ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 13, 2013 at 7:31 p.m. with Mayor Carey presiding. Council members present were Council President Leary (departed at 7:47 p.m.), Mr. Dixon, Mr. Lynn, Mr. Perza (departed at 7:55 p.m.; returned at 8:02 p.m.), Mr. Bonar, Mrs. Williams, and Mr. Hutchison. Mr. Anderson and Mr. Hare were absent.

Council staff members present were Police Captain Stump, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, City Solicitor Rodriguez, and Mrs. McDowell.

The invocation was given by Pastor Amy Yarnall, Wesley United Methodist Church, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda as presented, seconded by Mr. Bonar and unanimously carried.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF APRIL 22, 2013

The Minutes of the Regular Council Meeting of April 22, 2013 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Hutchison, and bore the written approval of Mayor Carey.

PROPOSED RESOLUTION NO. 2013-15/PRESENTATION - THOMAS J. LEARY

The City Clerk read proposed Resolution No. 2013-15 in recognition of Council President Leary.

By motion of Mr. Hutchison, seconded by Mr. Lynn, Council unanimously adopted Resolution No. 2013-15, as follows:

WHEREAS, Thomas J. Leary was sworn into office as Councilman of the First District on May 9, 1994 and served with distinction until May 8, 2000, and was sworn into office on December 10, 2007 as the At-Large Council Representative and served with distinction until May 13, 2013; and

WHEREAS, during his many years of service to the citizens of Dover, Thomas J. Leary served as Council President and Vice Mayor; as Chair of the Legislative, Finance, and Administration Committee, Safety Advisory and Transportation Committee, Civilian Pension Board, Assessment Appeals Committee, Election Board, and 2005 Charter Review Committee; as a member of the Utility Committee, Police Pension Board, Downtown Dover Development Corporation, City Manager Search Committee, Health Benefits Committee, and Legislative Liaison Committee; and as a Liaison to Kent County, the Chamber of Commerce, and the Greater Dover Committee; and

WHEREAS, the City of Dover has benefitted from Thomas J. Leary's financial expertise and business acumen in developing sound fiscal management strategies as the City navigated through challenging economic times; and

WHEREAS, Thomas J. Leary's extensive knowledge of government, gained through his broad and varied experience with the City of Dover, has provided an invaluable historical perspective to members of Council; and

WHEREAS, Thomas J. Leary has demonstrated the ability to consider diverse viewpoints, analyze issues objectively, build consensus through civil discourse, and develop pragmatic and even-handed solutions, and his decisive leadership has fostered the respect of his colleagues and facilitated the conduct of City business.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that Thomas J. Leary will be sorely missed and express their sincere appreciation to him and his family for the dedicated years of service and personal sacrifices made on behalf of the City of Dover.

BE IT FURTHER RESOLVED that the Mayor and Council wish Council President Leary and his family success in all future endeavors and direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Thomas J. Leary.

ADOPTED: MAY 13, 2013

Mayor Carey presented Council President Leary with the Resolution, along with a gavel, Dover Cup, and key to the City.

Council President Leary read the following statement into the record:

> *First, congratulations to Councilman Slavin who is about to enjoy, yet again, the deliberations here - good job, Tim.*
>
> *A number of people to thank, I probably won't get to all of them the way I should. First, I thank my family for all the lost time. I understand and appreciate what that must have meant to them. I'd like to thank the citizens of Dover for the privilege to serve them.*
>
> *In speaking of privileges, there are a number of people in the room who I don't think get enough public recognition, so I'd like to thank some of the Council employees for their work over the years:*
>
> - *Our Assessor, Cheryl Russell, whose career growth in my time on Council has been quite instructive and a real pleasure. She's one of a couple of people in the room that basically started their professional career at the City. She is now the Assessor and not only that, an instructor for her profession, putting the City on the leading edge of that very important piece of government work.*

- *Our City Manager, Scott Koenig, also a gentleman who spent his entire career with the City. I truly appreciate both your skill and your unflappable temperament, especially when there are off-hour phone calls from the Council President.*

- *The Director of Planning, Inspections, and Community Development, Ann Marie Townshend - talk about having to shift focus - in 2007 from a housing boom to an economic and housing bust, having to reallocate resources from Inspections to Code Enforcement with minimal impact on the taxpayer - well done.*

- *Our Controller, Donna Mitchell - it has been a pleasure working with you. The Controller is the eyes and ears of the Council and, as any Controller in any organization should, she tells us what we need to hear, not what we want to hear necessarily. She holds the highest professional and ethical standards.*

- *Our City Solicitors, Mr. Rodriguez and Mr. Pepper, for your kind counsel over the years, I couldn't find any words but thank you.*

- *And last, but not least, the Office of the City Clerk - Traci McDowell and her team. This office is the very personification of professionalism and discretion. Nothing can or should move forward without the Clerk making sure that we are legally in FOIA compliance and that our ordinances and Robert's Rules of Order are fairly applied. We have a mutual friend who is a retired naval officer. I understand that in the navy they have a term called "Executive Officer." This would be a person who gets the job done but is also capable of looking the commanding officer, in this case the Council President, squarely in the eye and saying, "I don't think you want to do that," or "Maybe you ought to look at it this way." The title of Clerk should be augmented with something other than Clerk; Clerk is a fine title, but I think it is more an Executive Officer. Thank you for making me look like I knew what I was doing for the past couple of years.*

Like every City in America, we just spent the better part of four (4) years in fiscal and operational retrenchment. It has not been fun, it has not been easy. We have challenged service levels and manpower levels with attendant morale issues. We have reexamined the City's finances, particularly on the expense side, and we have come through it well. However, now we come to the hard part. We have streets that need to be resurfaced, still aging water and sewer lines, pump stations, and a whole panoply of capital requirements. Are we going to face that challenge for future generations as our oath of office requires us? It is said that the City should be run more like a business; well, okay, no successful business will let its plants, equipment, and resources deteriorate to the point where it becomes prohibitively expensive and actually hurts, in this case, the taxpayers. We're not looking for the cheapest deal as taxpayers; we are looking for the best deal, and that is very different.

I thank you all very much. I love this town. Thank you very much.

Mr. Lynn relayed appreciation for the assistance Mr. Leary provided as a mentor, as well as being a good friend.

Mr. Bonar stated that the Council President is someone upon whom members of Council depend for facilitating meetings, providing for fair and equal deliberations, and keeping members within Robert's Rules of Order.

Mr. Hutchison thanked Council President Leary for his friendship, leadership, focus, and commitment in helping the City to continue to move forward. He assured him that he will be leaving the City a better place as a result of his service.

Mr. Dixon also thanked Council President Leary for providing him assistance as a newly-elected member of Council and indicated that he would still be calling on him for guidance in the future.

OATHS OF OFFICE ADMINISTERED BY THE HONORABLE CHARLES W. WELCH, III, JUDGE, COURT OF COMMON PLEAS

The Honorable Charles W. Welch, III, Judge of the Court of Common Pleas, administered the Oath of Office to members of City Council, as follows:

Council - At-Large	-	Timothy A. Slavin
Council - First District	-	James L. Hutchison, Sr.
Council - Third District	-	Sean M. Lynn

Mayor Carey reminded members that Mr. Hare (Council - Second District) and Mr. Anderson (Council - Fourth District) were sworn into office during the Regular Council Meeting of April 8, 2013 since they would not be available at this time.

The meeting proceeded with Council members Slavin, Dixon, Lynn, Perza (departed at 7:55 p.m. and returned at 8:02 p.m.), Bonar, Williams, and Hutchison present. Mr. Anderson and Mr. Hare were absent.

ELECTION OF COUNCIL PRESIDENT/VICE-MAYOR

Mr. Hutchison moved to nominate David L. Bonar to serve as Council President/Vice-Mayor for 2013/2014, seconded by Mrs. Williams.

Mrs. Williams moved to close nominations for Council President/Vice-Mayor, seconded by Mr. Dixon and unanimously carried (Anderson, Perza, and Hare absent).

Mr. Hutchison moved for David L. Bonar to serve as Council President/Vice-Mayor for 2013/2014, seconded by Mrs. Williams and unanimously carried (Anderson, Perza, and Hare absent).

Mr. Bonar relayed appreciation for giving him the privilege to serve as the Council President and thanked members for their support. He also thanked his wife, Dr. B. Patricia Patterson, for the sacrifices she had given, as well as her support and help during his tenure on City Council.

CONSENT AGENDA

Mr. Lynn requested that Item #8D - Legislative, Finance, and Administration Committee Report of April 22, 2013, Local Market Salary and Position Comparison, be removed from the consent agenda.

Mr. Bonar moved for approval of the consent agenda, as amended, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson, Perza, and Hare absent).

PROCLAMATION - COMMUNITY ACTION MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law and, currently, there are approximately one thousand such agencies serving the underprivileged in the United States; and

WHEREAS, First State Community Action Agency has been committed to working with individuals and communities to overcome the challenges of unemployment, homelessness, substandard living conditions, and hunger in Delaware since 1965; and

WHEREAS, First State Community Action Agency has made an essential contribution to individuals and families in Delaware by providing innovative and cost-effective programs that enable them to improve their lives and living conditions; and

WHEREAS, Delaware and the entire country must continue to promote economic security and ensure that all citizens are able to live with dignity by providing support and opportunities for those in need of assistance.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 2013 as COMMUNITY ACTION MONTH in the City of Dover in recognition of the hard work and dedication of First State Community Action Agency.

Mayor Carey presented the Proclamation to Ms. Kaneisha Trott from First State Community Action Agency and relayed appreciation for the work provided for the betterment of the community.

On behalf of the Board of Directors; the Executive Director, Ms. Bernice Edwards, who was unable to attend this evening's meeting; and the staff of the First State Community Action Agency, Ms. Trott thanked the Mayor and Council for their generous and continued support and recognition. She advised members that it has been a pleasure to work with citizens and serve the community.

PROCLAMATION - PUBLIC WORKS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, public works services are an integral part of our community and citizens' everyday lives, and the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as facilities management, fleet maintenance, grounds

and parks maintenance, solid waste collection and recycling, street and stormwater management, water production, and water and wastewater operations and maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services and the quality and effectiveness of these facilities and services, as well as their engineering, construction, and inspection, are vitally dependent upon the efforts and efficiency of the qualified and dedicated personnel of the Department of Public Works; and

WHEREAS, The American Public Works Association 2013 National Public Works Week theme "Because of Public Works..." celebrates the quality of life enjoyed by communities that have clean water, safe streets and neighborhoods, and efficient traffic control "Because of Public Works," and is a tribute to all public works employees who create the foundation of a stronger, more livable community.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 19th – 25th, 2013 as PUBLIC WORKS WEEK in the City of Dover and urge all citizens and organizations to learn more about the details involved in providing public services and to recognize the contributions that our dedicated public works employees make every day to our health, safety, comfort, and quality of life.

Mayor Carey presented the Proclamation to Ms. Sharon Duca, Public Works Director, and relayed appreciation for the work provided in assuring the City's infrastructure continues to function.

Ms. Duca thanked the Mayor and Council for taking the time to acknowledge National Public Works Week. She relayed appreciation to Mrs. Donna Mitchell, Controller/Treasurer, for all the support and assistance provided in planning financially for the challenges that will be coming as a result of aging infrastructure. She also relayed appreciation to Mr. Scott Koenig, City Manager, for his support and, most importantly, to the men and women of the Department of Public Works for their efforts in keeping the aging infrastructure in operation and performing tasks, that most would not do, on a daily basis to assure the citizens continue to have a high quality of life.

STATE OF THE CITY MESSAGE - MAYOR CARLETON E. CAREY, SR.

Mayor Carleton E. Carey, Sr. presented the State of the City Message ***(Exhibit #1)***.

UTILITY COMMITTEE REPORT - APRIL 22, 2013

The Utility Committee met on April 22, 2013 with Chairman Bonar presiding.

Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2012

Mrs. Donna Mitchell, Controller/Treasurer, explained that, in accordance with the City's bond covenants, an annual inspection of the City's electric system by an engineer is required. She reviewed the conclusions of the Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2012 prepared by Burns & McDonnell, as follows:

1) The City's power generation facilities are being operated and maintained consistent with generally accepted electric utility practice in the United States.

2) The design, construction, operation, and maintenance of the City's electric transmission and distribution system and the associated facilities are consistent with current generally accepted electric utility standards and over the past few years, the system has been upgraded in order to improve operation and service to customers.

3) The Electric Division capital projects included in the City's Capital Investment Plan and the FY 2013 Operating Budget are necessary and should provide improved reliability and power quality for the Electric System.

4) The balances as of June 30, 2012 for the various reserve funds maintained by the City for the Electric Division appear to be sufficient for their defined purposes.

5) The insurance coverage in full force and effect as maintained by the City related to the various assets of the Electric Division appears to satisfy the requirements of Section 706 of the Resolution.

6) The electric revenues generated by the City's current retail rates are more than sufficient to fulfill the debt service coverage requirement (125 percent of current expenses) defined in Section 502(c) of the Resolution.

The Committee recommended acceptance of the report.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

By consent agenda, Mr. Bonar moved for acceptance of the Utility Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - APRIL 22, 2013

The Legislative, Finance, and Administration Committee met on April 22, 2013 with Chairman Lynn presiding.

Emergency Replacement of Police Dispatch Center Raised Floor

Police Chief Hosfelt reviewed a request for the replacement of the Police Dispatch Center raised flooring. He advised members that the raised floor configurations are required to provide the space and ventilation needed for all the computers and associated wiring for the center. The current flooring is rated at 1000 lbs. per square foot, and during the last five (5) years, the flooring has failed at least six (6) times. In all cases the City's fleet maintenance shop personnel assisted police personnel with making temporary repairs by welding the parts back together and/or reinforcing the worn parts to make them reusable. The last failure, which occurred in early March, happened when

an employee was standing on the floor as one tile collapsed. Although the employee was not hurt in this incident, the flooring needs to be replaced to prevent any future failures and ensure the safety of police personnel.

Members were advised that after the floor was fixed temporarily in March, the Police Department contacted a contractor with some experience with raised flooring installations and repairs, who stated that the flooring in the Dispatch Center was not rated highly enough to withstand the load imposed and recommended 1,250 lb. rated flooring. The costs for repair ($16,082.75) versus replacement of the flooring ($19,715.10) were fairly close and the disparity was the result of the difference in cost between the two (2) grades of the floor systems. Both options would require the temporary relocation of the Dispatch Center to KentComm and involve high costs for the logistics of moving the equipment around in the room to accommodate the project. He indicated that replacing the flooring was the only viable option since the current flooring was not designed to sustain the current loads safely.

Staff recommended approval of the flooring replacement by Cherokee Nation Construction Services.

The Committee recommended approval of staff's recommendation.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

Emergency Replacement of Weyandt Hall Carrier Chiller Compressor

Mr. Scott Koenig, City Manager, advised members that the large chiller on the roof of Weyandt Hall, which cools most of the building, no longer worked and was in desperate need of repair. The chiller had been inspected by the City's approved Heating, Ventilation, and Air Conditioning (HVAC) Contractor, Progressive Mechanical, and three (3) proposals were presented for consideration, as follows: 1) replace the compressor on the carrier chiller with a rebuilt compressor (one (1) year warranty) at a cost of $8,925; 2) replace the compressor on the carrier chiller with a new compressor (five (5) year warranty) at a cost of $13,600; and 3) replace the carrier chiller with a new carrier chiller (10 year warranty) at a cost of $38,500. Mr. Koenig stated that, after reviewing the proposals, staff determined Proposal #2 to be the most cost effective and recommended that the work be performed as soon as possible.

Staff recommended awarding a purchase order in the amount of $13,600, based upon proposals provided by the City's approved HVAC Contractor, Progressive Mechanical, and allowing for the usage of non-budgeted receipts from the sale of assets this year to pay for the unbudgeted emergency purchase.

Responding to Mr. Shevock, Mr. Koenig explained that EDiS was requested to inspect the building for HVAC and roofing issues. To his recollection, the replacement cost for the HVAC was estimated at more than $2M. Staff felt that the recommendation to replace the compressor would be sufficient until such time as the entire system is replaced.

In response to Mr. Perza, Mr. Koenig reminded members that during the Council Financial Workshop held on January 7, 2013, there was discussion regarding the current state of building assets owned by the City, including City Hall, 5 East Reed Street, and the old Library. He stated that the systems in these buildings are old and that these issues will be reviewed to determine whether staff will propose building replacement or major renovations. If City Hall and Weyandt Hall are not replaced, he stated that it will be necessary for the City to make major building renovations within the next three (3) to seven (7) years.

The Committee recommended approval of staff's recommendation to award a purchase order in the amount of $13,600 to Progressive Mechanical for the replacement of the compressor on the carrier chiller with a new compressor (five (5) year warranty) and to allow for the usage of non-budgeted receipts from the sale of assets this year to pay for the unbudgeted emergency purchase.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

Proposed Ordinance #2013-07 Amending Chapter 2 - Administration, Article VI - Other Post-Employment Benefits Fund (Medicare Part B Reimbursement Eligibility Clarification)

Members were reminded that during the July 27, 2009 Regular Council Meeting, members of City Council voted to support the recommendation of the Legislative, Finance and Administration Committee as it related to the topic of reimbursement to non-bargaining employees for Medicare Part B premiums. The recommendation was that current employees would remain eligible; however, new hires would not be eligible for Medicare Part B premium reimbursements.

Mr. Scott Koenig, City Manager, explained that the intent of the recommendation was to establish a defined (closed) group of eligible employees upon approval by Council. It was implied that the group of eligible employees would not be increased going forward from that point in time. In reviewing the ordinance, it appeared that employees who were hired on or before July 27, 2009 but were in union positions at the time of the Council action of July 27, 2009 (thus not entitled to the reimbursement due to union membership) would become eligible for the reimbursement if subsequently promoted or transferred to a non-bargaining position. Employees being promoted or transferred are not new employees; therefore, based upon the recommendation that was approved by City Council, these employees would be eligible for the reimbursement.

Mr. Koenig explained that the current Police Chief and Police Major were promoted after July 27, 2009. The Chief was promoted from Captain to Major on November 21, 2009 and then to Chief on April 4, 2011. The Major was promoted from Captain to Major on April 4, 2011. At the rank of Captain they were not eligible for the reimbursement; however, they were now non-bargaining employees and, because they were not considered new hires, they were eligible for the reimbursement. Additionally, the current Records Unit Supervisor was promoted from a Police Clerk II position to the Records Unit Supervisor on April 8, 2013 and was also eligible for the reimbursement.

Mr. Koenig advised members that Proposed Ordinance #2013-07 would amend Chapter 2 - Administration, Article VI – Other Post-Employment Benefits Fund, Section 2-505 - Medicare Part B Premium Reimbursements to allow employees who were transferred or promoted to non-bargaining positions on or before the date of adoption of this ordinance to receive Medicare Part B premium reimbursements. The amendment clarifies that non-bargaining employees hired after July 27, 2009 and employees promoted or transferred to non-bargaining positions after May 28, 2013 who were not previously entitled to Medicare Part B premium reimbursement shall not be entitled to the reimbursement. In addition, he stated that amendments would remove redundant language and improve readability.

Staff recommended adoption of Ordinance #2013-07 amending Chapter 2 - Administration, Article VI - Other Post-Employment Benefits Fund, Section 2-505 - Medicare Part B Premium Reimbursements.

In response to Mr. Rushe, Mr. Koenig stated that the benefit value would equate to approximately $100 per month; therefore, he did not feel the proposed amendment would deter an employee from accepting a promotion.

Responding to Mr. Dixon, Mr. Koenig felt that those employees previously referenced were the only ones who were affected; however, if there were other employees, he assured members that the language included in the proposed ordinance would allow for them to qualify.

The Committee recommended approval of staff's recommendation for the adoption of Ordinance #2013-07.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent). *(The First Reading of Proposed Ordinance #2013-07 will take place during the latter part of the meeting.)*

Local Market Salary and Position Comparison

Mr. Scott Koenig, City Manager, indicated that during the past year, various members of City Council had inquired about the competitiveness of the various City salary scales compared to the City's peer group. The issue of compensation had been a difficult subject matter, given all of the components necessary to consider equivalent pay and benefits. Most recently, he was requested to conduct a Local Market Salary and Position Comparison using the following governmental units as the peer group: 1) Kent County, Delaware; 2) State of Delaware; 3) City of Wilmington; 4) City of Newark; and 5) City of Milford.

Mr. Koenig advised members that if the request were approved, staff would conduct the local market salary and position comparison using the City's existing position list. If the governments to be surveyed did not have a similar position, it would be noted in final documentation. The data to be collected would be assembled and analyzed by the City Manager, the Controller/Treasurer and the Human Resources Director. It was anticipated that this effort would require approximately ninety (90) days from City Council approval.

Mr. Koenig reminded members that during the past few years, staff had checked with other local governments to determine how the City of Dover's salaries relate to those other local governments. He indicated that several members of Council had conveyed concern regarding individual salaries and have also expressed the opinion that at some point positions "top out." For example, he stated that a vehicle driver or manager will reach a point where they earn as much as they should based on the market. He noted that there are employees who have remained in their positions for many, many years, and in some cases, the salary for the position is over market and in other cases the salary is under market. In general, he felt that the City's current salary scales were within the market, as was indicated last year by the Salary and Benefits Committee. However, he felt that there was a need to routinely update the data and poll the market to assure that the City was being competitive.

Mr. Koenig informed members that if there were a need to make any adjustments, it would be the subject of collective bargaining, with the exception of the 45-50 non-bargaining employees.

Mr. Hare encouraged staff to also inquire about benefits, any "extras" offered, etc., explaining that there may be instances where the salary for a position in another jurisdiction is higher; however, they may not offer benefits that are provided by the City. He also suggested that staff check policies and procedures for extra-duty police officers, comp time, exempt positions, overtime, etc. He felt that if such a comparison were to be made, staff should cover all bases in this regard.

Mr. Hutchison noted that a comprehensive study/update was conducted a couple of years ago which would provide the foundation to work from and allow staff to simply update data.

Responding to Mrs. Williams, Mr. Koenig stated that all the data previously collected remained relevant and that staff had retained all benefit comparisons and coinciding spreadsheets. He reminded members that although the salary information for the Salary and Benefits Committee was obtained in June 2011, the Committee's report was submitted in June 2012. He concurred that some positions were difficult to compare. To his knowledge, no similar survey had been conducted by the University of Delaware; however, he assured members that staff would contact them and others to assure that a similar comparison had not recently been conducted.

In response to Mr. Dixon, Mr. Koenig stated that although there would be no costs associated with the comparison, there would be internal staff hours.

In response to Mr. Lynn, Mr. Koenig stated that the data would be used to update the study conducted by the Salary and Benefits Committee. He reminded members that the City no longer utilizes the Pay for Performance (PFP) System; therefore, if a salary increase were recommended for a non-bargaining employee, he would have to provide members of City Council data to support the request. Although he did not anticipate using the data for the FY2014 Budget, it was his opinion that it would be used for future budgets. With regard to the jurisdictions selected for the comparison, Mr. Koenig stated that those were the specific entities staff was requested to contact. It was his opinion that if the entire Consumer Price Index (CPI) region was included, there may be a need for the assistance of a third party consultant, explaining that what members of Council consider equivalent and what staff consider equivalent may not necessarily be the same. He noted that the jurisdictions selected were from the local market, rather than regional or mid-Atlantic, and were considered peers within the State that the City converses with on a regular basis.

Mr. Lynn stated his objections to the scope of the project, explaining his feeling that it duplicated what had already been done and would not provide any benefit. He felt that if it were expanded to include the CPI region, the proposal would make more sense to him.

It was Mr. Hare's opinion that a comparison of salaries for Trenton, New Jersey, or Annapolis, Maryland could not be made with the salaries for Dover, Delaware due to the tax structure, cost of living, etc. However, he reiterated the need for a review of policies and procedures.

Mr. Lynn questioned the possibility of staff reviewing the study that was conducted by the Salary and Benefits Committee and making recommendations based on that data. Responding, Mr. Koenig explained that the result would be that the salaries and benefits for the City of Dover were competitive. He reminded members that the study did not recommend wholesale changes to any salary and that the recommendations resulting from the study were to limit Medicare Part B, noting that there were also some discussions about limiting education assistance to the Master's level rather than the Doctorate Degree. He expressed his opinion that the comparison would not cause a negative effect on union negotiations.

Mr. Lynn explained his concerns, noting his belief that the Salary and Benefits Committee was the catalyst for the formation of the new labor union. He indicated that he would not want to cause an uproar or further estrange Council from City employees, noting that morale was already low among City employees, and stated that he would not want to inflame the workforce any further.

Mr. Bonar stated that he understood some of the concerns relayed by Mr. Lynn; however, he did not feel that the review would inflame, discourage, or demoralize City employees. He felt that one of Council's responsibilities was to thoroughly examine pay schedules and revenues every year. He indicated that he would prefer to have a more extensive review, such as including the CPI region; however, he understood that this could "open Pandora's box" and would require a much larger study, which would not be prudent from a financial standpoint.

In response to Mrs. Williams, Mr. Koenig stated that whenever pay and benefits are discussed, there is an effect on morale.

Responding to Mr. Lynn, Mr. Koenig further clarified that the atmosphere around the origination of the Salary and Benefit Committee created some animosity because it was perceived that the intent was to use the information to reduce salaries, benefits, etc., rather than to be used as a comparison. It was his feeling that the current proposal differed since its aim was to measure the salaries of other jurisdictions so that staff could utilize the data in the future for inclusion in collective bargaining agreements or to design total compensation packages for the City. He reminded members that the discussions in 2009 included Medicare Part B, Pay for Performance, healthcare cost sharing, etc., and in some cases had a negative effect on employees. It was his belief that the data would prove that the City of Dover provides a good salary and benefit package for its employees. He assured members that the City of Dover takes care of its employees, not just through their employment but through their retirement, and welcomed anyone wishing to debate him on this issue.

The Committee recommended authorizing the City Manager, Controller/Treasurer, and Human Resources Director to conduct a local Market Salary and Position Comparison as requested, and that the comparison include information regarding benefits, policies, and procedures related to such matters as extra duty for police officers, comp time, and exempt positions.

During the Council meeting, Mr. Lynn relayed his opposition to the recommendation of the Committee, explaining that he did not feel that the scope was appropriate or that the entities to be examined (Kent County, State of Delaware, Wilmington, Newark, and Milford) were analogous municipalities to the City of Dover. He believed that the review should include cities within the City of Dover's Consumer Price Index (CPI) range. He feared that this would build on faulty reasoning and an improper foundation of the Salary and Benefits Comparison Committee. He suggested that the matter be referred back to the Committee to consider increasing the scope and to review those municipalities that are truly analogous to the region.

Mr. Hutchison indicated his confidence in the salary and benefits provided to City employees; however, he felt it was absolutely critical to provide staff the necessary tools to obtain information in order to make assessments in comparison to other municipalities. He felt that the entities selected by City staff would provide a fair comparison and reminded members that the information was to provide staff guidance in this respect.

Mr. Lynn moved to refer the matter back to the Committee for the purposes of examining the scope of the study and looking at truly analogous municipalities within the City's CPI index region in an effort to obtain a true sense of local market salary and benefits comparison. The motion was seconded by Mr. Slavin and failed by a roll call vote of four (4) no (Perza, Bonar, Williams, Hutchison), three (3) yes (Slavin, Dixon, and Lynn), and two (2) absent (Anderson and Hare). (*City Clerk's Office Note: In accordance with the City Charter, the affirmative vote a majority of Council members elected (five (5)) is required to pass a motion.)*

Mrs. Williams moved for approval of the Committee's recommendation, seconded by Mr. Bonar. The motion failed by a roll call vote of four (4) yes (Perza, Bonar, Williams, and Hutchison), three (3) no (Slavin, Dixon, and Lynn), and two (2) absent (Anderson and Hare). (*City Clerk's Office Note: In accordance with the City Charter, the affirmative vote a majority of Council members elected (five (5)) is required to pass a motion.)*

Mr. Lynn moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Bonar.

Responding to Mr. Perza, Mayor Carey clarified that the motion on the table would not take any further action on the matter. Mr. Perza stated his opinion that Council should discuss the matter further and could not "do nothing." He suggested that members determine what the scope should be for the comparison.

On a call for the question, the motion to accept the Committee's Report failed due to failure to obtain the necessary five (5) votes, in accordance with the City Charter.

Mr. Slavin moved to table the matter for two (2) weeks when there would be more members of Council in attendance, seconded by Mrs. Williams and failed by a roll call vote of four (4) no (Lynn, Perza, Williams, Hutchison), three yes (3) (Slavin, Dixon, and Bonar), and two (2) absent (Anderson and Hare). (*City Clerk's Office Note: In accordance with the City Charter, the affirmative vote a majority of Council members elected (five (5)) is required to pass a motion.)*

Mr. Perza moved to allow further discussion, seconded by Mrs. Williams and unanimously carried.

Mr. Perza noted that the salary and benefit information originally gathered for the Salary and Benefits Committee was from previous years, explaining that there is always a lag in the data. Noting that there was concern regarding the scope used in acquiring the comparison data, he explained that during his service as a member of the Salary and Benefits Committee, it was decided to obtain data from Delaware municipalities only since there was not much concern regarding employees going out of State to obtain employment.

Mrs. Williams stated her reluctance was due to her knowledge of the tactics utilized by the previous City Manager, explaining that he used other areas for comparison that were substantially higher, which was done in an effort to increase the salaries for City of Dover employees.

Mr. Bonar felt that data could easily be obtained from municipalities in Delaware and that such information should be obtained on an annual basis to assist in the preparation of the City's budget.

Mr. Lynn advised members that members need to be honest in considering which municipalities are comparable. If cost of living were taken into consideration, he questioned if it would be fair to include Wilmington or Newark, feeling that the cost of living in those municipalities would not be similar to that of the City of Dover. It was his opinion that the members of Council should expand the scope to include review of the CPI region rather than just the five (5) municipalities in Delaware, which would not be an intellectually honest effort in this regard. If a comparison were to be done, he urged members to include the CPI region and explained that what is gleaned from this data may be entirely different. He questioned the fear expressed by members of Council in obtaining salary and benefit information from the CPI region.

Responding to Mr. Bonar, Mr. Koenig explained that staff had not developed the same level of contact for municipalities outside of the State as with those municipalities within Delaware. He stated that staff constantly needs this data for competitiveness, collective bargaining issues, etc. He stated his concern that extending the task to include the CPI region would be a big challenge for staff, considering that they are currently working on contract negotiations, budgets, etc. It was his feeling that the five (5) municipalities were selected since it would be very manageable for staff to contact them at this time. Mr. Koenig reminded members that no two (2) municipalities are the same; however, somehow the City had always been able to work with the data with an understanding of the differences. It was his opinion that going beyond the State of Delaware would add a level of complexity. Should members of Council wish to include the CPI region, he stated his ability to obtain the data quickly and accurately would be decreased without the use of a consultant.

Mr. Perza stated that he considered this issue to be a vote of confidence in the City Manager's administration, noting that staff had done a good job of managing information and resources within a limited budget during the last two (2) to three (3) years, and information had been used and interpreted fairly during that time. He indicated that he did not "fear" any type of information coming in from outside the region; however, he felt that part of being responsible for management and Council administration involved managing the City's resources, including the time and expenses that would be put into making the comparison. Mr. Perza felt that to maximize resources, it would be more efficient to use available staff to do the project that had been recommended. He indicated that the information would go to the City's administration to be used as a tool in managing the City, and he did not view this as a political endgame to any ulterior motive of the City Manager and his staff, who had earned the right to have the information and had not abused information or authority, and he felt it was fair to grant the request.

Mr. Lynn explained his desire was to provide staff with the entire "forest" rather than just five (5) "trees" in an effort to have full understanding of what the City's market is. He felt that it was antiquated thinking to consider that the City's market was limited to the 99-mile boundaries of the State. He reminded members that this is a very mobile society, unlike the situation in the 1980s and 1990s, and noted that some people in the City of Dover commute to Philadelphia, New York, Washington, D.C., Wilmington, etc. He felt confident that the City's market was not limited to the five (5) municipalities in the State of Delaware. In response to the concerns regarding staff's commitment to this comparison, Mr. Lynn stated his desire for the matter to be referred back to the Committee to allow further discussion.

Mr. Slavin stated his opinion that this should not be a divisive issue and that by approving the Committee's recommendation, members would not be foreclosing the opportunity to gather information from the CPI region if they were to decide to do so later.

Mr. Bonar reminded members that the National League of Cities serves as a resource for the City and urged staff to utilize this organization's information and studies.

Mr. Hutchison moved to approve the Committee's recommendation to authorize the City Manager, Controller/Treasurer, and Human Resources Director to conduct a local Market Salary and Position Comparison as requested, and that the comparison include information regarding benefits, policies, and procedures related to such matters as extra duty for police officers, comp time, and exempt positions. The motion was seconded by Mrs. Williams and carried with Mr. Lynn voting no.

Mr. Lynn moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mrs. Williams and unanimously carried.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - APRIL 24, 2013

The Safety Advisory and Transportation Committee met on April 24, 2013 with Chairman Hutchison presiding.

Safety Concerns - New Dover High School Pedestrian/Vehicular Traffic

During the Committee Meeting of January 30, 2013, staff reviewed concerns regarding pedestrian/vehicular traffic in the area surrounding the new Dover High School. As a result, the Committee recommended that staff be directed to gather information from the Capital School District, including the number of people going in and out of the school and the total number of students walking and driving, as well as information from the Police Chief pertaining to traffic patterns, accidents, and safety information, and that this information be compiled, perhaps including input from State officials, and presented to the Delaware Department of Transportation (DelDOT) with a request for further review and consideration of a traffic signal at the east entrance of the New Dover High School. This recommendation was approved by City Council during their Regular Meeting of February 11, 2013.

Mrs. Ann Marie Townshend, Director of Planning, Community Development, and Recreation, introduced Mr. Rich Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), as well as Mr. Jonathan Hermes and Mr. Andrew Howard of Century Engineering. She reminded members that staff met with representatives of the Capital School District and determined that, although the signalization was an important issue, there were also concerns regarding gaps within the pedestrian network. A meeting was then held with MPO staff and, with their assistance, a Dover High School Pedestrian Study was performed and a pedestrian plan for the new high school was developed which identified sidewalk gaps in the network. She advised members that costs were being obtained for addressing these gaps and that a meeting had been scheduled with local legislators for Tuesday, April 30, 2013 in an effort to obtain funding assistance.

Mrs. Townshend provided members an informational brochure on High-Intensity Activated Crosswalks (HAWK) Signals and explained that this is a pedestrian only activated system. She advised members that a HAWK signal has been approved as meeting the warrants for the east entrance of the new Dover High School and will be installed at that location.

Responding to Mr. Davis, Mrs. Townshend stated that DelDOT had clearly indicated that the intersection did not meet the warrants for a standard traffic signal. However, she explained that once the infrastructure (conduit, wiring, etc.) for the HAWK signal was installed, if at some point in the future the intersection met the warrants, it would be easier to change the signal rather than having to dig up roadway, install conduit, and install a whole new signal. She felt that the HAWK signal would address well over half of the concerns and issues; however, it would not address concerns regarding bus traffic turning into the site. She noted the possibility that once the school is operational, if there is an indication that a standard traffic signal is needed, the City could request a warrant analysis. Mrs. Townshend reminded members that buses would enter the site at the east end and teachers and students with vehicles would use the west entrance.

Mr. Davis noted that pedestrian traffic would interrupt bus traffic entering the site. Responding, Mrs. Townshend stated that there would be further discussions regarding the intersections and assured members that issues regarding bus and pedestrian traffic would be brought forward.

Mr. Keller noted that it appeared the concerns regarding the pedestrian crossing had been addressed; however, no action had been taken to alleviate issues related to bus traffic. Responding, Mrs. Townshend stated that she felt confident that this issue would be brought up for consideration during the meeting to be held with legislators.

In response to Mr. Hutchison, Mr. Vetter estimated that there would be approximately 270-275 students within a two (2) mile radius walking to school. He stated that public involvement would be needed to address pedestrian access, particularly from owners of property where an easement would be necessary.

Mr. Vetter reviewed a Dover High School Pedestrian Study Map and advised members that the pink areas denoted sections where there were currently no sidewalks and the blue outlined existing sidewalks. He advised members that a concept plan was developed, including drainage, utility, rights-of-way, etc., and the cost to complete the work was estimated at $450,000. He reiterated that the purpose of meeting with the legislators was to attempt to acquire sources of funding. *(Clerk's Office Note: Subsequent to the meeting, Mrs. Townshend clarified that this estimate applied to the cost of filling sidewalk gaps on the north side of Route 8 and that an additional estimated $450,000 would be required to address gaps on the south side of Route 8.)*

Elaborating, Mrs. Townshend stated that providing a signal without a safe way for pedestrians to access it (a sidewalk) would not offer a safe means of access to the school. She indicated that, in accordance with State law, if there were no safe way for students to walk to school, the Capital School District would be required to bus students. This would not be a good use of public monies; therefore, there was an incentive to install sidewalks. She advised members that the Pedestrian Study also provided information regarding longer-term issues that need to be addressed, such as additional pedestrian traffic on Mifflin Road, drainage issues, sidewalk gaps along Kenton Road and in front of Nottingham Meadows, etc. However, she explained that the sidewalk gaps on the north side of Route 8 need to be addressed before the opening of the school.

Responding to Mr. Hutchison, Mr. Hermes indicated that there is a HAWK signal located on Route 72 in Newark approaching Library Avenue that has been in use for approximately nine (9) years. The signal was erected to provide University of Delaware students access to and from the College of Agriculture and associated farmland. He stated that although these signals are used in many other states that would have more information, the HAWK signal on Route 72 is the first and only such signal in Delaware.

Mrs. Townshend noted the importance of a warrant analysis in determining the need to install HAWK signals, explaining that if there is not enough pedestrian volume, drivers do not become conditioned to the traffic signal, which can cause safety issues. She felt confident that the signal for the new Dover High School would have a substantial amount of use by pedestrians, unlike the signal in Newark for the University of Delaware.

Mr. Hutchison suggested that Mrs. Townshend visit Newark to observe the HAWK signal to obtain a better understanding.

No further action was taken by the Committee.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mrs. Ann Marie Townshend, Director of Planning, Community Development, and Recreation, provided an update on Delaware Department of Transportation (DelDOT) Projects, as follows:

DelDOT Repaving Project

Mrs. Townshend stated that the repaving project had started back up. Milling and paving of Governors Avenue was tentatively scheduled for the first two (2) weeks of June and milling and paving of Loockerman Street for mid-June to the end of June. Loockerman Street would be the last location to be completed, tentatively by the end of July, at which point the entire contract should be complete.

West Dover Connector

Mrs. Townshend indicated that DelDOT continued to refine the final plan package for the project, with submission planned to occur at the end of the year. The rights-of-way acquisitions were ongoing, with cleared rights-of-way planned for March 2014. Demolitions had begun on the total acquisitions processed to date on Charles Polk Road. Advertisement of the project was scheduled for April 2014, with construction to start in late Summer 2014.

Route 8/Hazlettville Road Connector

Mrs. Townshend advised members that there was no funding in the current Capital Transportation Program (CTP) for the Hazlettville Road Connector project. Preliminary engineering money was previously shown in FY 2017; however, in the latest round of funding cuts, all funding for that project was moved to the out years.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - Rich Vetter

Mr. Rich Vetter, Executive Director, Dover/Kent County Metropolitan Planning Organization (MPO), announced that a groundbreaking for the Capital City Trails had been scheduled for Friday, April 26, 2013 at 1:30 p.m. at Legislative Hall. Members were provided a copy of the flyer for the event.

Mr. Vetter indicated that Century Engineering had been working with the Delaware Department of Transportation (DelDOT) regarding the possibility of making improvements to West Street, such as trail connections (sidewalks) in the area, in an effort to provide a connection to the Transit Center. Responding to Mr. Hutchison, Mrs. Ann Marie Townshend, Director of Planning, Community Development, and Recreation, stated that the Bicycle/Pedestrian Subcommittee meets every two (2) weeks and that the next meeting was scheduled for May 7, 2013 at 5:00 p.m. at the Dover Public Library.

Mrs. Townshend announced that a "Bike to Work Day" event was being organized to be held on May 15, 2013 and that members would be provided further information as the event approaches.

By consent agenda, Mr. Bonar moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

MONTHLY REPORTS - MARCH 2013

By motion of Mr. Bonar, seconded by Mrs. Williams, the following monthly reports were accepted by consent agenda:

Budget	City Planner
City Assessor	Dover Fire Department
City Manager	Economic Development Office

Quarterly Review of Capital Investment Plan (CIP) (January, February, and March)

Members were provided a Project Tracking Report, as of March 31, 2013, for the Capital Investment Plan (CIP).

By consent agenda, Mr. Bonar moved for acceptance of the Quarterly CIP Report, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

2013/2014 STAFF APPOINTMENTS - CITY COUNCIL

By consent agenda, Mr. Bonar moved for approval of the Staff Appointments for 2013/2014, seconded by Mrs. Williams and, by a unanimous roll call vote (Anderson and Hare absent), the following appointments were made:

City Assessor	-	Cheryl A. Russell
Building Inspector	-	Ann Marie Townshend
City Clerk	-	Traci A. McDowell
Assistant City Clerk	-	Denise L. Devine
Controller/Treasurer	-	Donna S. Mitchell
Assistant Finance Director	-	Margaret Teal
Assistant Treasurers	-	Traci A. McDowell
	-	Denise L. Devine
Fire Marshal	-	David J. Truax
City Planner	-	Ann Marie Townshend
City Solicitor	-	Nicholas H. Rodriguez
Deputy City Solicitor	-	William W. Pepper, Sr.

2013/14 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT

Council President Bonar submitted his recommendations for the committee appointments and requested approval, as follows:

Compensation Commission
P. Raquel Bushweller

Legislative, Finance, and Administration Committee
Sean M. Lynn - Chair
William F. Hare
Timothy A. Slavin
Daniel T. Shevock (by Council President)
Michael G. Rushe (by Committee Chair)

Parks, Recreation, and Community Enhancement Committee
Wallace R. Dixon - Chair
Adam M. Perza
Beverly C. Williams
Ann Baker Horsey (by Council President)
Deferred Until May 28, 2013 (by Committee Chair)

Safety Advisory and Transportation Committee
James L. Hutchison, Sr. - Chair
Wallace R. Dixon
Adam M. Perza
John J. Davis (by Council President)
Thomas J. Keller, Jr. (by Committee Chair)

Utility Committee
Beverly C. Williams - Chair
Adam M. Perza
Timothy A. Slavin
Richard K. Snaman (by Council President)
Lester L. Blakeman, Sr. (by Committee Chair)

Retirement Committee - General Employee Pension Plan
David L. Bonar
Sean M. Lynn

Retirement Committee - Police Pension Plan
David L. Bonar
Sean M. Lynn

Construction Code Appeals Committee
Adam M. Perza - Chair
Sean M. Lynn
Scott D. Koenig - City Manager

Other Post-Employment Benefits (OPEB) Trust Fund Board
William F. Hare - Chair
Beverly C. Williams

Mr. Bonar moved for approval of the 2013/14 Committee Appointments, as recommended by the Council President, seconded by Mr. Dixon and unanimously carried.

2013/14 MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT

Council President Bonar submitted his recommendations and requested approval of the miscellaneous appointments, as follows:

Chamber of Commerce and Greater Dover Committee Liaison Members
Carleton E. Carey, Sr.
James L. Hutchison, Sr.

Kent County Tourism
Wallace R. Dixon
Bill Neaton (Staff Liaison)

City/County Committee (Liaison to Kent County)
David L. Bonar
Carleton E. Carey, Sr.
William F. Hare
Timothy A. Slavin
Beverly C. Williams
Scott D. Koenig

Kent Economic Partnership
James L. Hutchison, Sr.

Mr. Bonar moved for approval of the 2013/14 Miscellaneous Appointments, as recommended by the Council President, seconded by Mr. Dixon and unanimously carried.

2013/14 COMMITTEE APPOINTMENTS - MAYOR

Mayor Carey requested that the 2013/14 Committee Appointments be deferred until the Regular Council Meeting of May 28, 2013.

By consent agenda, Mr. Bonar moved to approve the deferment of the Mayor's 2013/14 Committee Appointments, as requested by Mayor Carey. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Hare absent).

RESOLUTION NO. 2013-16 PROPOSING THE APPROVAL OF THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

By consent agenda, Mr. Bonar moved for adoption of Resolution No. 2013-16 - Approval of the 2013 Community Development Block Grant (CDBG) Action Plan, seconded by Mrs. Williams, and by a unanimous roll call vote (Anderson and Hare absent), Council adopted Resolution No. 2013-16, as follows:

A RESOLUTION APPROVING THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

WHEREAS, the City of Dover is entitled to $215,009 through the United States Department of Housing and Urban Development Community Development Block Grant program; and

WHEREAS, the City of Dover has prepared the 2013 Action Plan, in accordance with the United States Department of Housing and Urban Development guidelines, that serve as the primary planning document for identifying and meeting the housing and community development needs for the low and moderate-income residents of Dover; and

WHEREAS, the City of Dover is in favor of utilizing the Community Development Block Grant funds for the community development purposes in accordance with the National Community Development objectives of benefiting low and moderate income families, eliminating slums and blight, and meeting other community development objectives; and

WHEREAS, the United States Department of Housing and Urban Development requires the City of Dover to submit a Consolidated Plan and an Action Plan for Application for Federal Assistance including the proposed use of funds and including certain certifications and policies to obtain its $215,009 entitlement; and use of $8,554 in program income for eligible activities; and

NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF DOVER APPROVE THE 2013 Community Development Block Grant Action Plan and application for Federal Assistance included in the Action Plan, along with certifications and policies attached and authorize its forwarding to the United States Department of Housing and Urban Development for consideration.

ADOPTED: May 13, 2013

LETTER OF SUPPORT FOR PROPOSAL TO AMEND TITLE 29, §10006, OF THE DELAWARE CODE TO ALLOW MEMBERS OF A MUNICIPAL COUNCIL SERVING IN THE MILITARY OR ARMED FORCES OVERSEAS TO ATTEND MEETINGS OF SUCH MUNICIPAL BODY BY VIDEO-CONFERENCING

Members reviewed a draft letter to be sent to Representative Trey Paradee offering the City of Dover's full support of the proposed House Bill to amend Title 29, §10006, of the Delaware Code

relating to the Freedom of Information Act. The proposed amendment would allow a member of a city, town or municipal council who is serving in the military or armed forces overseas to attend meetings of such municipal body by video-conferencing.

Mr. Lynn advised members that the Freedom of Information Act, Title 29 of Delaware Code, currently prevents participation in open meetings by video-conferencing. He stated that Representative Paradee had submitted a bill to amend Title 29 of the Delaware Code to allow a member of a city, town or municipal council who is serving in the military or armed forces overseas to attend meetings of such municipal body by video-conferencing. Mr. Lynn referred to newspaper articles that he had provided to members indicating that video-conferencing of this type is occurring throughout the United States of America as a result of the increase in technology. He clarified that the amendment would allow participation but would not mandate such participation. He further explained that it would provide a member the opportunity to participate in a meeting if the military would permit and the parameters of the individual's mission would allow attendance via video-conferencing. He stressed that the proposed legislation would simply remove any barrier or impediment by the municipality to allow the member to participate as much as possible while serving in the military. He advised members that the proposed amendment was not a political act but rather a patriotic act.

Mr. Lynn moved to suspend the rules to allow Representative Paradee the opportunity to address members of City Council. The motion was seconded by Mr. Slavin and unanimously carried.

Representative Paradee stated that Mr. Lynn had presented the proposed legislation correctly. He explained his intention was to provide municipalities the flexibility to allow members who are serving in the military the opportunity to participate in meetings. More importantly, he stated that there must be an understanding that such participation would be subject to the individual's military commander in the field. If a mission would not allow the individual the opportunity to participate in the meetings, then members must understand that the individual would not be able to participate.

In response to Mr. Hutchison, Representative Paradee confirmed that the proposed legislation would not include State legislators since it is specific to a member of a city, town, or municipal council. He explained that the inclusion of State legislators would be considered separately from the request he was submitting at this time.

Mr. Bonar relayed his concern that the proposed legislation had not been vetted through the Delaware League of Local Governments (DLLG), nor was there specific language that would allow a member to vote, explaining that the language only allowed the member to attend via video-conferencing. Responding, Representative Paradee stated that he had met with representatives of the DLLG and it was his understanding that they would be reviewing the proposed legislation later in the week.

Responding to Mr. Bonar, City Solicitor Rodriguez indicated that he had not had the opportunity to review the legislation.

Mr. Bonar felt that prior to Council taking action on this matter, an opinion of the City Solicitor should be received and the support of DLLG obtained. He urged members to assure all loopholes were closed before Council endorsed the legislation. He also relayed concern that, although the legislation had been discussed for the past several weeks, it had not been reviewed and discussed by a City committee. Noting that the legislators would go on break for two (2) weeks beginning Thursday, Mr. Bonar felt that to delay action until after the legislators returned would allow the DLLG the opportunity to review the matter, the City Solicitor to submit an opinion, and members of Council to discuss the proposal at the committee level.

In response to Mr. Bonar, Representative Paradee indicated his hope was to introduce the legislation to committee this week. In regard to the voting issue, Representative Paradee stated that the purpose was to establish a quorum for the purposes of voting. As previously alluded to by Mr. Lynn, Representative Paradee advised members that video-conferencing was absolutely legal under current Delaware law; however, the issue being discussed was related to FOIA requirements.

Responding to Mr. Slavin, Representative Paradee assured members that the proposed legislation had been vetted extensively by the House staff attorneys.

Mr. Lynn reiterated that the word "may" rather than "shall" on Line 18 of the proposed legislation made it clear that the legislation would not be binding for the municipality. Regarding the question concerning State Representatives and Senators not being included, he advised members that they could not be included as a matter of law, pursuant to Titles 10, 2, and 6 of the United States Code, which preclude elected officials from partisan offices participating in political activity while serving on active duty military status.

Mr. Lynn stressed that at this time the request was simply to authorize a letter of support. He felt it would not be necessary to refer the matter to the City Solicitor to review since the General Assembly had lawyers who had already vetted the proposed legislation to determine its legality. Since there was a time issue and given that the City engendered the legislation, he felt that the City should be the body to support it to allow Councilman Anderson the opportunity to participate in meetings while also serving in the U.S. military.

Mr. Hutchison stated that Councilman Anderson was now fully employed by the United States Army, Delaware National Guard, and on a mission for the next 12 months, and he expressed concern regarding the authority for the City of Dover to institute a mandate for him to participate in City Council meetings. Responding, Mr. Paradee again reiterated that there were no mandates on the United State military whatsoever. He stated that in Councilman Anderson's situation, participation would purely be at the discretion of his commanders in the field.

Mr. Hutchison also stated reservations that this matter was presented to Council without having been being first presented to a committee to allow discussion and time to thoroughly review the request.

Mr. Bonar reminded members that if Council approved the letter of support, it would not mean that the legislation was approved but rather would indicate the City of Dover's support and allow Representative Paradee to take it through the committee process and get it on the agenda. In order for the legislation to be approved, he explained that it would then need to be approved by the House,

which would then require that it be assigned to a committee in the Senate and approved by the Senate, at which time, it would then require the Governor's approval. Mr. Bonar reiterated that the request was to simply submit a letter of support for the legislation and relayed his support for the request.

Mr. Lynn moved to send the letter of support for the amendment to Title 29 of the Delaware Code, §10006, to the General Assembly endorsing it on behalf of the City of Dover. The motion was seconded by Mr. Dixon.

Mr. Perza moved to consider an alternative letter and determine which letter reflected the will and intent of the City.

Mr. Lynn felt that since the alternative letter was not included in the packet presented to City Council, it could not be considered at this time since it would be a FOIA violation.

On a call for the question by Mr. Lynn, the motion to send the letter of support for the amendment to Title 29 of the Delaware Code, §10006, to the General Assembly endorsing it on behalf of the City of Dover failed by a roll call vote of four (4) yes (Slavin, Dixon, Lynn and Bonar), three (3) no (Perza, Williams, and Hutchison), and two (2) absent (Anderson and Hare). *(In accordance with the City Charter, a majority of members elected to City Council (five (5) members) is required to approve a motion.)*

At the request of Mr. Slavin, Mr. Perza read the following alternative letter, to be signed by the Mayor and Council President, into the record, as follows:

Dear Representative Paradee:

The City of Dover is proud of Councilman David Anderson's United States Military Service. The City of Dover has a vested interest in encouraging the Delaware Legislature to examine and study ways that would permit Councilman Anderson and other United States Military Servicemen, in similar circumstances, to assume the mantle of civic responsibility bestowed upon them by citizens of Dover. If the exercise of such responsibilities does not interfere with their duties and obligations to their mission, unit, and fellow soldiers who are dependent upon them for support overseas.

The City would encourage the Delaware Legislature to examine the advantages and disadvantages of such avenues of service by soliciting comment from members of the public, especially from constituents who are represented by servicemen called to active duty in support of our great nation, and to reach out to the United States military command to determine whether such service is recommended and under what conditions such participation could be implemented without placing the lives of servicemen at risk or in a manner which may interfere with the military mission."

Mr. Lynn explained his concern that the alternative letter omitted the one key phrase "support." Responding, Mr. Perza stated his feeling that members of City Council were unwilling to "support" the legislation until they had fully vetted it. Mr. Lynn reminded members that adoption of the legislation would be required of the General Assembly and not City Council. The letter of support would simply indicate the City's desire to provide Councilman Anderson the opportunity to participate to the extent that he could. He questioned how those members who voted in opposition to the letter of support could not want Councilman Anderson to participate if he is able.

Responding to Mr. Lynn, Mr. Bonar clarified that the legislation was not about Councilman Anderson but rather about the City Council endorsing legislation that would enable people who are called to active duty and deployed overseas in the State of Delaware and who happen to serve as a member of a City Council or local government to have the option of attending if that body decides they wish allow it.

Mr. Hutchison moved for a five (5) minute recess to allow Mr. Lynn and Mr. Perza to further discuss the language of the letter, seconded by Mrs. Williams and unanimously carried.

Meeting recessed at 9:40 p.m. and reconvened at 9:45 p.m.

Mr. Perza read the following revised letter into the record:

Dear Representative Paradee:

The City of Dover encourages the Delaware Legislature to consider supporting the proposed House Bill to amend Title 29, §10006, of the Delaware Code relating to the Freedom of Information Act. This amendment will allow a member of a city, town or municipal council who is serving in the military or armed forces overseas to attend meetings of such municipal body by video-conferencing.

The City of Dover is keenly aware of the importance of this legislation due to the current deployment of City Councilman David Anderson. Passage of the amendment will make it possible for him to continue to serve his constituents while also serving his country.

The City encourages the Delaware Legislature to examine the advantages and disadvantages of such avenues of service by soliciting comment from members of the public, especially from constituents who are represented by servicemen called to active duty in support of our great nation, and to reach out to the United States military command to determine whether such service is recommended and under what conditions such participation could be implemented without placing the lives of servicemen at risk or in a manner which may interfere with the military mission.

As always, we wish to extend our appreciation for the continued support of our legislators.

Mr. Perza moved for approval of the revised letter of support for the proposal to amend Title 29, §10006, of the Delaware Code, as read. The motion was seconded by Mr. Bonar and unanimously carried.

FIRST READING - PROPOSED ORDINANCE #2013-07

Mayor Carey reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance would take place during the Council Meeting of May 28, 2013.

Mr. Scott Koenig advised members that the proposed amendment would allow employees who were transferred or promoted to non-bargaining positions prior to the adoption of this ordinance to receive Medicare Part B premium reimbursements. Non-bargaining employees hired after July 27, 2009 or employees promoted or transferred to non-bargaining positions after May 28, 2013 who were not previously entitled to Medicare Part B premium reimbursement shall not be entitled to the reimbursement. Additionally, this section was re-worded to remove redundant language and improve readability. He explained that the purpose of the amendment was to close a loophole to prevent additional employees from becoming eligible for Medicare Part B reimbursement.

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

> PROPOSED ORDINANCE #2013-07 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND (MEDICARE PART B REIMBURSEMENT ELIGIBILITY CLARIFICATION)

COUNCIL MEMBERS' ANNOUNCEMENTS

Mayor Carey relayed happy birthday wishes to Mr. Dixon (May 14th) and Mr. Perza (May 20th).

Mr. Bonar announced that the Council President Meeting would be held on May 14th at 4:00 p.m. in the City Council Caucus Room.

Mr. Perza relayed congratulations to Mr. Bonar for his nomination as Council President, noting that he was inadvertently absent during the vote.

Mr. Lynn also congratulated Mr. Bonar, wished him much luck, and welcomed Mr. Slavin back to City Council.

In congratulating Mr. Bonar, Mayor Carey stated that he was looking forward to working with him as he serves as Council President.

Mr. Bonar moved for adjournment, seconded by Mr. Dixon and unanimously carried.

Meeting adjourned at 9:54 p.m.

TRACI A. McDOWELL
CITY CLERK

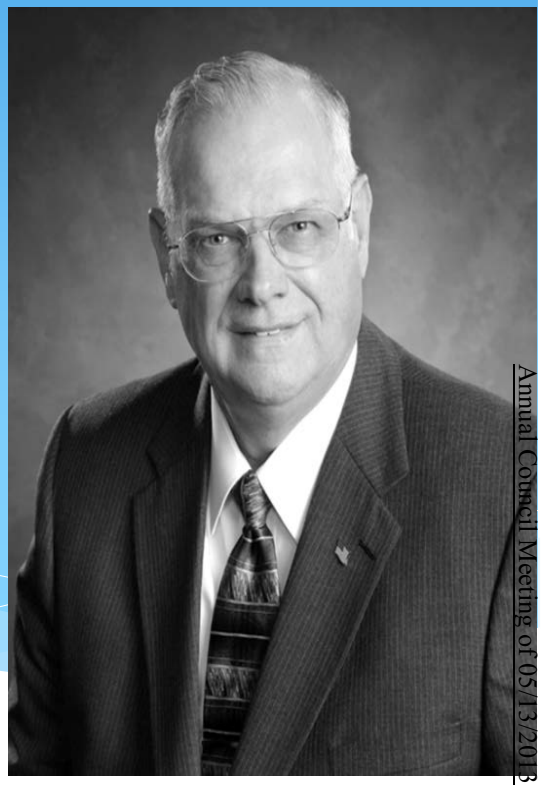
All orders, ordinances, and resolutions adopted by City Council during their Annual Meeting of May 13, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
S:\AGENDAS-MINUTES-PACKETS\Council-Minutes\2013\05-13-2013 ANNUAL COUNCIL.wpd

Exhibit
Exhibit #1 - Presentation - State of the City Message by Mayor Carleton E. Carey, Sr.

State of the City



Mayor Carleton E. Carey, Sr.

Annual Council Meeting of 05/13/2013
EXHIBIT #1

Our Vision

The City of Dover is a place where people want to live! Through the team effort of its elected officials, employees and citizens, Dover is a clean and safe community with a future of balanced growth and opportunity where all citizens are heard, enjoy a high quality of life and diversity is valued.

DOVER POLICE DEPARTMENT



Comparison of Data

* **Complaints INCREASED by 1,275 this past year**
  Since 2008 – complaints have increased from 29,413 to 36,058 that is an increase of 6,645 complaints in 5 years
* **Robberies DECREASED in the past five years;**
  In 2008 we had 94 robberies in 2012 we had 75

Detective Section

* **Criminal Investigation Section**
  * **Investigate the most serious crimes**
  * **Conducts financial and identity thefts**
  * **Performs background investigations on all civilian & police applicants**

Statistics

2012: Seven detectives assigned to the Detective Section investigated a total of 2,970 complaints and cleared 2,854

Detectives solved 71% of the robberies and 67% of the burglaries

Cleared 96.09% of all cases that they investigated!

SEX OFFENDER ENFORCEMENT

* At anytime time there is approximately 240-275 sex offenders in the City of Dover
* Officers responsible for all notifications
* Last year officers made:
  214 verifications
  416 re-verifications
  23,728 door to door notifications
  obtained 10 non-compliant warrants of which 9 of the 10 have been arrested

DVOC
Drugs, Vice and Organized Crime

* 5 officers; work undercover or plain clothes
* 1 officer; Gang Intelligence – intelligence gathering and criminal investigation of gang members and violent offenders
* DVOC handled 1951 cases – making 1951 arrests
  Result of these arrests:
  - 4,240 grams of marijuana
  - 2,710 grams of cocaine
  - 161 grams of heroin
  - 2008 prescription pills
  - $129,000 in seized currency

Information and photos collected from the 2012 Annual Report

CITY OF DOVER VOLUNTEER FIRE DEPARTMENT





Incident Report for Fire Department

* Calls for 2012: 1001
  * 218 Fire Calls- Building, cooking fires, outside rubbish, trash, brush and grass, passenger vehicle fires etc.
  * 106 Service Calls – standby, person in distress, lock out, water problem, public service assistance, etc.
  * 58 Rescue and Emergency Medical Service incidents:
    14 motor vehicle with injuries
    9 Extrication of victims
    4 removal of victims from stalled elevator
    8 Medical assists
    others are water and ice related rescue, potential electrocution etc

Remaining Calls

* 89 incidents involving arcing, carbon monoxide incidents, oil or other combustible liquid spill etc.
* 118 Good Intent Calls including authorized controlled burning, dispatched and canceled in route, steam, fog (other gas) mistaken for smoke, Hazmat
* 135 False Alarms or calls
* 47 System malfunctions
* 212 Smoke detector activations (no fire), alarm systems, CO Detectors, etc.
* 11 Severe Weather or Natural Disaster Calls – 3 of those for windstorm/hurricane assessment
* 5 Special incident type calls
* 2 overpressure/overheat (no fire)

Dover Public Library



Our Highlights!



Moving Day



Grand Opening!

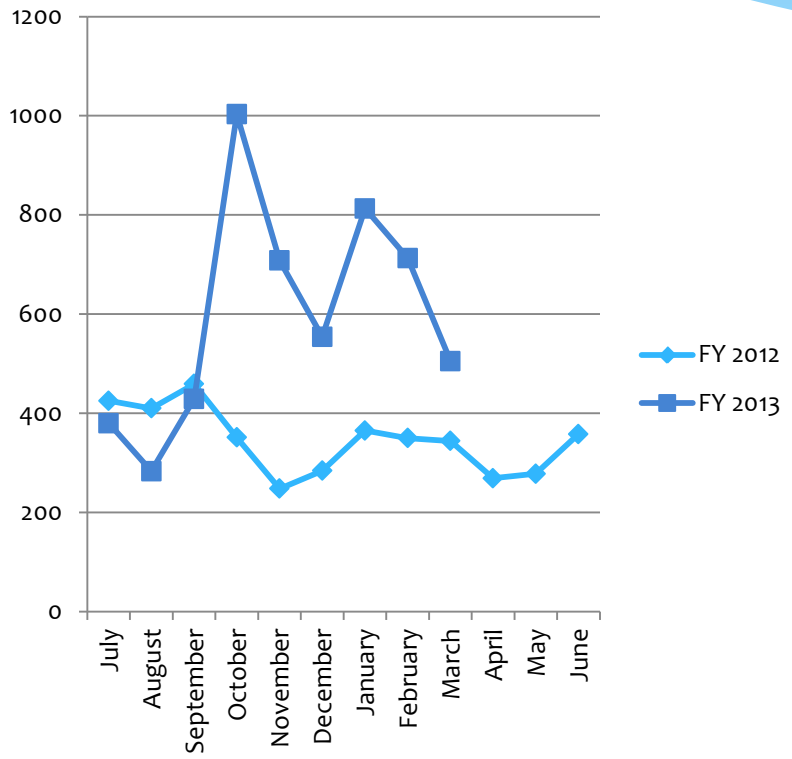


Checking out the first library book!

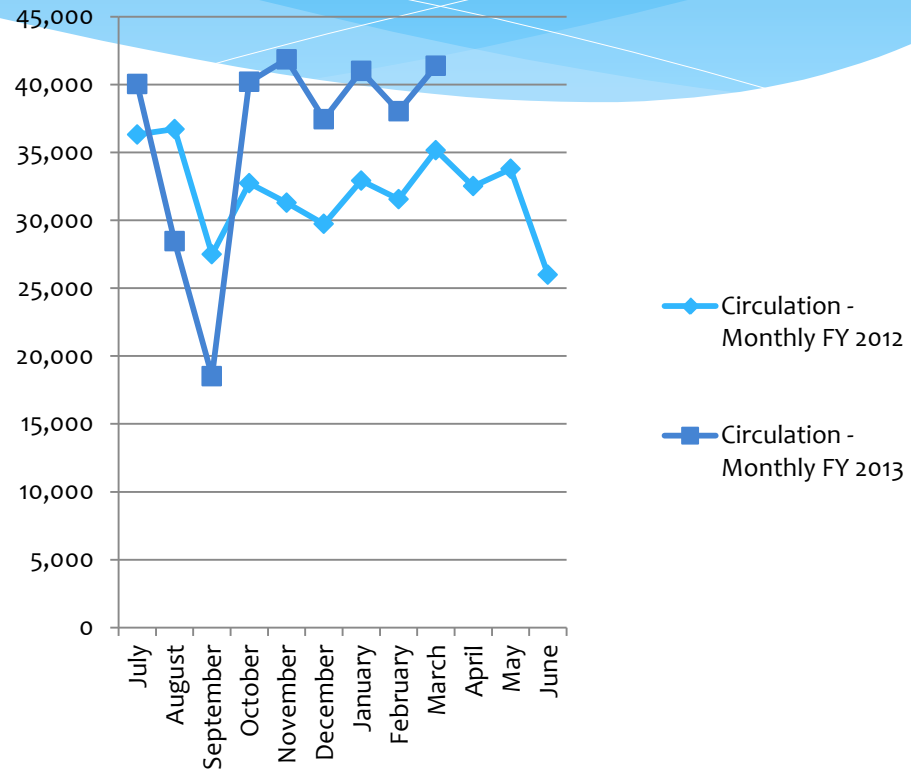


Dedication Of Teen Loft To Councilwoman Sophia R. Russell

Community Response



NEW LIBRARY CARDS ISSUED
AVERAGE ABOUT 716 A MONTH



24% Increase in "Check-Outs"

Parks and Recreation











Parks and Recreation

- **Silver Lake Revitalization** project continued along the St. Jones stream bank within Silver Lake Park. The installation of large boulders and native plantings have stabilized the banking of the St. Jones from the dam to the rustic bridge which is another step towards improving water quality.

- **Recreation Offices** relocated from the Dover Park facility to the Pitts Recreation Center. Recreation staff are now housed in one location. Plans are being made for the YMCA of Dover to use Dover Park facility this summer for summer camps.

- **Wilmington Saving Fund Society (WSFS)** graciously continued their sponsorship again this year for the 2013 Concert On The Green Series. They have been our co-sponsor since 2010.

JOHN W. PITTS CENTER

* **John W. Pitts Recreation Center** hosted **266,476** guests (program & open gym participants, meeting attendees, and spectators) since its opening in April 2008.

* **Increased Operating Hours** at the Pitts Recreation Center with 6:30 AM openings on weekdays for walkers/joggers with flexible staff scheduling and without increasing our budget.

* **Open Gym Fees** went in to effect April 1, 2013. Our open gym participation for April 2013 increased 29% compared to April 2012 and was the highest April count since 2009 (1,414). Youth age-group open gym participation increased 49% compared to April 2012.

Increased Usage of Facility

Program Attendance	FYTD 12
Total	52,760
Open Gym	8,716
Fitness Classes	3,543
All Leagues (summer & winter basketball, volleyball, lacrosse, indoor/outdoor field hockey, spring and fall softball)	29,865
Camps	628
Sports Classes	2,276
Meetings & Rentals	7,403
Enrichment Classes	329

Program Attendance figures includes participants, parents and spectators in the facility

We Continue to Grow!



The Grande – 55+ Community



Coming Soon—Grotto's!

EVERY SEASON STARTS AT
DICK'S
SPORTING GOODS

Expansion at Dover Mall



Kent County Courthouse
Renovations – The Green

Larger Projects!





New Dover High School



Bayard Plaza, 200 West Loockerman Street

Calpine





OFFICIAL GROUND BREAKING JUNE 25, 2013





Taxable Property

Beginning Fiscal Year 2013
(July 1, 2012)

Please note:
This does not include Senior Citizen or Disability Discount

VALUE:

$3,153,332,060

This is an increase of .473% from last year

Value Change:

$14,843,400

(Value change is the increase in value from last year)

Electric Department



Power Plant

* **POWER PLANT**

  Completed installing the protective blast walls in the switchyard

  Completed the Unit #3 Turbine inspection



Electrical Engineering

* Designed and began construction of the new Frazier Substation, increasing North Dover area electric reliability – location is off the service road behind Sam's Club and Lowe's
* Designed and began construction on a Feeder replacement program increasing the capacity of several feeder's

Electric Transmission & Distribution

* Completed the conversion of Morris Estates II from overhead lines to underground line. Work continues in Morris Estates I and Capital Park
* Began a new project replacing transmission insulators and equipment to improve reliability

Hurricane Sandy Relief Efforts

This year Hurricane Sandy hit the Mid-Atlantic region causing little problems with the City's Electric infrastructure. All the work to improve reliability has proved to be a great asset. Following the little damage suffered in the City of Dover's electric service territory, City crews from the Electric Department were sent to New Jersey to help in the restoration efforts along with many crews throughout the country.



DEPARTMENT OF PUBLIC WORKS



Improvement for Water Issues

* Installed approximately **640 linear feet** of new 8” Cement Lined Ductile Iron Pipe in Bradford Street to improve the brown water issue.
* Installed approximately **3,000 linear feet** of new 8” Cement Lined Ductile Iron Pipe in American Avenue Ext., Pennsylvania Avenue, Rodney Road, Madison Street to improve the brown water issue.
* Installed approximately **380 linear feet** of new 8” Cement Lined Ductile Iron Pipe in North Street to improve the brown water issue.

Inflow & Infiltration Improvements

* **Relined existing sanitary sewer infrastructure in the Bradford Street alley to decrease the inflow & infiltration within our system.**
* **Replaced a failing commercial sanitary sewer lateral that was causing inflow into our sanitary sewer system on Kings Highway.**

Improvements

* Upgraded the existing Heatherfield Pump Station and increased the associated force main (approximately 1,200 linear feet) in an effort to have more efficient sanitary sewer system.
* Replaced failing sanitary sewer infrastructure that was causing a sink hole in Mifflin Road.
* Replaced the aging Fox Hall Pump Station to increase the efficiency of the sanitary sewer system.

Safety and Efficiency

* Repaved Hazel Road and Independence Road, to provide a safer road for the City of Dover residents.
* Replaced various locations of concrete sidewalk, in an effort to provide safer infrastructure for the pedestrians.
* Finalized design on four (4) pump station improvement projects that will be bid out in the summer of 2013. These projects will provide greater efficiency within our sanitary sewer system.

MARTIN LUTHER KING JR. BLVD

Martin Luther King Jr. Blvd. Street Dedication



Dover City Council January 19, 2013



Calvary Baptist Church Choir



Rev. Michael Rogers



Calvary Baptist Church Choir



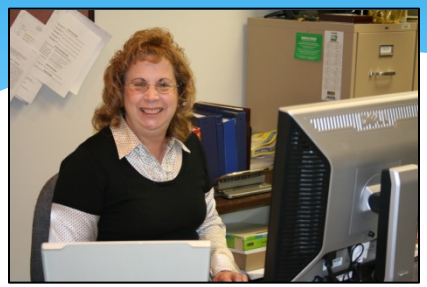
Rev. John G. Moore

I HAVE A DREAM..



Rev. John Moore

Working together for all of Dover!



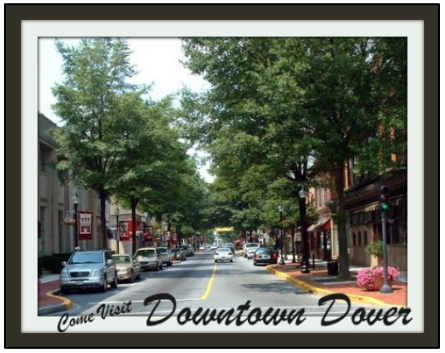




















Thank you Tom Leary for your years of service to the City of Dover!



1st District Councilman
1994-2000

At Large Councilman
2007-2013

City Council

