1); however, in 2003, the Code was changed and this was no longer allowed. A property may have continued to be zoned RG-1, but the City had changed the uses allowed there.

Mr. Sudler asked if the City puts a condition on how long the use will remain when it creates such non-conforming uses. Responding, Mrs. Townshend stated that Article 7 of the zoning ordinance states that non-conforming uses can remain; however, certain uses in the residential zone have a specific sunset.

Responding to Mr. Sudler as to whether there was anything in the ordinance language that refers to the number of complaints received about a non-conforming use, Mrs. Townshend stated that there was not. Mr. Sudler felt that this should be considered, stating that the number of complaints generated from the neighborhood or residential area would give the City more leeway to address non-conforming uses.

Mrs. Townshend stated that it would be within Council's purview to make such an amendment to the Code.

Mr. Neil asked if staff runs into problems with Americans with Disabilities Act (ADA) compliance when checking non-conforming uses. Mrs. Townshend stated that this would probably not be an issue since ADA compliance only comes into play with regard to the City as it relates to building code and if modifications are being made to properties.

Mr. Anderson noted that there were properties that were approaching or past the 40-year sunset, stating that this would be the answer to those who questioned why the use would be enforced at this time. He advised members that, in some cases, properties were 45 or 50 years past the implementation of the ordinance. Mr. Anderson questioned if staff planned to start with properties that were most likely not in compliance, such those from the 1960s and 1970s, and then move forward.

Responding to Mr. Anderson, Mrs. Townshend reiterated that the first step would be to document uses which staff knows to be non-conforming, estimating that this would involve a few hundred properties. After developing a list, staff could look at the zoning, permitting, and utility histories to get a picture of how property had been used. Mrs. Townshend explained that a property may have been operating since 1974 but may not have been rezoned until 1996. She stated that staff would have to review those properties that look as though they should have been sunsetted and verify that there had not been an action that legitimized the use. Mrs. Townshend advised members that staff's focus at this point was on residential zones since these zones were a higher priority and have the most significant impact on a community if they are not compatible with the character of the zone.

Mr. Anderson stated that he would like to see a public safety component in the Code amendments. He felt that there should be a venue for residents to appeal when their safety is at risk because of a non-conforming use, such as excessive traffic, crime, or another public safety issue.

Mr. Sudler stated that this issue had been discussed by the Safety Advisory and Transportation Committee, noting that at least one (1) non-conforming property had generated some complaints.

Mr. Hosfelt, Chair of the Safety Advisory and Transportation Committee, indicated that this particular matter could be discussed during a Safety Advisory and Transportation Committee meeting if Mr. Anderson desired; however, he agreed with Mr. Anderson's thoughts on including a public safety component in the amendments.

Citizen Suggestions

There were no citizens present wishing to speak.

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

Meeting adjourned at 6:45 p.m.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Acknowledgment of Benefit Change for Non-Bargaining Employees - Article XVII Employee Benefits, Section 3 - Deferred Income (City of Dover Personnel Policy)

Mr. Scott Koenig, City Manager, advised members that with Council's recent approval of the Dover Organization of Employees (DOE) labor agreement for July 1, 2015 through June 30, 2018, changes were made to the Deferred Compensation Pension Plan/401A Money Purchase Plan retirement benefit. He explained that language in the City of Dover Personnel Policy (Employee Handbook) indicated that changes to this benefit would affect non-bargaining employees. Mr. Koenig indicated that, by a strict reading of the Handbook, this benefit had been extended to the non-bargaining group; however, during DOE contract discussions he had committed to bring this matter before Council because of the need to make amendments to the language going forward.

Mr. Koenig reviewed proposed amendments to Article XVII Employee Benefits, Section 3 - Deferred Income of the City of Dover Personnel Policy (Employee Handbook).

Mr. Koenig reviewed the current mandatory contribution and maximum matching City contribution percentages, along with the negotiated and approved increases for DOE employees as follows:

	Current Employee Mandatory Contribution	Negotiated Employee Mandatory Contribution	Current City Matching Contribution (Up to)	Negotiated City Matching Contribution (Up to)
2016, Upon approval	3%	4%	6%	7%
July 1, 2016	3%	5%	6%	8%
July 1, 2017	3%	6%	6%	9%

Mr. Koenig explained that the proposal for non-bargaining employees would be to increase the mandatory employee and City contributions to the same levels as those for DOE employees.

Mr. Koenig stated that, based on a legal opinion obtained from Mr. William Pepper, Deputy City Solicitor, DOE employee contributions could be made immediately since the City has a legal contract with DOE to fall back on. Mr. Pepper had indicated that if Council accepts the recommended change to the Personnel Policy (Employee Handbook), a Code amendment will need to be adopted to memorialize the change for non-bargaining contributions. Mr. Koenig advised members that Staff was working on this Code amendment.

Mr. Koenig reviewed the costs associated with extending this benefit to non-bargaining employees as follows:

Non-Bargaining					
		Must	**Potential**	**Over 9%**	**Total**
2016, Upon approval	Additional 1%	$974	$3,968	$1,608	$6,550
July 1, 2016	Additional 2% (1+1)	$5,629	$22,924	$9,290	$37,843
July 1, 2017	Additional 3% (1+1+1)	$8,443	$34,386	$13,935	$56,764
Total		**$15,046**	**$61,278**	**$24,833**	**$101,157**

Mr. Koenig advised members that when this table was originally developed, there were 45 non-bargaining employees, two (2) in the Police Pension Plan, 14 in the Defined Benefit Plan, and 29 in the Deferred Compensation Pension Plan/401A Money Purchase Plan. The table was based on cost estimates for 29 employees from the end of February 2016 through the current budget year. Mr. Koenig explained that the costs of $974 and $1,608 were known costs. He stated that the estimated total cost of this benefit for FY 16 would be less than the $6,550 total reflected since some employees had left the organization and since it was now past the end of February 2016 and the proposed changes would not be backdated. Mr. Koenig stated that the maximum cost was estimated at $16,000 to $37,000 for FY 17 and approximately $56,764 for FY 18. He advised members that estimates were developed using the current employees in the plan and projecting expenses. Mr. Koenig indicated that estimates were not exact since non-bargaining positions that were currently vacant were not included in the calculation and some employees would likely leave, resulting in salaries being reset.

Staff recommended adopting the revised matching contributions for non-bargaining employees and approving the following changes to the City of Dover Personnel Policy (Employee Handbook):

1) Change the reference of Public Employees Benefit Services Corporation (PEBSCO) to Nationwide Retirement Solutions.

2) Insert the following language: "Employees enrolled in the Deferred Compensation Pension Plan/401A Money Purchase Plan shall make contributions in accordance with the Plan Document for each individual group of employees."

3) Change the reference of "Employee Labor Agreements when applicable" to "the Plan Document for each individual group of employees."

4) Insert "full-time" to correspond to Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan, Section 2-391 - Definitions of the Dover Code.

Mr. Koenig advised members that staff had found that cleaning up the ordinances became very complicated very quickly and the proposed ordinance change would be much more comprehensive than initially anticipated; however, he indicated that the amendments would be presented at the next Council Committee of the Whole meeting.

Mr. Sudler questioned what prompted the initiative to extend the provisions to non-bargaining employees. Responding, Mr. Koenig stated that the discussion in the DOE labor negotiations prompted a change to the retirement benefit for DOE employees and the existing language in the Personnel Policy required further discussion for non-bargaining employees from an ethical standpoint.

Mr. Koenig stated that there had always been a question as to whether the City Manager or anyone else on the labor contract negotiating team is negotiating for themselves if a benefit is extended to non-bargaining employees. He explained that the Defined Benefit Pension Plan was closed in 2009; therefore, every new City employee hired in general government, other than new police officers, is in the Deferred Compensation Pension Plan/401A Money Purchase Plan. Mr. Koenig stated that new police officers are part of the State municipal police plan; therefore they continue to participate in a defined benefit plan and the City pays a percentage of payroll to the State for this. He indicated that the Deferred Compensation Pension Plan/401A Money Purchase Plan is the retirement vehicle for City employees moving into the future. Recent discussions had been held about employees who are putting in the minimum contribution of 3%, which the City matches, but this does not provide the amount of contributions that would be required for employees to retire from service. He expressed concern that City employees could work for 25 or 30 years and not have the financial ability to retire. Mr. Koenig noted that this benefit was also important from an employee retention standpoint.

Mr. Koenig explained that the contributions for the State municipal police pension fund are approximately 15% of payroll. Contributions for the General Employee Pension Fund (Defined Benefit Pension Plan) are approximately 40% of payroll; therefore, the City contributes 40% in addition to an employee's salary to fund that plan, part of which is the normalized cost and part is catch-up related to market performance. Mr. Koenig advised members that the proposed change to the Deferred Compensation Pension Plan/401A Money Purchase Plan would slowly push the employee minimum contribution to 6% and increase the maximum City match from 6% to 9%. Under any circumstances, the maximum that the City would contribute to an employee's retirement would be 9%, which would be significantly less than the 15% or the 40% plus match contributed for employees in other plans.

Responding to Mr. Neil, Mr. Koenig confirmed that a two (2) step process was proposed; first, the Personnel Policy (Employee Handbook) language must be changed and then ordinance changes related to the amendments that were proposed for DOE and related to non-bargaining employees must also be made. He indicated that if this proposal did not go forward, the City still had the legal

means and requirement to enact the DOE contribution changes due to the City's contract with DOE. Mr. Koenig explained that, in the interest of full disclosure, Staff was trying to get everyone on the same page regarding the potential benefit change and ordinances would be brought forward for consideration at the next Committee meeting to support these proposals.

In response to Mr. Anderson, Mr. Koenig confirmed that there would be changes to the Dover Code but not Charter changes, so no State authorization would be needed.

Mr. Hare questioned how many of the 29 employees in the 401A plan were at the maximum contribution level. Responding, Mr. Koenig stated that there were at least six (6) employees who were at the minimum contribution level, four (4) who were over 9%, and a group of people in the middle. He confirmed that those employees who were over 9% were currently being matched at the 6% level.

Mr. Hare stated his understanding that the negotiation with DOE was to help lower-income people save more money toward their pension. Responding, Mr. Koenig indicated that there was a very large concern that a number of the participants in DOE, not only those with lower incomes, would not be in a position to retire after working in their careers with the City.

In response to Mr. Hare, Mr. Koenig explained that DOE employees' minimum contributions would increase from 3% to 4%, and subsequently to 5% and then 6%. The maximum 7% City contribution would become effective almost immediately for DOE employees but would not be effective for non-bargaining employees until the ordinances are finalized. It would take two (2) years to attain the 9% maximum City contribution.

Mr. Hare suggested that if the City was negotiating with DOE for this benefit or on other matters, perhaps Mr. Koenig should not be doing the negotiating since this would benefit him in the long run. Responding, Mr. Koenig indicated that this was a decision that Council could make. He explained that under normal circumstances, the City Manager is typically not considered a regular employee; however, in this case because he came up through the organization, he had always been an employee.

Mr. Anderson moved to recommend approval of 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. The motion was seconded by Mr. Cole.

Mr. Slavin expressed concern that changing the Employee Handbook language would lock Council in on ordinance language, which may create a conflict if the ordinance is not adopted. Responding, Mr. Koenig stated that this could be remedied by saying that the Handbook changes would not become effective until the related ordinances are adopted.

Mr. Anderson agreed to amend the motion to indicate that the Handbook changes would not become effective until the ordinances are adopted, and Mr. Cole concurred.

Mr. Anderson stated that he would like to consider setting a maximum cap for the City's contribution, perhaps $8,000 or $9,000 in a given year.

Mr. Hare stated his belief that other cities in the State do not contribute 9%. He noted that employees did have the option to stay in the Defined Benefit Pension Plan.

Responding to Mr. Hare, Mr. Koenig stated that some employees had the option to stay in the Defined Benefit Pension Plan; however, employees that had been hired since 2009 did not have an option.

Mr. Hare stated that prior to 2009 all employees had the option to stay in the Defined Benefit Pension Plan or participate in the Deferred Compensation Pension Plan/401A Money Purchase Plan, and concurred with Mr. Anderson's suggestion to consider setting a maximum cap for the City's contribution.

The motion to recommend approval of 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, and that the changes to the Handbook not become effective until the ordinance amendments are adopted was unanimously carried.

Proposed Ordinance #2016-14 Amending Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 5 - Supplementary Regulations for Parking and Loading Facilities, Subsection 5.3 - Supplementary Parking Regulations for Multiple Dwellings, Including Duplexes, Multiplexes, and Apartments

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2016-14, stating that it would clean up a section in the parking requirements where the language references "Supplementary parking regulations for multiple dwellings including duplexes, multiplexes, and apartments." Staff had determined that specifying housing types was probably not consistent with practice, noting that this section of Code mentioned duplexes and went on to say that "No parking shall be located in any front yard or within three (3) feet of any property line or any lot line in side or rear yards." Mrs. Townshend explained that in neighborhoods with duplexes there are many cases where there are driveways in the front as well as side-by-side driveways to implement fewer curb cuts. She advised members that it had been identified that: 1) including duplexes in this provision did not make practical sense and was contrary to the way that duplex lots would normally be laid out, and 2) the language, "including duplexes, multiplexes, and apartments" creates possible challenges and inconsistencies throughout the Code. Mrs. Townshend stated that the proposed text amendment would end the introduction of Subsection 5.3 after "multiple dwellings", which is defined in the zoning ordinance. In this way, multiple dwellings would not be treated inconsistently throughout the zoning ordinance.

Responding to Mr. Hare, Mrs. Townshend stated that there was not a reference in the Code regarding how many vehicles could park at a single-family house. Mr. Hare indicated that he would like to see this addressed, noting that some single-family dwellings have up to nine (9) cars parked both in the driveway and on the street. Mrs. Townshend explained that language would have to be developed as a separate amendment for Chapter 106, since it relates to parking on public streets. She stated that there could be a provision to limit the number of vehicles that could be parked on the street and registered to an address.

Noting that this may not apply to the current ordinance, Mr. Hare requested that Mrs. Townshend bring such an ordinance forward.

Mr. Neil moved to recommend adoption of Ordinance #2016-14, as recommended by staff, seconded by Mr. Hosfelt and unanimously carried.

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

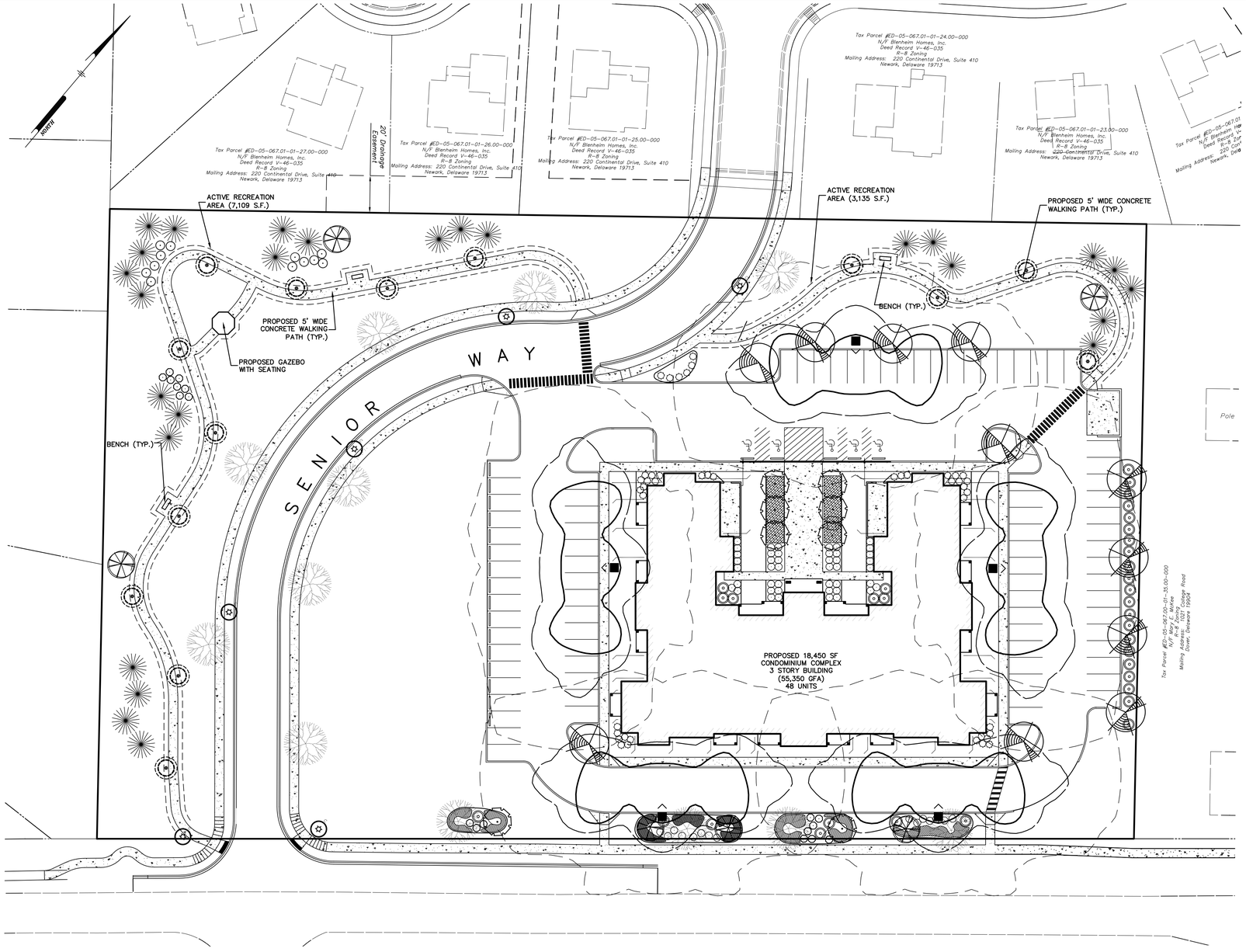
Mr. Neil moved for adjournment of the Council Committee of the Whole meeting, seconded by Mr. Cole and unanimously carried.

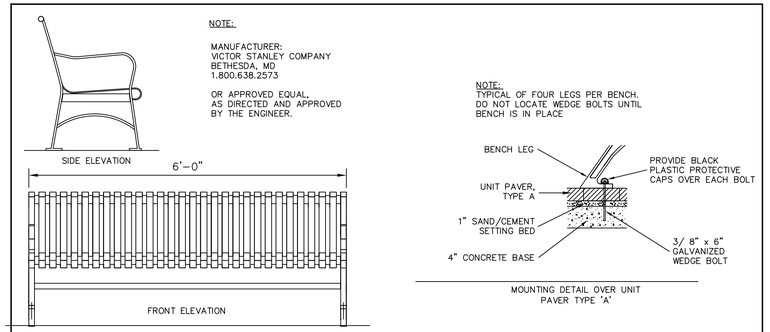
Meeting adjourned at 7:11 p.m.

Timothy A. Slavin
Council President

TAS/TM/js/dd
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Committee-Minutes\2016\03-15-2016 CCW.wpd

Attachments
Attachment #1 - Revised Active Recreation Area Plan for The Arbors Senior Garden Apartments, Received March 14, 2016



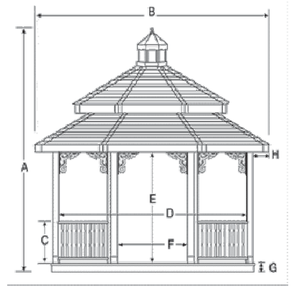


BENCH DETAIL



SIZING CHART

DIMENSION	12'
A * Gazebo with Pagoda, Roof and Cupola	186"
B	152"
C	31.5"
D	134"
E	82"
F	47"
G	7"
H	5.5"
I	142"
J	60.5"
K	152"



GAZEBO DETAILS

GENERAL NOTES

THE RECREATION AND OPEN SPACE AREAS SHALL BE COMPLETED IN A PROPORTION EQUAL TO OR GREATER THAN THE PROPORTION OF RESIDENTIAL DWELLING UNITS COMPLETED, EXCEPT THAT ONE HUNDRED (100) PERCENT OF THE RECREATION AND OPEN SPACE AREAS SHALL BE COMPLETED PRIOR TO ISSUING BUILDING PERMITS FOR THE FINAL TWENTY (20) PERCENT OF THE DWELLING UNITS PROPOSED. BUILDING PERMITS SHALL NOT BE ISSUED FOR DWELLING UNITS UNLESS THE REQUIREMENTS OF ARTICLE 5, SECTION 10.6 OF THE DOVER CITY CODE ARE MET.

ACTIVE RECREATION CALCULATIONS

REQUIRED: 150 S.F. PER DWELLING UNIT (150*48=7,200 S.F.) OR 10,000 S.F., WHICHEVER IS GREATER = 10,000 S.F.

PROVIDED: 10,244 S.F.

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

RAB LIGHTING

LL22B

JOB NAME: _____
DATE: _____
TYPE: _____

DESCRIPTION

Rugged die cast aluminum 6" diameter housings. Threaded, gasketed clear glass globe for durable weatherproofing and easy relamping. 1" long, 1/2" threaded nipple included for easy mounting. 100 watt max. Lamp not supplied.

SPECIFICATIONS

Globes: Threaded, gasketed globe protects against weather, garden sprinklers and insects. Clear glass GL 100 globes standard for 4 Tier. Clear glass GL60 globes standard for 3 Tire. GL100 white globes also available for attractive appearance and glare reduction.

Housing: Die cast aluminum housing with powder coat finish

Mounting Stem: Accessory 12" mounting stem with 1/2" threads on both ends available

UL Listing: Suitable for wet locations. Suitable for mounting within 4 feet of the ground

Socket: Medium base porcelain with all copper electrical parts and 20" leads, including a ground lead.

Voltage: 120 volts AC

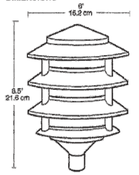
Lamp: Incandescent lamp not supplied. Medium base A-19 lamps. 120V. 100 watt max.

Patents: RAB sensor and fixture designs are protected under U.S. and international Intellectual Property laws.

Color: Black

Weight: 2.6lt

DIMENSIONS



ORDERING INFORMATION

Total Watts	Lamp Type	Lamp Base	Ballast
100	A-19	Medium	C

Starting Amps/ Operating Amps				Input Watts	LAMP Initial Lumens	Initial Lumens	Lamp Interio
120V	208V	240V	277V				
0	0	0	0	0	0	1600	750

Factory Installed Options
Add suffix to Catalog Number

Note: Specifications may change without notice
RAB Lighting, Inc. • 170 Ludlow Ave• Northvale, NJ 07647 • Tel: 888 RAB-1000 • Fax: 888 RAB-1232 • www.rabweb.com
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PATHWAY LIGHT DETAILS

NO.	BY	REVISIONS	DATE

DOUGLAS D. BARRY, P.E.
GROUP MANAGER

LICENSED PROFESSIONAL ENGINEER
STATE OF DELAWARE LICENSE NO. 13061

03-13-16

NEW JERSEY BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
CERTIFICATE OF AUTHORIZATION 24GA27987500

SHREE GANESH, LLC

THE ARBORS SENIOR GARDEN APARTMENTS
CITY OF DOVER, KENT COUNTY, DELAWARE

ACTIVE RECREATION PLAN

T&M ASSOCIATES
YOUR GOALS. OUR MISSION.

1000 N. WEST STREET, SUITE 1203
WILMINGTON, DE 19801
TEL 302-295-4925

OFFICES LOCATED IN:
DELAWARE, INDIANA, KENTUCKY, MASSACHUSETTS, MICHIGAN, NEW JERSEY, OHIO AND PENNSYLVANIA

DESIGNED BY	DDB
CHECKED BY	DDB
DRAWN BY	DDB
DATE	03/13/16
SCALE	1"=30'
PROJ. NO.	YGMB-00010
DRAWING	REC-1
SHEET	1 OF 1

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PROJECT INFORMATION:
FILE PATH: Q:\YGMB\Q0010\Plans\
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LAST SAVED DATE AND TIME: 13 Mar 2016, 2:23AM
LAST SAVE BY: DBarry