LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

APRIL 9, 2012 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Review and Recommendation - Filling of Critical Position - Patrolman (Police Department)
   (Due to Time Constraints, This Item Has Been Placed on the Council Agenda for the Meeting Being Held Later in the Evening)

2. Recommendation of Civilian Pension Board - Cost of Living Adjustment (COLA)
   (Tabled by Committee on March 12, 2012 for Review at the March 26, 2012 Council Retreat - ***Correspondence Received from Civilian Members Requesting Withdrawal of Recommendation for COLA Consideration****)*

3. Assignment of Emergency Management Coordinator Responsibilities
   (Tabled by Committee on March 27, 2012 Until April 9, 2012 - ***Request to Defer Consideration Until April 23, 2012****)*

4. Proposed Ordinance #2012-10 - Chapter 1 - General Provisions, Section 1-13 - Denial of Permits or Approvals for Failure to Comply with Requirements for Payment, Actions, or Filings (Clean Hands)

5. Council Laptop Replacement Associated with Mandatory Paperless Packets

6. Adjournment by 7:00 P.M.

/tm
S:\AGENDAS & MINUTES\Committee-Agendas\2012\04-09-2012 LF&A.wpd

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Permission to Recruit

To: Carleton E. Carey
Mayor

Date: April 5, 2012

From: James E Hosfelt Jr.
Chief of Police

Permission to recruit: 1 Person

Type of Position: (PF) PP TF TP

Title of Position: Police Officer

Start employment on: April 23, 2012

Opening is due to:

Termination, Transfer, Promotion, (Other:) Retirement of Captain Steven Getek

Captain Steven Getek
(name of previous employee)

Type of recruitment desired:

Local Newspaper: None, Dover Police Department currently has an eligibility list

(Name of publication)

Note: All out-of-house job postings will be advertised in the Delaware State News

Other: None See above

James E Hosfelt Jr.
Chief James E Hosfelt Jr.

☑ APPROVED ☐ DENIED

Carleton E. Carey Jr.
Mayor of the City of Dover

Hiring Justification Outline

1. **Explain the principal function of this job.**

   The principal function of these positions is to ensure security for the citizens of Dover. The persons would be responsible to enforce the laws of the State of Delaware within the city limits of Dover.

2. **Explain why this position is critical and cannot go unfilled or postponed**.

   The departments authorized strength is currently 92 officers. It is essential for the department to maintain personnel to provide all levels of safety for the citizens of Dover. However due to the recent retirement the authorized strength has dropped to 91 officers. At this time the department maintains an active roster of qualified applicants for hire as positions become available. The next applicant on the list is not a certified officer. When hired, this individual will have to attend training at a police academy. The next police academy class is scheduled to begin April 23, 2012.

   These positions also need to be filled in order for the department and the City of Dover to remain compliant with the staffing provisions of the COPS Grant which city council accepted on September 14, 2009. Failure to replace this officer would put the department and the city in violation of the COPS Grant requirements for this current budget year.

3. **How would City services diminish if this position were not filled or postponed at this time?**

   The Police Department would become unable to provide the level of services we currently provide to the citizens of our city. Public safety services provided to the city would diminish quickly. The department must maintain its authorized strength in order to perform the day to day operations of the police department.

4. **Are there other employees whose ability to perform would be diminished by not filling or postponing this position?**

   Yes, the departments' performance would diminish overall by not maintaining current staffing needs to provide security and safety for all citizens within the City of Dover.

5. **Is there a person that can be promoted into these positions and whose position is less critical at this time and can go unfilled permanently or temporarily?**

   No. This position is for new police officer.

6. **Can one or more existing employees absorb the duties of these positions?**

Over time the quality of service the department currently provides would diminish. The current authorized strength for the police department is 92 officers, which has been approved by City Council. Without these positions the department would once again be working under the authorized number of officers. For that reason the department is seeking to hire an additional officer to fill the vacant position.

7. **Could a temporary person be hired to fill these positions for 60 days?**

No, there are too many complexities in this position. The people hired would be certified law enforcement officers in the State of Delaware and would still need to pass a background check.

8. **Grade / Salary Information**

Patrolman / POL-01 $45,999.47

City of Dover
Wage and Benefit Information for Employee Hiring and Transfer Request

DEPARTMENT/DIVISION ORIGINATING REQUEST: POLICE

Position	Current Grade/Step	Reason	FY12 Wages Budgeted	FY12 Benefits Budgeted	Total Wages & Benefits	% Year Wages Used	# Mos. Benefits Used	To Date Wages Paid	To Date Benefits Paid	Lump Sum Vacation/Sick Payment*	FY12 Total Paid To Date	Balance	Remarks
Accessions													
Police Officer	Capt	Retirement	69,954.86	26,728.06	133,092.44	80.6%	9.7	56,384.38	21,599.76	68,607.12	146,591.27	(13,498.83)	health care = employee
Budgeted Retirements			187,343.33							34,209.66		153,133.67	
Totals					**133,092.44**					**102,816.78**		**$139,634.84**	

*** Includes lump sum amounts spent previously for Ranger, Harmon & Boyce.**

** esitmate based on # hours sold back

Position	Position	Reason	FY12 Salary	FY12 Benefits	Total Pay	% Year Wages Needed	# Mos. Benefits Needed	Wages	Benefits	Total Pay Needed	Remarks
New Positions											health care = family for all
Police Officer	Ptlm	New Hire	47,994.78	29,277.25	77,272.03	18.9%	2.3	9,048.20	5,534.00	14,582.19	Recruit for DSP Academy
Totals					**77,272.03**					**$14,582.19**	
Balance (Retirements)										**$125,052.65**	

RECEIVED
MAR 20 2012
OFFICE OF THE CITY CLERK

To: Traci A. McDowell – City Clerk

From: Lester L. Blakeman Sr.

Subject: Motion for COLA increase - February 8, 2012

Date: March 20, 2012

I would like to officially withdraw my motion for a COLA increase for the retired members and surviving spouses of the Civilian Pension Plan. (copy of motion attached)

Mrs. Hettinger has agreed to withdraw her second.

The elected members of the Civilian Pension Board feel very strongly that this issue still needs to be addressed.

We have reviewed and discussed the comments made at the Legislative, Finance & Administration Committee meeting of March 12, 2012 and other addition information.

We feel that in light of these discussions, it would be better to deal with this issue at a later date.

Lester L. Blakeman Sr.

Lester L. Blakeman Sr.

I move:

That all members for the Civilian Pension Plan who retired on or before June 30, 2007 will receive a four percent Cost of Living Adjustment effective January 1, 2013.

and that

The retirement income of a retired member of the Civilian Pension Plan shall be increased by two percent per annum every January 1. This increase in retirement pay shall be cumulative and the previous year's increase shall be included in the retired member's retirement income for the purposes of calculating the annual two percent increase. The first two percent increase would be on January 1, 2014

Lester L. Blakeman Sr.
Elected Member of the Civilian Pension Board

Memorandum

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

To: **Members of the Legislative, Finance & Administration Committee**

From: **Scott D. Koenig, P.E.**

Date: **April 3, 2012**

Subject: **Assignment of Emergency Management Responsibilities**

As you are aware, my request to permanently assign emergency management responsibilities to an existing staff member was tabled at the committee meeting on March 26, 2012. Since I will be out of town on Monday, April 9, 2012, I am requesting that consideration of this matter be deferred until Monday, April 23, 2012. I believe it is critical that I am in attendance during the discussion of this matter. In addition, I will have completed the fiscal impact statement associated with my proposal.

cc: City Clerk's Office

ACTION FORM

PROCEEDING: Legislative, Finance, & Administration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections/City Clerk **DATE SUBMITTED**: April 3, 2012
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: "Clean Hands" Ordinance – Proposed Ordinance #2012-10
REFERENCE: Chapter 1 – General Provisions, Section 1-13 – Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings
RELATED PROJECT: N/A
APPROVALS: Traci McDowell, CMC – City Clerk
EXHIBITS: Proposed Ordinance #2012-10
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Schedule for First Reading on April 23, 2012 and Final Reading on May 14, 2012
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council for action in accordance with the time frame above.

BACKGROUND AND ANALYSIS

The section of the code that is proposed for amendment is known as the "clean hands" ordinance. It denies approvals, permits, or other approvals to property owners who have delinquent obligations due to the city or outstanding code violations on properties. The denial is not specific to the property with the delinquency, but to all properties owned by that owner.

Several City departments have been working together in recent months to update and clarify the clean hands ordinance. The proposed amendments address a number of problems identified in the current language:

- The proposal clarifies that the denial of approvals or permits is applicable to the owner or any corporation in which such owner is an owner or member. This makes it clear that an owner of corporations is subject to the denial if the corporations are not current.
- The proposal lists the obligations that must be current.
- The proposed ordinance prohibits people from being appointed to a City committee, commission or board if that person has delinquent payments or uncorrected, documented code violations.
- The proposed ordinance clarifies the language relating to violations of the Dover Code of Ordinances.
- It changes the amount of time that staff has to notify the property owner of the denial from five working days to ten working days.
- It allows an exception if the property owner is requesting a permit to correction violations associated with the Dangerous Building Ordinance.
- It changes the appeal from an appeal to City Council to an appeal to the City Manager.

The proposed ordinance has been reviewed internally by the affected departments and by the Deputy City Solicitor.

CITY OF DOVER PROPOSED ORDINANCE #2012-10

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

That Chapter 1 - General Provisions, Section 1-13 - Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings be amended by inserting the text indicated in bold, blue, underlined font and deleting the text indicated in bold, red, strikeout as follows:

Sec. 1-13. - ~~**Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings.**~~ **Clean hands.**

(a) ~~**Noncomplying actions or filings. Prior to any administrative agency or official of the city charged with evaluation and approval of any permit required so that a legal or equitable owner of real property located in the city may utilize city services or otherwise involve the city officers, agents, or employees to permit any use of such real property, approving or issuing any permit or other indication of approval, that administrative agency or official shall make reasonable effort to determine that no payments, actions, or filings related to obligations due to or requirements by the city for the use of that parcel or any other parcel of real property remain incomplete or in violation of the city requirements. If any such noncomplying or incomplete payments, actions, or filings are determined to exist, then the administrative agency or official shall, in writing, deny the permit or other form of approval until such existing requirement for payment, action, or filing has been fully complied with or completed as to that parcel, identifying in that written denial the payment, action, or filing to be completed or complied with. Failure by the appropriate administrative agency or official to issue such written denial within five working days from receipt of application shall enable the applicant to have the application reviewed without consideration of the requirements of this section.**~~ ***Eligibility to receive city utilities or services*.** **No person, corporation, or other entity shall be eligible to receive any city services, utilities, permits, licenses, or approvals if that person, corporation, or other entity, or any owner or member of that corporation or other entity, owes outstanding payments to the city; or if that person, corporation, or other entity, or any owner or member of that corporation or entity, is responsible for uncorrected, documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. If the party requesting city approval is current on some but not all obligations owed to the city, the request shall be denied until such time as all city obligations are current and fully complied with.**

(b) ***Obligations which must be current.*** **Applicants for city services, utilities, permits, licenses, or approvals shall be current on all of the following obligations to the city, including interest, penalties, court costs, and/or attorney's fees if applicable, prior to receiving such approvals:**

(1) Property taxes.
(2) Applicable Delaware realty transfer taxes.
(3) Water, sewer, and electric connection/disconnection, front footage and/or usage charges.
(4) Trash fees.
(5) Application fees.
(6) Permit fees, including building permits, building code and inspection/reinspection fees.
(7) Vacant building fees.
(8) Inspection fees.

DRAFT

(9) Charges for the costs of razing or demolition of buildings done through public expenditure.

(10) Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure.

(11) Assessments for the installation of sewer lines, water mains, sidewalks, and curbing.

(12) Charges for the costs of removing weeds, grasses, refuse, rubbish, trash, or other waste material done through public expenditure.

(13) Miscellaneous charges.

(c) *Appointment to committee, commission, or board.* No person shall be appointed to any city committee, commission, or board if there are outstanding payments due to the city in their name or the name of any corporation of which they are principal; or if they are responsible for outstanding documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. Any sitting committee, commission, or board member not in compliance with this ordinance shall be current and fully compliant with all city obligations within 30 days or shall be required to relinquish their appointment.

(d) *Responsibility of city personnel.*

(1) The administrative agency to which a request has been submitted shall have the responsibility to make a reasonable effort to determine whether there are outstanding payments or outstanding documented violations of the Dover Code of Ordinances.

(2) The appropriate administrative agency shall notify an applicant that the request cannot be processed because of an outstanding payment or an outstanding documented violation. Said notice shall be in writing and shall be sent within ten working days of receipt of the request.

(e) *Exception.* Notwithstanding the provisions of this section, the building inspector, with the concurrence of the city manager, may issue permits and approvals for work that is necessary to correct violations associated with Chapter 22 - Buildings and Building Regulations, Article XI - Dangerous Buildings.

~~(b) Appeal; hearing. Any applicant for a permit or other form of approval who receives the aforesaid written denial of a permit or other form of approval by an administrative agency or official of the city may appeal that denial to the city council within 20 calendar days of such denial. The city council or its designee shall thereafter hold a hearing wherein said applicant shall be permitted to give evidence that such payment, action or filing has been properly carried out, or otherwise show that such denial is not lawful as to that applicant.~~

(f) *Appeal; hearing.* Any applicant, person, corporation, or other entity or any owner or member of that corporation or other entity requesting such city services, utilities, permits, licenses, or approvals who receives the aforesaid written denial may appeal that denial to the city manager within 20 calendar days of such denial. The city manager, or his/her designee, shall thereafter hold a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been properly carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

ADOPTED: *

Draft

SYNOPSIS

The proposed ordinance clarifies the denial of services, permits, and approvals for non-payment of charges due to the City or for documented and uncorrected code violations. It specifies the financial obligations that must be current to receive services, permits, or approvals. It authorizes the building inspector, with the concurrence of the city manager, to issue permits to remedy violations associated with dangerous buildings. The proposal prohibits the appointment of any person to a city committee, commission or board if that person has outstanding charges due to the city or outstanding, documented, code violations. The proposed ordinance would direct appeals of the denial of services, permits, or approvals to the city manager, rather than City Council, as is the case under the current ordinance.

(SPONSORS: STAFF)

Actions History

Apr 9, 2012 - Scheduled for Consideration by the Legislative, Finance, and Administration Committee

S:\ORDINANCES\2012\Draft\2012-10 - Chpt 1 - General Provisions, Sec 1-13 - Denial of Permits (Clean Hands) REV.wpd

Draft

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**MEETING DATE: 04-09-2012**
DEPARTMENT OF ORIGIN: City Clerk's Office	
PREPARED BY: Traci A. McDowell, City Clerk	

SUBJECT: Council Laptop Replacement - Mandatory Paperless Packets	**DATE SUBMITTED**: 04-03-12
RELATED PROJECT: N/A	
APPROVALS: N/A	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $7,146	**AMOUNT BUDGETED**: $6,500
FUNDING SOURCE (Dept./Page in CIP & Budget):	City Council - 110-1200-512.20-38/Page 61 Savings from Vehicle Purchase
TIMETABLE: Council Consideration on 4/23/12 - Purchase upon approval	

RECOMMENDED ACTION:	Authorizing the purchase of 12 tablet computers - nine (9) for City Council members, one (1) for the Council Chamber Recording Secretary, and two (2) for Civilian Committee members' use during meetings; and once tablets are in use, discontinue production of paper packets.

BACKGROUND AND ANALYSIS

In 2003, the City began providing laptops to Council members. At that time, Paperless Packets were made available on the City's website and to members of City Council for use during the meetings in lieu of paper packets. Over time, due to the weight and bulkiness of the laptops, members reverted back to using paper packets rather than the electronic versions for the meetings.

At the suggestion of Councilman Hutchison, staff has obtained pricing for tablet computers, which are much smaller than the standard laptop. Staff recommends purchasing 12 tablet computers - nine (9) for City Council members, one (1) for the Council Chamber Recording Secretary, and two (2) for Civilian Committee members' use during meetings. Once the tablets have been purchased and distributed, staff recommends discontinuing the production of paper packets.

/tam

S:\CAFS\04-09-2012-LF&A - Laptop Replacement Program - Mandatory Paperless Packets.wpd