REGULAR COUNCIL MEETING
A G E N D A

JANUARY 23, 2012 - 7:30 P.M.
CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)
The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN BONAR

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**
Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* **1. Adoption of Minutes**
- **Council Retreat of November 9, 2011**
- **Regular Council Meeting of January 9, 2012**
- **Special Council Meeting of January 9, 2012**

2. Proclamation - Black History Month - Black Women in American Culture and History

* **3. Parks, Recreation, and Community Enhancement Committee Report - January 9, 2012**

A. Review of Silver Lake Boating Regulations (Recommendation of the Silver Lake Commission)
(Committee Recommended Adoption of Proposed Ordinance #2012-01 Amending Chapter 74 - Parks and Recreation, of the Dover Code, as Recommended by the Silver Lake Commission)
(See Item #10)

B. Proposed Amendments to Community Development Block Grant (CDBG) Procedure
(Committee Recommended that the Proposed Amendments to the Community Development Block Grant (CDBG) Procedure Be Implemented)

C. Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2011
(Committee Recommended Acceptance of the Statistics Report for the City's Top Employers, as Presented)

D. Updates
(Committee Action Not Required)

* **4. Utility Committee Report - January 9, 2012**

A. Discussion - Dover East Pump Station

(Committee Recommended That the Property Located Within the Dover East Mobile Home Community, in Addition to the Sanitary Sewer Pump Station and Associated Infrastructure Contained Therein, Be Sold to Kent County for $1.00 Under Exception C of the Land Disposal Policy)

B. Review of Utility Related Capital Investment Plan (CIP) *(Electric and Water/Wastewater) (Committee Action Not Required)*

* **5. Legislative, Finance, and Administration Committee Report - January 9, 2012**

A. Report by Dover Human Relations Commission

(Committee Recommended Acceptance of the Summary Review and Recommendations for the DHRC)

B. Staff Recommendations

b-1. Economic Development Office

(Committee Recommended that the Proposal Be Tabled to Allow the Downtown Dover Partnership (DDP) Board to Submit a Response)

b-2. Community Development Office

(Committee Tabled the Matter to Allow Further Discussion, Possibly in Executive Session)

C. Clarification of Action Taken on August 8, 2011 - Reconsideration of Review and Recommendation - Filling Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions

(Committee Recommended Amending the First Paragraph in the Process for Filling Critical Positions by Replacing the Word "Will" with "Shall" and That Such Requests Be Forwarded to the City Manager and Controller/Treasurer for Their Review and Recommendation Prior to the Committee's Consideration)

D. Review of Travel Policy

(Committee Recommended Approval of the Revised Travel Policy)

E. Sponsorship of Delaware New Jobs Infrastructure Fund Grant Application by Calpine Corporation (Garrison Oak Technical Park)

(Committee Recommended Endorsement of the City's Sponsorship of the Delaware New Jobs Infrastructure Fund Grant Application)

F. Disposition of City Owned Land - Property Located at 120 W. Loockerman Street

(Committee Recommended Authorizing the City Manager to Transfer the Property Located at 120 W. Loockerman Street to the Downtown Dover Partnership for $1.00 Under Exception D of the Land Disposal Policy)

G. Public Comment Period

(Comments Made by Sherry Wright of Felton - Committee Took No Action)

6. Legislative, Finance, and Administration Committee Report - January 23, 2012

(Except for the following time sensitive issue, the LF&A Committee Report from January 23, 2012 will be presented to Council during their Regular Meeting of February 13, 2012 for Council's review and consideration)

A. Proposed Resolution #2012-02 - Requesting the General Assembly to Amend Article IV - Financial Affairs, Section 50 - Debt Limit, of the City of Dover Charter

7. Quarterly Revenue Report

* **8. Confirmation of Police Pension Election - Retired Cpl. Martin Stallings - Three (3) Year Term to Expire January 31, 2015**

* **9. Appointments Recommended by Mayor Carey**

A. Human Relations Commission - Richard Senato - To Fill the Expired Term of Mark S. Monroe - Three (3) Year Term to Expire 2/2015

B. St. Jones Greenway Commission - James Burcham - To Fill the Unexpired Term of Robert Gorkin - Three (3) Year Term to Expire 12/2012

10. First Reading - Proposed Ordinance #2012-01

The First Reading is offered on the following proposed ordinance. Final action by Council will take place during the Second Reading of the ordinance on February 13, 2012. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Ordinance #2012-01 Amending Chapter 74 - Parks and Recreation, Article I - In General, Article III - Silver Lake Area, and Appendix F - Fees and Fines with Staff Amendment #1
(Parks, Recreation, and Community Enhancement Committee)

11. First Reading - Proposed Ordinances

It is recommended that a Public Hearing be scheduled before the Planning Commission on February 21, 2012 at 7:00 p.m. and that a Public Hearing before City Council be set for Monday, March 12, 2012 at 7:30 p.m. at which time the Second Reading and Final Action by Council will take place. Copies of the proposed ordinances are available at the entrance of Council Chambers or can be obtained from the City Clerk's Office.

A. Ordinance #2012-02 Amending the 2008 Comprehensive Plan by replacing Table 12-1: Land Development Plan, Map 13-1: Annexation Areas, and Map 13-2: Potential Land Use for Annexation Areas

B. Ordinance #2012-04 - Rezoning Request for properties located at 4 Mifflin Road, consisting of $1.25^{+/-}$ acres, owned by Peter and Bonnie Reidy, and 24 Mifflin Road, consisting of $0.55^{+/-}$ acres, owned by Robert Klewans and Carol Candor, and 1510 Forrest Avenue, consisting of $0.41^{+/-}$ acres, owned by Doreen E. Lucas. The properties are currently zoned R-8 (One Family Residence Zone) and subject to COZ-1 (Corridor Overlay Zone) and the proposed zoning is C-2A (Limited Central Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone)
(TAX PARCELS: ED-05-076.09-01-11.00; ED-05-076.09-01-12.00; AND ED-05-076.09-01-08.00; PLANNING REFERENCE Z-12-01; COUNCIL DISTRICT 1)

12. Council Members Announcements

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COUNCIL FINANCIAL RETREAT

The Council Financial Retreat was held on November 9, 2011 at 5:07 p.m. with Council President Leary presiding. Council members present were Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Mr. Koenig, and Mrs. McDowell. Mrs. Kay Dietz-Sass, Public Affairs Coordinator, was also present and served as facilitator.

AGENDA ADDITIONS/DELETIONS

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

INTRODUCTION - WHY IS THIS RETREAT DIFFERENT?

Mr. Scott Koenig, Interim City Manager, advised members that the purpose of the Financial Retreat was to review all financial models related to the electric system, the water and sewer system, and the general fund. He noted that a substantial amount of information was provided and there would be many challenges for the City. He anticipated that Council would have questions to which staff would not be prepared to respond, explaining that due to the detail involved, staff would need the opportunity to develop solutions through modeling for presentation at a later date.

Ms. Kay Dietz-Sass, Public Affairs Coordinator, noted that, in order to keep the meeting flowing, all members were provided tablets to write their questions down during the presentation. She reminded members that Council and staff were working toward the same goal.

REVIEW OF FINANCIAL MODEL - ELECTRIC FUND

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a Presentation - City of Dover Electric Revenue Fund - Updated Financial Projections for 2012 - 2016 ***(Exhibit #1)***.

In response to Mrs. Williams regarding the Capacity Charges (Page 5 of Exhibit #1), Mrs. Mitchell explained that not all the figures listed were open positions and could be indicative of the amount budgeted for those charges. She stated that she was unable to determine if any of the capacity charges had increased; however, in most instances, it was the result of "open positions." Mrs. Mitchell indicated she would be able to determine if these were open positions or if there are other factors playing into capacity charges in the near future.

Referring to Page 6 of Exhibit #1, Mrs. Mitchell noted that the rate trends provided reflect the conclusion of the City's agreement with Duke Energy and its transition to open market rates. It was her opinion that the City should conduct an electric rate study. She noted that the Power Cost Adjustment (PCA) credit provided each year is based on energy; therefore, none of the demands are being factored. Mrs. Mitchell felt that, due to changes in volume, a cost of service study should be conducted to "true up" the rates by class of customer. She stated that staff had a database that was set up by Burns and McDonnell and that once the kilowatt information was reconciled, she could obtain a quote for the cost to update the database. This would allow staff to "true up" the rates without having to go through a complete study (as is being done for the electric utility) and would be far less expensive.

Responding to Mr. Hutchison, Mrs. Mitchell felt that the cost of service study could be completed in time for rates to be effective on July 1, 2012.

REVIEW OF FINANCIAL MODEL - WATER/SEWER FUND

Mrs. Mitchell reviewed a Presentation - City of Dover Water and Wastewater Fund - Updated Financial Projections for 2012 - 2016 ***(Exhibit #2)***.

In response to Mrs. Williams, Mrs. Mitchell confirmed that 6.2% of the City's water customers reside out of the city limits.

Mr. Koenig advised members that during the last 15-20 years, there have not been substantial increases in water usage, explaining that the business sector has made processing improvements which, in some instances, have caused major changes in the City's revenues. He stated that during the early 1980s, the Power Plant was pulling two (2) million gallons of water per day out of the system. Then operations went to Duke Energy and, over the years, the use of the Power Plant decreased. Noting that residential homes use an average of 300-500 gallons per day, he stated that there would need to be an astronomical number of houses in the City to compensate for this difference. Since the City sells less water than it did 20 years ago, the only means to increase revenue is to increase impact fees, rates, etc. Mr. Koenig explained that this trend has continued throughout the years, noting that in the early 2000s, Scott Paper made their own paper onsite and when this process ceased, the City's revenue decreased by 600,000 gallons of water each day. When there has been an increase in T/gallons (thousands of gallons), he stated that this has been due to the weather. He stated that although a business may come to the City that would increase T/gallon sales, staff cannot develop the Capital Improvement Plan (CIP) based on this expectation and must consider an increase in rates, customer charges, impact fees, etc.

Mrs. Williams questioned the possibility of increasing the rate for State of Delaware properties and the amount that would be required to avoid increasing rates for residents. Responding, Mr. Koenig stated his belief that the rate could not be raised high enough without the State contacting the Public Service Commission. Mrs. Williams felt that it would be necessary to become creative in developing rates in order to acquire the necessary funds. She relayed frustration with the State taking an enormous amount of land in parking around State buildings and noted that the City of Wilmington charges parking fees; however, Dover does not charge for parking. She reiterated the need to be creative in developing sources of revenue other than City customers and citizens.

Mr. Hare noted that State facilities, churches, and other non-profit organizations are charged the same water rate as residents and that, unlike residents, these organizations are not subject to property taxes. He advised members that the University of Delaware provides the City of Newark approximately $1M in lieu of taxes each year. Although the State of Delaware provides the City of Dover $300,000 in lieu of taxes, very few of these other organizations pay any taxes.

Mr. Koenig suggested that a change could be made to the structure to provide for different rate classifications for water based on the size of the meter. He cautioned members that this would also affect businesses such as Dover Downs, the Dover Mall, etc. Such a change would "eliminate" the

municipal utility and create more of a public utility arena. Responding, Mr. Hare questioned the possibility of creating a new classification for non-taxpaying entities.

Mr. Koenig suggested that staff review the suggestions discussed to determine if there would be any legal issues.

REVIEW OF GRANT FUNDS

Mrs. Mitchell reviewed a Presentation - City of Dover Overview of Special Revenue Funds - Police, Library, Housing, & Other Programs as of June 30, 2011 ***(Exhibit #3)***. She noted that although these numbers were final as of June 30, 2011, the audit had not been completed.

Referring to the Red Light Street Cameras, Police Chief Hosfelt indicated that the State selects the locations for the cameras. Mr. Bonar suggested that the City reintroduce legislation to allow for red light street cameras in the City this year. If that was not possible, he suggested that the City take action to have it instituted in January 2013.

Responding to Mr. Lynn, Mrs. Mitchell stated that a Receipts/Expenditure Chart was not developed in connection with the Girls Circle and GAMES grant because there was only one (1) receipt and one (1) expenditure involved. For clarification, Mrs. Williams indicated that she does not receive any compensation for this program.

Referring to the third bullet on Page 9 of Exhibit #3, Mr. Bonar questioned the possibility of charging for interfund services. Responding, Mrs. Mitchell stated that calculations would be necessary to determine amounts and noted that sometimes such amounts are based on grant fund stipulations. She noted that allocating indirect costs for federal funds would probably be more onerous to calculate than any amount gained to charge to the federal funds. However, she felt this could be beneficial for State funds.

By unanimous consent, members took a brief recess.

Meeting recessed at 6:43 p.m. and reconvened at 6:59 p.m.

REVIEW OF FINANCIAL MODEL - GENERAL FUND

Mrs. Mitchell reviewed a Presentation - City of Dover General Fund - Updated Financial Projections for 2012 - 2016 ***(Exhibit #4)***. She noted that conceptual ideas were included in the projections that would require additional staff work to finalize. Therefore, she emphasized that the information provided was not a final "picture" of where the City would be in 2013 and that direction from Council will be required.

In response to Mr. Hare, Mr. Koenig stated that health insurance proposals should be received in early December for review by staff and that a recommendation to Council would be presented in January 2012.

Due to increased needs for manpower inside City limits and general budget constraints, Mr. Koenig stated that the City was exiting the business of providing trash collection services to those who reside outside the City.

Referring to the Sanitation Department, Mr. Koenig explained the concept of moving the department from the General Fund and creating an enterprise fund for the sanitation utility. He noted that this would relieve a $1M stress on the General Fund. In order for the service to be self-supporting, he stated that staff estimated the need for a monthly increase of $7.69. In addition, he stated that although he did not feel that privatization of sanitation was an option at this time, it may be something to consider in the future. Mr. Koenig stated that the creation of an enterprise fund would allow for a better evaluation to determine if privatization should be considered at a later date.

Responding to Mrs. Williams, Mr. Koenig estimated a cost of $250,000 to provide curbside recycling to over 8,000 customers. He stated that the rules regarding recycling and yard waste separation would remain, regardless of privatization.

Mrs. Mitchell referred to Page 6 of Exhibit #4 and relayed concern regarding the increase in expense and decrease in revenues. She explained that these recreation trends would require additional analysis and provided members with a memo dated October 24, 2011 from Mr. Zach Carter, Recreation Director, including attachments ***(Exhibit #5)***. Since attendance has been one-fourth to one-third of what was projected, she stated that there may be a need to consider raising fees for programs, marketing programs, etc.

Mr. Koenig suggested a review of "in City" rates versus "out of City" rates. Noting that the last recreation study was conducted in 2004, he stated that the trends in recreation and programs offered have changed substantially since the study was completed, explaining that the desires of the recreation customers are constantly changing. It was his feeling that a financial goal should be established, such as to break even, operate at somewhat of a loss, etc., and some parameters should be laid out. He stated that this matter has not been reviewed since the opening of the Pitts Center and that there is a need to develop specific goals.

In regard to the School Resource Officers (see Page 7 of Exhibit #4), Chief Hosfelt advised members that the City had a three (3) year Memorandum of Understanding (MOU) with both Dover High School and Central Middle School which expired in the last fiscal year. He stated that when he realized the date of the MOU's expiration, it was too late in the year to approach the school district. He assured members that a meeting has been scheduled with Dr. Michael Thomas, Capital School District Superintendent, to resolve this matter.

Responding to Mr. Bonar, Chief Hosfelt stated that when the School Resource Officers Program was initiated, there was an astronomical number of arrests and that arrests continue to decline each year.

Mr. Hare questioned the possibility of utilizing retired police officers to serve as school resource officers in an attempt to reduce costs. Responding, Chief Hosfelt stated that the State of Delaware attempted to utilize retired police officers for such positions; however, they were not permitted since legislators had approved the use of retired officers for the sex offender program but not the school

resource program. At the suggestion of Mr. Hare, Chief Hosfelt stated that he would review the possibility of hiring part-time, temporary police officers to serve in this capacity.

Responding to Council President Leary, Chief Hosfelt stated that reimbursement of only one-half of the fees is customarily entered into the contract and explained that this could be adjusted.

Mr. Hutchison relayed his support for school resource officers and explained his opinion that officers should be certified and not retired. Concurring, Mr. Lynn stated that it would be desirable to have officers in these positions to build rapport with the students and felt that this would be more difficult for retired officers.

Although he also concurred with the need for the program, Mr. Hare explained his concern that the City of Dover could not afford to fund the program, whereas the school district could, and he suggested that payment be renegotiated for the future.

Mrs. Mitchell referred to the Debt Service Options (Page 8 of Exhibit #4) and explained that in order to keep the new debt service level with the current debt service, there would be a 13 year payback.

Mrs. Mitchell noted that Pages 8 and 9 of Exhibit #4 were provided at the request of City Council members (Page 8 - Mr. Hutchison and Page 9 - Mr. Bonar). She reiterated that the figures provided for the cost savings for payroll and Other Post-Employment Benefits (OPEB) were very, very rough estimates.

In response to Mr. Hutchison, Mrs. Mitchell stated that, currently, the City pays 92% and employees pay 6.7% of monthly health insurance premiums. Requiring employees to pay 15% of the monthly premium would reduce the City's payment to 85%. She stated that an analysis has been conducted on what the rate changes would be and it was determined that employees with family coverage would realize a cost savings and those with individual coverage would have an increase in cost (approximately $92 per month).

Responding to Mr. Bonar, Mrs. Mitchell stated that currently, $1M is due to the City for property tax revenues; however, she stated that it was still very early in the year and anticipated that this amount would be greatly reduced by the end of the fiscal year. She noted that the outstanding balance was provided to members in the monthly report and that delinquent property taxpayers are listed on the City's website.

Mrs. Mitchell reviewed the Forecasting and Trend (Municast Program) and explained that a consultant created the program (Excel spreadsheet and database) which allows adjustments to be made to provide different scenarios and options to provide revenue and expense amounts based on selections.

Responding to Mr. Lynn, Mrs. Mitchell stated that she would determine if there were any licensing issues and, if not, she would provide members the program so that each can "play" with the numbers and select different options and scenarios.

Mrs. Mitchell indicated that staff would like to formalize some of the ideas and options to present to Council in the near future upon receipt of Council's direction (to be incorporated in the model).

Clarifying, Mr. Koenig noted that there was a $3.4M gap in one of the scenarios for the General Fund and felt that the gap could not be eliminated by "cutting" expenses; therefore, he anticipated that the scenario for eliminating the gap would include a full bundle of changes, including elimination of positions as well as rate and fee increases. He stated that he would like direction from Council in this regard.

After much discussion, Council President Leary noted that Mrs. Mitchell would determine if the Municast Program could be provided to members of Council and, if so, each member would be provided a copy. Staff would develop a proposal and, in the meantime, Council could give staff input on different scenarios. Another Retreat session could then be scheduled to allow Council and staff to review this matter more thoroughly.

Mrs. Kay Sass-Dietz relayed appreciation for the presentation provided by Mrs. Mitchell and the transparency of the information provided to members.

There being no objections, Council President Leary declared the meeting adjourned.

Meeting Adjourned at 8:36 P.M.

Respectfully submitted,

Thomas J. Leary
Council President

TJL/TM/jg
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Exhibits (attached to original and file copy)

Exhibit #1 - Presentation - City of Dover Electric Revenue Fund - Updated Financial Projections for 2012 - 2016
Exhibit #2 - Presentation - City of Dover Water and Wastewater Fund - Updated Financial Projections for 2012 - 2016
Exhibit #3 - Presentation - City of Dover Overview of Special Revenue Funds - Police, Library, Housing, & Other Programs as of June 30, 2011
Exhibit #4 - Presentation - City of Dover General Fund - Updated Financial Projections for 2012 - 2016
Exhibit #5 - Memo Dated October 24, 2011 from Mr. Zach Carter, Recreation Director (including attachments)

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 9, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

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

Reverend Gregory Gordon, 54 S. New Street, noting that there were several construction projects occurring in the City and others being proposed, expressed concern that work was being conducted by companies that are not located within the State of Delaware. He stated that he had placed 67 individuals in jobs since March 5, 2011 and that 64 of those individuals remain employed. Rev. Gordon explained that it has been his goal to change people's spirits. He explained his feeling that the problem is that not enough people in Delaware were filling these positions and suggestion that the bid process should provide criteria that would require hiring of employees from the Dover area (i.e., 40% skilled labor, 30% unskilled labor, etc.). Rev. Gordon also suggested that such a bid process be followed by the State, municipal governments, and the private sector.

The invocation was given by Chaplain Dixon, 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.

Mr. Bonar moved for approval of the consent agenda as presented, seconded by Mrs. Williams and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF DECEMBER 12, 2011

The Minutes of the Regular Council Meeting of December 12, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

PROCLAMATION - NATIONAL MENTORING MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, the citizens of Dover recognize that our success depends on helping every child succeed in school and reach their full potential in life, and realize that young people need a solid foundation of support that will help them become well-educated, confident, and productive citizens; and

WHEREAS, mentoring is a proven, effective strategy that helps children and young adults by matching them with a caring, responsible adult who can provide guidance and direction, and build their confidence; and

WHEREAS, mentors build character, encourage success, boost confidence, lift expectations, and inspire young people to do their best; and serve as friends, role models, teachers, and sources of stability and support during a critical time in a child's life; and

WHEREAS, research shows that mentoring has beneficial and long-term effects on youth by increasing their academic engagement and decreasing the likelihood of substance abuse and other risky behaviors, and

WHEREAS, thousands of Dover's children are in need of a caring adult mentor in their lives, and closing this mentoring gap will take more investment, partnerships, and volunteers ready to make a difference in a child's life; and

WHEREAS, National Mentoring Month is an opportunity to raise public awareness of the importance of mentoring, recognize the dedicated individuals who serve as mentors, and encourage more citizens to help build a brighter future for Dover's youth through mentoring.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of January 2012 as National Mentoring Month in the City of Dover and call upon the people of Dover to recognize the importance of mentoring and look for opportunities to serve as mentors in their communities.

Mayor Carey presented the Proclamation to Ms. Natalie Way, Mentor Coordinator with the Capital School District, Ms. Onita Wells, Big Brothers/Big Sisters, and Ms. Terisha Collins, Communities in Schools.

Ms. Collins relayed appreciation for the recognition and advised members that the Capital Mentors Campaign is composed of Communities in Schools of Delaware, Connecting Generations, Big Brothers/Big Sisters, the Capital School District, and the Greater Dover Committee. Noting that January is National Mentoring Month, Ms. Collins thanked the groups, individuals, and businesses that give of themselves to the youth each week.

To honor those individuals that serve as mentors in the community, Ms. Way advised members that a Mentoring Conference/Summit is scheduled to be held at the Dover Sheraton on January 31, 2012 from 8:00 a.m. to 2:00 p.m. and invited everyone to attend.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2011-29

A public hearing was duly advertised for this time and place to consider Proposed Ordinance #2011-29, zoning text amendments, which would permit limited commercial uses accessory to the principal residential use on properties within the General Residence Zone (RG-1 and RG-2) that are located within the City's Historic District Zone and/or listed on the National Register of Historic Places as part of a historic district or as an individual property. It would also require that

such accessory uses be subject to Conditional Use approval by the Planning Commission to set standards for such accessory uses.

Mr. Bonar moved that the Final Reading of the Proposed Ordinance be acknowledged by title only, seconded by Mr. Hare and unanimously carried. *(The First Reading of the Ordinance was accomplished during the Regular Council Meeting of November 28, 2011)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the zoning text petition and advised members that the Planning Commission recommended approval of the proposed amendments.

Council President Leary declared the public hearing open.

Ms. Paula Kinsey, 224 N. State Street, advised members that the proposed amendments are the result of her request to be permitted to have a "tea house" in her home. She stated that she has contacted neighbors and that there has been no opposition, and that she discussed her idea with representatives of surrounding towns and clubs who were all anxious for her to open. It was her hope that having a tea house in Dover would help attract more customers to Loockerman Street. Her plan was for the tea house to operate Wednesday through Saturday, from 11:30 a.m. to 4:30 p.m. and seat 15-18 people. The tea house would serve finger sandwiches, desserts, and teas. The tea house would be a place with an elegant setting and gracious hospitality and would provide welcome relief from the hectic world. She explained that there is a difference between a tea house and a restaurant.

Ms. Yvonne Paul, Owner of the State Street Inn at 228 N. State Street, relayed her and her husband's support for the tea house and felt that it would provide visitors a great place to visit. She did not feel that there would be any negative impact to the neighborhood as a result of the tea house and welcomed the addition to the community.

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

By motion of Mrs. Russell, seconded by Mr. Hare, Council, by a unanimous roll call vote, adopted Ordinance #2011-29, as follows:

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses be amended by inserting a new subsection (d) as follows:

(d) In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries,

gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal residence, subject to the conditional use approval of the planning commission in accordance with Article 10 - Planning Commission, Section 1 - Approval of conditional uses and subject to the following :

i. Total floor area of any non-residential accessory use shall not exceed 2,000 square feet.

ii. A minimum of two (2) off-street parking spaces shall be required to serve the residence and the accessory use.

iii. Signage for the accessory use is limited to one (1) sign not to exceed six (6) square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 3 - Required Off-Street Parking Spaces, Subsection 3.1 - Schedule of Requirements be amended to read as follows:

3.1 Schedule of requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in article 4, zoning bulk and parking regulations or as specified below for each use in any zone, whichever is greater. , except for existing buildings within the C-2 zoning district, where article 4, section 4.14, zoning bulk and parking regulations governing the C-2 zoning district shall prevail.

(a) Exceptions.

i. Where Article 3 - District Regulations, specifies a minimum parking requirement, this parking requirement shall prevail.

ii. For existing buildings within the C-2 zoning district, the requirements of article 4, section 4.14 - [C-1, C-1A, C-2, C-2A zoned], bulk and parking regulations governing the C-2 zoning district shall prevail.

ADOPTED: JANUARY 9, 2012

SPECIAL SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - DECEMBER 12, 2011

A Special Safety Advisory and Transportation Committee meeting was held on December 12, 2011 with Chairman Hutchison presiding.

Traffic Signal Warrant Analysis for Weston Drive and Forest Street - Recommendation to Remove Signal at Ridgely Street

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the Capital School District has recently made improvements to the parking and circulation at William Henry Middle School and Booker T. Washington Elementary School and the next phase of the proposed improvements includes a connection of the internal circulation of the school campus to Weston Drive, which is a city street. When this project was reviewed through the Development Advisory Committee, the City required that this connection be made in conjunction with the installation of a traffic signal at Forest Street (Route 8) and Weston Drive.

Mrs. Townshend informed members that Landmark JCM, the design consultant hired by the Capital School District, completed a signal warrant analysis, which was submitted to and reviewed by the Delaware Department of Transportation (DelDOT). She stated that DelDOT sent the City Manager and her an e-mail indicating that the intersection met the warrants for a traffic signal, but also recommending that the signal at Forest Street and Ridgely Street be removed when the signal at Forest Street and Weston Drive is installed. The placement of signals at both intersections would cause conflicts with vehicle stacking due to the short distance between the intersections.

Mrs. Townshend stated that the installation of a traffic signal at Forest Street and Weston Drive is consistent with the recommendations of the 2008 Delaware Route 8 Operations Study and that the Forest Street Improvements, that were planned nearly 10 years ago, also included the concept of a signal at this intersection. She explained that this is a heavy traffic area.

Mrs. Townshend stated her belief that the signal at Ridgely Street was installed due to the heavy volume of truck traffic utilizing the street to access Playtex and Sara Lee. She indicated that there is still some warehousing and distribution in this area; however, Sara Lee is no longer there and Playtex does not access from Ridgely Street.

In response to Chairman Hutchison, Mrs. Townshend stated that DelDOT recommended that the signal at Forest Street and Ridgely Street be completely removed, not changed to a flashing light. Additionally, Mr. Scott Koenig, City Manager, stated his belief that some of the signal equipment will be relocated to Weston Drive.

Responding to concerns of Mr. Hutchison regarding the light at Gibbs Drive, Mr. Koenig stated that the lights will have to be timed. He explained that having traffic backed up at Ridgely Street has the potential to back up traffic over the railroad tracks, which is an entirely different concern than simple traffic congestion. He explained that DelDOT will have to coordinate the timing of the lights through the traffic management center in Smyrna, DE because the State upgraded all of the lights on Division Street and they are now State assets. Due to the fact that the light at Gibbs Drive is manually activated, it will "create a little havoc" with the traffic there, however, Mr. Koenig stated his opinion that in the long run this will be a better location for the system, despite that manual operation.

Responding to the concerns of Mrs. Russell, Mrs. Townshend stated that the presence of a signal at Weston Drive will still allow for a break in traffic; however, there have not been any meetings with property or business owners in the area.

Mrs. Russell stated that she felt that the property owners, and especially the business owners, needed to be contacted to determine what type of impact the change would have on their businesses.

Staff recommended that the Committee support the addition of a traffic signal at Forest Street and Weston Drive and the removal of the traffic signal at Route 8 and Ridgely Street once this new signal is in place.

The Committee recommended acceptance of staff's recommendation.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation to support the addition of a traffic signal at Forest Street and Weston Drive and the removal of the traffic signal at Route 8 and Ridgely Street once this new signal is in place. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

Update - Dover High School Construction Project

Mrs. Ann Marie Townshend, Director of Planning and Community Development, briefed members on the status of the Dover High School Construction Project. She informed members that City staff continues to meet monthly with the Capital School District and their consultants, the Delaware Department of Transportation (DelDOT), and a representative from the Delaware Department of Natural Resources and Environmental Control (DNREC), who occasionally attends to offer a stormwater perspective. She advised members that the next coordination meeting is scheduled for December 15, 2011.

Mrs. Townshend informed members that the Capital School District was almost finished finalizing the entrance plan approvals and that the City has released the foundation only permit, so they are able to do foundation work. However, she stated that work has ceased on the site until some of the concerns raised by DNREC related to the stormwater management have been addressed. She explained that there was a lot of tracking of soil onto Route 8, and as a result DelDOT, the Kent Conservation District, and the City contacted DNREC. DNREC, DelDOT and the City met with the site contractors on Friday, December 9, 2011 and agreed that work would stop until the contractors can make sure that the erosion and sediment controls will ensure that any sediment is contained on the site. She stated her anticipation that the project should be resumed on Wednesday, December 14, 2011.

In response to Mr. Davis, Mrs. Townshend agreed that the situation did appear better earlier in the day because crews worked over the weekend upgrading the construction entrance, cleaning out the swales where some sediment had accumulated, and cleaning off the roadway.

Responding to Chairman Hutchison, Mrs. Townshend and Mr. Scott Koenig, City Manager, stated that they were satisfied that the entrance was moving in the right direction. Mrs. Townshend explained that staff anticipated that construction crews would work through the weekend to have everything ready for DNREC to perform a reinspection on Tuesday, December 13, 2011 and to be back up and running on Tuesday or Wednesday.

In response to Chairman Hutchison, Mr. Koenig explained that the "next big hurdle" will be getting the final entrance plans approved for Route 8. He informed members that, during the last coordination meeting, issues were discussed related to utility relocation on the north side and those concerns have been resolved. The City, Comcast, and Verizon have provided prices for relocation of facilities; however, the entrance plan approval must be completed before the City can issue the building permit. Mrs. Townshend assured members that staff will not issue anything beyond the foundation permit until the full entrance plan approval is received from DelDOT. Mr. Koenig stated that the contractors anticipate receiving a full building permit during the month of February because they cannot set any steel until they have the full building permit, which is tied directly to the entrance approval and the approval of the improvements for Route 8.

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.

UTILITY COMMITTEE REPORT - DECEMBER 12, 2011

The Utility Committee met on December 12, 2012 with Chairman Bonar presiding.

Net Energy Metering Tariff Revision *(Deferred by Committee on November 28, 2011)*

Mr. Ron Lunt, Public Utilities Director, reviewed a proposed revision to the Electric Service Handbook relating to the net energy metering tariff. He advised members that the 145th General Assembly approved an amendment to the net energy metering standards, Delaware Code – Title 26, Chapter 10, Subsection 1014. The purpose of this amendment was to encourage private investment in customer-owned renewable energy generation facilities. On November 28, 2011 the Utility Committee recommended that Council approve modifications to the Electric Service Handbook (Handbook) to incorporate these new standards. The recommended net energy metering tariff would codify the monetary compensation payable to customers who deliver energy to the City of Dover, as outlined in the "Rate" section of the tariff and the Handbook. Additionally, staff recommended inclusion of a new subsection "4.11 Definitions," to the Handbook to provide further clarity to the intent of Section 4. Mr. Lunt explained that these proposed changes would bring the City of Dover tariff into compliance with the Delaware Code and were approved by Mr. Kirk Betts, Betts and Holt, LLC, City of Dover utility attorney.

Mr. Lunt advised members that the new provisions outline the exact amount of money that the City will pay customers who generate more electricity than they use. If customers send energy over the distribution system, the City will pay them the applicable wholesale rate so that they are still supporting the cost of the distribution system. He indicated that staff recommended using a rate of $0.07045 per kWh for the City's Fiscal 2012 budget year, which is the wholesale power cost projected for this year. Mr. Lunt stated that this figure was obtained from The Energy Authority's reported cost of energy during the month of October.

The Committee recommended approval of the revised net energy metering tariff portion of the Electric Service Handbook and the addition of a new subsection "4.11 Definitions" to Section 4 of the Handbook.

In response to Mr. Blakeman, Mr. Lunt advised members that these proposed revisions were not included in the Electric Service Handbook Revisions that were scheduled for consideration by City Council later in the evening; therefore, the changes being discussed would be reviewed by Council at a subsequent meeting.

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.

Review of Utility Related Capital Investment Plan (Electric and Water/Wastewater) *(September and October)*

Members reviewed Project Tracking Reports, as of September 30, 2011 and October 31, 2011, for the Utility Related (Electric and Water/Wastewater) Capital Investment Plan (CIP). Mr. Ron Lunt, Director of Public Utilities, noted that the Route 13 water project is nearing completion and is now in the checklist and inspection phase. He advised members that the contractor performed some additional paving over the trench that was created and that the contractor felt that this was an addition to the contract; staff and the engineering firm that is managing the project disagreed with that assessment. As result, the contractor issued a change order, which the City has denied.

In response to Mr. Bonar, Mr. Lunt explained that it was originally envisioned that the contractor would repave all three (3) lanes; however, the Delaware Department of Transportation (DelDOT) requested that DelDOT be allowed to perform this work under their contract. This project (including work on handicapped ramps) was taken from the contractor performing the Route 13 water project and given to DelDOT, including the handicapped ramps. It was Mr. Lunt's understanding that paving this entire section of Route 13 would be undertaken by DelDOT in late spring. He noted that the City will reimburse DelDOT for the portion of the cost of repaving those lanes that the City disrupted.

Mr. Lunt stated that all other CIP projects are moving forward fairly well.

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.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - DECEMBER 12, 2011

The Legislative, Finance, and Administration Committee met on December 12, 2011 with Chairman McGlumphy presiding.

Proposed Amendment to Personnel Policy - Compensatory Time

Mr. Scott Koenig, City Manager, advised members that with the implementation of ADP, a simplified, City-wide policy needed to be created for compensatory time (comp time). During a staff meeting held on July 12, 2011, the general consensus was to eliminate the existing requirement that comp time be used within 90 days and instead implement a maximum accumulation. Members reviewed the revised personnel policy language (which included strike-outs for deletions and red font for additions).

Referring to previous discussions regarding this issue, Mr. Koenig noted that there were concerns regarding which employees would be affected by comp time provisions. He requested that the amendments apply to all personnel at the current time. He explained that including all personnel will allow staff to further the implementation of the time and attendance module of ADP. Mr. Koenig requested that specific considerations regarding which employees should be affected by the various provisions related to comp time take place at a later time.

Staff recommended approval of the revisions to Article III, The Pay Plan - Section 9: Overtime, of the City of Dover Personnel Policy.

The Committee recommended approval of the revisions to Article III, The Pay Plan - Section 9, Overtime, of the City of Dover Personnel Policy.

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.

Controller/Treasurer's Briefing on the Activity of the State Communications Tax Review Group

Mrs. Donna Mitchell, Controller/Treasurer, advised members that she was selected by the Mayor to serve as the City appointee to the State Communications Tax Review Group and, as a result, has been attending meetings of the Group, which was established by Representative Darryl Scott. She noted that the goal of the Review Group, as provided in House Joint Resolution 3, was to study and make recommendations for improving Delaware's taxes and fees applicable to communications providers. Members reviewed a listing of the taxes and fees discussed.

Mrs. Mitchell stated that communications providers are currently billed $38.6M in revenues. The Review Group has been charged with determining a way to streamline these charges and make them fair and equitable to communications providers. In reviewing the material provided, she noted that Verizon made a presentation to the Review Group and explained their concerns regarding Valuation Issues with Special Betterments (Page 5 of the Presentation). She reviewed the proposed solutions provided by Verizon (Page 7 of the Presentation).

Mr. Hare relayed his concerns with the City being met with another legislative mandate and his objection to the City being required to conduct a reassessment at the State's "whim." He suggested that the Chairmen of the Legislative, Finance, and Administration Committee and Utility Committee meet with representatives of Kent County to determine directions being considered in this regard.

Mrs. Mitchell noted that the property values stated by Verizon varied from the City's figures and that it appeared that the figures provided by Verizon did not take into consideration the City's current practice of using 100% of the assessed property value when determining taxes, rather than 60% of the assessed value (which was the City's former procedure). She noted that Verizon provides the City with a statement of values each year and that these figures have not been adjusted since the City converted from 60% to 100%.

No further action was required by the Committee.

Review of Open Forum Rules (*Request of Councilmen Anderson and Lynn*)

Mrs. Traci McDowell, City Clerk, advised members that in order to provide more opportunities for citizen input, Councilmen Anderson and Lynn requested a review of the rules regarding the Open Forum, which is held prior to each regular City Council meeting. Currently, the Open Forum segment is provided to extend an opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda is prohibited and citizen comments are limited to three (3) minutes. Council is prohibited from taking action on items brought forth during the Open Forum since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future. Councilmen Anderson and Lynn indicated they would like to revise these rules to allow public comment on current agenda items during the Open Forum segment of the meeting. Members reviewed a history of the Open Forum at Council.

Mr. Anderson reminded members that prior to the initiation of the Open Forum, the only means for the public to address members of Council was during Quarterly Open Town Meetings and noted that the Open Forum receives much better participation than the Quarterly Open Town Meetings did. However, he felt that residents have been discouraged from speaking during the Open Forum since there is a restriction prohibiting addressing any item on the agenda and individuals are provided only three (3) minutes each to speak during the Open Forum. Mr. Anderson reminded members that there have been instances where the "rules were waived" to allow comments during the Open Forum regarding an item on the agenda and mentioned another instance when the Deputy City Solicitor indicated that, since Council was not in official session, the rules could not be waived. In order to eliminate any confusion regarding this matter, he suggested that the restriction against speaking on an item listed on the agenda for discussion be removed.

Mr. Lynn stated that, although the City Clerk's Office does an outstanding job of keeping the public abreast of issues facing the City of Dover, residents are often unaware of issues until they read an article in the newspaper and wish to address members of Council on the evening when that issue is to be discussed. These residents are then precluded from doing so due to the rules of the Open Forum. It was his feeling that any opportunity for a citizen to voice their opinion to an elected body is one that should be taken. Mr. Lynn felt that opening up the Open Forum Session to issues on the agenda could do no harm and would provide an avenue for citizens to address City Council. Mr. Lynn requested that the rules restricting the topics of the Open Forum Session be amended to permit citizens to address any and all issues before City Council, with the exception of those items that are afforded a public hearing.

Mr. Bonar stated his involvement with public comment sessions throughout the State due to his profession as a facilitator and presiding officer. It was his experience that, generally speaking, there is apathy about public hearings, despite well advertised opportunities for participation. Mr. Bonar stated that, since the citizens pay City Council members' salaries, Council should listen to them and afford them every opportunity to make their comments known. He also suggested the possibility of starting the Open Forum earlier and relayed his concurrence with the suggestion to eliminate the restriction, explaining that someone may bring information forward that members had not thought of previously.

Although she concurred with Mr. Bonar, Mrs. Williams stated that the 15 minute time provided for the Open Forum may not be sufficient since many of those that speak do not honor the three (3) minute time limit. Her concern with the proposal was ensuring fairness, noting that if there were several individuals wishing to speak during the Open Forum, not all may be afforded the opportunity since the Regular Council Meeting begins at 7:30 p.m. She felt that it may be necessary to maintain the restriction, if only to ensure fairness.

Council President Leary advised members that 15 minutes is not practical when there is a "hot" topic on the agenda; therefore, he felt that the guidelines for the Open Forum should remain as currently written.

Mr. Shevock relayed concern with allowing only 15 minutes prior to a meeting if there is an item on the agenda that is highly contested and questioned if members would restrict those who wish to speak or allow individuals to address members and repeat what has already been shared by another. He felt that if there is a controversial issue, it would be difficult to allow enough time for everyone to speak.

Mr. Hare stated no objections to allowing individuals to address members; however, he suggested that there would be a need to restrict the length of time allotted for each individual to two (2) to three (3) minutes, particularly if there is a topic that several citizens wish to address.

Mr. Lynn felt that the public's right to address an elected body is precious and should be protected. If there are residents who leave disappointed because there was not enough time to allow everyone to speak, that would be acceptable to him as long as some were given the opportunity to address the issue. He felt that this would at least demonstrate that City Council was making an effort to allow the public to address members.

Mr. Bonar indicated that it has been his practice to request that a representative be selected to speak on behalf of those who have the same view and that the others can submit written testimony. He also stated the importance of restricting comments to three (3) minutes.

Mr. Shevock questioned if Council would require that a spokesperson be appointed if there was a large group of people wishing to speak regarding a particular item, rather than having each individual speak.

Responding, Mrs. Williams explained the difficulty of selecting a spokesperson since individuals do not always have the same feelings regarding a particular issue. In addition, she relayed concern about recent public hearings (regarding the new Library) when individuals who spoke were not citizens of the City of Dover. Although she wished to obtain the maximum amount of information possible, she felt that the opinions of the citizens of Dover should be given priority and did not wish to hear from anyone other than a citizen of the City regarding City issues.

Mr. Hare felt that, in addition to citizens, property and business owners who may not be residents should also be given priority to speak.

In response to Mrs. Williams, Mr. Lynn stated that there have been instances during his tenure when individuals were allowed to address members of Council without consideration as to their residence, most recently a hotel tax proposal.

Responding to concerns of Mr. Shevock, Mr. Lynn stated that members would need to consider each matter on a "case by case" basis to determine if a special meeting is necessary to allow ample time for all public testimony. He noted several instances when Kent County Levy Court had to schedule such meetings and special hearings. He felt confident that the City could plan accordingly for any "hot" topics. He explained his concern is with "Joe Citizen" reading an article in the morning newspaper about an issue that Council will be considering later in the evening and providing him the opportunity to address members.

Mrs. Williams relayed concerns with the comparison made between City Council and Kent County Levy Court, noting that Kent County is partisan, several individuals that speak before Levy Court are lobbyists, and Levy Court Commissioners are reimbursed for their time at an annual salary that exceeds $24,000. She noted that many of the Levy Court Meetings extend past midnight. She explained that City Council is not the same type of body as Kent County Levy Court. She suggested that before members consider changing the current format for the Open Forum Segment, they research the matter to determine if any change would maintain the same level of fairness.

Dr. McGlumphy noted that when the Open Forum Segment was originally proposed, it was initiated on a trial basis. He suggested eliminating the prohibition against discussion on any matter listed on the agenda on a trial basis. He assured members that if it was determined that the change causes problems, members of Council could consider additional changes in the future.

The Committee recommended that the Open Forum rules be revised to allow discussion of agenda items, with the exception of public hearing items.

Dr. McGlumphy moved for approval of the Committee's recommendation, seconded by Mr. Bonar.

Council President Leary stated that, although he agreed with the spirit of the motion, he felt that there could be a practicality issue since there were only 15 minutes available at the beginning of a meeting. He was concerned that the proposed change in procedure could become difficult to manage at some future point.

Dr. McGlumphy felt that the proposed changes could be made on a trial basis and, should the Open Forum become out of control, members of Council (or future Councils) could revisit the issue.

The motion for approval of the Committee's recommendation to revise the Open Forum rules to allow discussion of agenda items, with the exception of public hearing items, was carried by a role call vote of eight (8) yes and one (1) no (Council President Leary).

United Networks of America Letter of Agreement

Mr. Scott Koenig, City Manager, reminded members that during the months of September and October, the Legislative, Finance and Administration Committee and City Council reviewed a

proposal from United Networks of America for a Health Discount Card Program. (Copies of those meeting minutes were reviewed by members.) Based on the approval of City Council, United Networks of America provided staff with a Letter of Agreement. Mr. Koenig noted that the Letter of Agreement was not a part of the initial review; therefore, it was felt that Council should be aware of this condition before the agreement was executed. He advised members that this was an exclusive agreement for a two (2) year period. City staff was previously under the impression that the City would have almost no involvement in the program. While it did not appear that the City would have significant involvement, there were sponsorship requirements that must be met by the City of Dover. Mr. Koenig stated that it did not appear these requirements would be labor intensive; however, he noted that staff was not in a position to take on additional responsibilities at this time. He reminded members that Kent County sponsors a similar program and all City residents qualify for the Kent County Program.

Mr. Koenig noted that Mr. Anderson provided an email dated December 12, 2011, from Mr. Allan Caan, Program Development Director with United Networks of America, for consideration .

Mr. Koenig explained that although the City of Dover would be a sponsor of the program, the City would not be directly involved in the execution of the program or work daily with the program. His concern developed once he read the documents that led him to believe, from a contractual standpoint, the City of Dover would have obligations. He stated that he was prepared to execute the Letter of Agreement should the Committee and Council so desire.

Staff recommended, if Council reaffirmed their support for the Health Discount Card Program, that the City Manager be authorized to sign the agreement as presented.

Responding to Mrs. Russell, Mr. Koenig stated his understanding that individuals who have health care insurance would not utilize the health discount card since their health insurance provides a different level of coverage than that provided by the discount card. The health discount card program would be for those who are currently not covered by health care insurance. With regard to any monies provided to the City, Mr. Koenig stated that the Letter of Agreement indicates that "United Networks of America is under no obligation to pay the rebate to the sponsor if for any reasons these funds are not made available to United Networks of America;" therefore, such funds may or may not be received by the City.

Mr. Anderson stated that the Letter of Agreement is to indicate the intention of United Networks of America to provide funds to the City and, in return, to request that no competing program be utilized during the City's participation. However, should the City find a better program or wish to cancel the program for any reason, the City can cancel after providing 60 days notice.

Mr. Shevock questioned the need for the City to become involved in such a program when a similar program is currently offered by Kent County.

Mr. Lynn noted that there is a clause in the Agreement that indicates that either party may terminate the Agreement without cause by providing a 30-day written notice. If at any point the City was not

pleased with the program, he stated that there is the ability to cancel. His only concern was that there was no accounting provision and if any questions arose about the receipt of the City's portion of the funds, there was no mechanism in the Agreement that would allow the City to request documents related to accounting. However, Mr. Lynn felt that the City should move forward, particularly considering that there was an opportunity to receive revenue. He suggested that the City Solicitor's Office negotiate and/or add language that provides the City the right to request accounting documents to make sure this is an "arms length" transaction, that United Networks of America is performing as required, and that the City is receiving any monies due.

In response to Mrs. Russell, Mr. Anderson stated that the City's Program would differ from the Program offered by Kent County since the City's Program would provide larger discounts to those without prescription insurance and also provide vision care.

Responding to Dr. McGlumphy, Mr. Koenig stated that the Letter of Agreement had been reviewed by the Deputy City Solicitor; however, the accounting concerns had not been raised as an issue.

The Committee recommended tabling the Letter of Agreement with United Networks of America until such time that some type of accounting assurance is provided to the City.

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.

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

MONTHLY REPORTS - NOVEMBER 2011

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

Budget
Chief of Police
City Assessor
City Manager
City Planner
Dover Fire Department
Capital Investment Plan (CIP)

Review and Recommendation - Filling Critical Positions - Police Officers (3)

During their Regular Meeting of November 28, 2011, Council considered a request to fill three (3) critical police officer positions and referred the matter to the City Manager, Controller/Treasurer, and staff to gather data on the costs to fill the Police Officer positions for a preliminary report back to members during their first meeting in January 2012.

Mr. Scott Koenig, City Manager, read staff's recommendation into the record, as follows:

"At the November 28, 2011 Regular Council Meeting, the City's Controller, Mrs. Donna Mitchell, and I were tasked with developing a recommendation regarding the potential hiring of three (3) police officers to replace three (3) officers who have either separated service from or retired from the City's Police force since July 1, 2011. The Police Chief's hiring request was intended to increase the number of uniformed police officers from the current level of 90 to the previously authorized and budgeted level of 93. The estimated annual cost of wages, benefits and gear for FY-2013 to fill a Patrolman 1 position is $88,000 - $98,000 per year as calculated by the City's Controller. As you are aware, there is currently a hiring freeze in place and members of Council, the Mayor and senior staff have all expressed concerns about the potential impact of an estimated $3.4 million shortfall to begin the budget process for Fiscal Year 2013. In recent months, all departments have made efforts to reduce the budgets for the current year as well as future years while trying to preserve the highest levels of service possible. A large portion of the city's budget is driven by personnel costs so staffing levels control the direction of our operating budgets.

The Annual Operating Budget for FY-2010 included 397 full-time personnel (301.5 in the general fund, 53.5 in the electric fund and 42 in the water/wastewater fund). The adopted FY-2012 Annual Operating Budget included 370.5 full-time personnel (288.5 in the general fund, 47 in the electric fund and 35 in the water/wastewater fund). As of this writing, there are approximately 30 vacancies throughout the city's operations. The annualized salary and benefits of these 30 vacant or soon to be vacant positions is approximately $2 million dollars of which $1 million can be attributed to the General Fund. All indications are that we cannot simply reduce the operating budget by $3.4 million dollars without significantly altering service levels in a number of areas. From a purely budgetary standpoint, the request to hire the three (3) police officers should be denied since I cannot in good faith guarantee that we can sustain the size of the current workforce based on the current revenue and expense picture.

With that being said, I believe managing and living within Delaware's Capital City must be viewed in a more complex manner than simply looking at a budget document which represents a general manpower and spending guide that is intended to benefit the health, safety and welfare of our community, our visitors and our workforce. In this respect, I feel that it is necessary to outline other options for the Council to consider with respect to this issue.

The City's Controller has also reviewed the Police Department's FY-2012 budget and their year-to-date expenses. Based on this review, we believe the base salaries will likely come in under the budgeted number by as much as $281,000 due to attrition and additional savings in other pay categories. This number does not account for the impact of the PERB arbitrator's pending decision (estimated impact of $60,000 - $120,000 annualized) nor does it account for any retirement pay outs between now and the end of the fiscal year.

The Chief has indicated that there are two (2) certified police officers that could be hired immediately if he is given the authorization to hire. These new officers could begin in-service training on or around February 1, 2012 and progress to fully utilized police officers in the City's Police Department by the middle to end of March, after several weeks with a training officer. There are funds available in the FY-2012 budget to hire these two (2) officers should Council vote to hire.

These two (2) additional officers would bring the size of the police force up to ninety-two (92) officers. It should be noted that while City Council has authorized up to ninety-three (93) officers, we have never reached this level, because officers have left the force before new hires were finished with the required training period. Ninety-two (92) officers would be our highest number of actual manpower in the department's history.

As I have previously indicated, my concerns are more related to the development of the FY-2013 budget and the financial impact associated with hiring these additional officers. The hiring of these two (2) additional officers will impact the sustainability of our current tax rate. The Chief is aware of my concerns regarding the sustainability of the budget and has indicated that he believes we can build the FY-2013 budget without one of the custodial staff positions assigned to the Police Department. The custodial employee has announced that he will retire in March 2012. This deletion of a civilian custodial position in the FY-2013 Police budget will result in an estimated annualized savings of $50,000. In addition, we believe other administrative changes can yield additional savings in the FY-2013 Police Budget. These identified savings will only partially offset the costs of hiring the two (2) certified officers. If City Council elects to fill these two (2) positions as I have outlined, I anticipate there will be a need to put forth a tax increase recommendation in order to sustain the funding of these positions.

The third position request from the Chief should be delayed and not considered until the budget hearings for FY-2013. The City of Dover utilizes the State Police Academy for new police officer recruits. The earliest possible date for the third position to attend the next police academy is Mid-March or Mid-April 2012 according to Chief Hosfelt; however, these dates are not firm at this time. Based on this timeframe, the third position would not be available to assist the current workforce until the fall of 2012. Therefore, the request for a new recruit should be delayed based on our current economic conditions.

I believe the above recommendations have been supported based on my meetings with Mrs. Donna Mitchell, Controller and Chief James Hosfelt. Please note that authorization to hire these officers will likely result in additional requests to fill other critical positions throughout the City. I have several positions that are not directly related to Public Safety but are critical to the overall health, safety and welfare of our citizens."

Mr. Hutchison moved to authorize the Police Chief to hire two (2) additional police officers, as recommended by staff, seconded by Mr. Hare.

Mr. Bonar advised members that, in speaking with constituents regarding this issue, he had not received any negative comments when it came to the possibility of having to levy an increase in taxes to make sure the City's Police Department was adequately staffed.

Mr. Anderson noted that, in addition to comments heard from citizens, he has received comments from the business community encouraging the hiring of additional police officers. He stated that the issues facing the City are at a critical level and the public has awakened and realized the need for a fully staffed police force. If Council did not act in a favorable way, he stated that the City would begin to lose more businesses, which would impact tax and electric revenues, as well as economic development. He stated that this would ultimately cost the City more money.

Dr. McGlumphy suggested that members consider reviewing the organization as a whole to determine its health. He felt that, over the years, the Police Department has been adequately staffed, which is evident by Federal Bureau of Investigation (FBI) statistics. Due to the City's economic situation, he relayed concern with the possibility of future employee layoffs, including police officers. He stated that the hiring of one (1) additional officer would provide a revenue neutral safe position in which grant money could be utilized. He stated that constituents have questioned if there are too many officers serving in administrative positions that could work in street positions. To his knowledge, the constituent who asked for this information has not received a response.

Dr. McGlumphy noted that, in this type of economic climate, different departments in the organization may deem other positions critical. With regard to employee negotiations, he questioned what organization would not want more employees; however, he felt that what is reasonable and important must be considered and resources must be reallocated. He cautioned members that the action taken regarding this request will need reconsideration in a few months during the City's Budget review.

Mrs. Williams explained her concern that, due to the current economic climate, there was no way for the City to sustain the hiring of additional police officers and feared that members of Council would not take appropriate action to raise taxes in this regard when the time comes. She indicated that she would not support the hiring of the additional officers since she did not feel their employment could be sustained and advised members "don't buy what you can't afford."

On a call for the question by Mr. Hare, the motion to approve the hiring of two (2) additional police officers, as recommended by staff, carried by a roll call vote of seven (7) yes and two (2) no (Dr. McGlumphy and Mrs. Williams).

COUNCIL APPOINTMENT - 2011/2012 STAFF - BUILDING INSPECTOR - ANN MARIE TOWNSHEND - ANNUAL APPOINTMENT TO EXPIRE MAY 14, 2012

By consent agenda, Mr. Bonar moved to appoint Mrs. Ann Marie Townshend to serve as Building Inspector, seconded by Mrs. Williams and carried by a unanimous roll call vote.

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) DIRECTOR AND ALTERNATE DIRECTOR *(Scott Koenig and Jeremy Johnson)*

By consent agenda, Mr. Bonar moved to appoint Mr. Scott Koenig and Mr. Jeremy Johnson to serve as Delaware Municipal Electric Corporation (DEMEC) Director and Alternate Director, respectively. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

REAPPOINTMENTS - YOUTH ADVISORY COMMITTEE - ONE (1) YEAR TERMS TO EXPIRE JANUARY 24, 2013

By consent agenda, Mr. Bonar moved to reappoint: 1) Kenneth Anderson; 2) Kristen Dietz; 3) Chidinma Emenike; 4) Dennis Hallock II; 5) Karly Jones; 6) Sonya Modi; 7) Valerie Provotorova; and 8) Rachel Voak, to serve on the Youth Advisory Committee for an additional one (1) year term to expire January 24, 2013. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.

APPOINTMENTS RECOMMENDED BY MAYOR CAREY - HUMAN RELATIONS COMMISSION - THREE (3) YEAR TERMS

Mayor Carey requested the following appointments to the Dover Human Relations Commission: 1) Ms. Justina Hilary Brewington (to fill the unexpired term of Ms. Maisha Britt), with a term to expire February 2013; and 2) Ms. Linda Hackett (to fill the expired term of Mr. Ivan L. Finney), with a term to expire February 2015.

By consent agenda, Mr. Bonar moved for approval of the appointments to the Dover Human Relations Commission, as recommended by Mayor Carey, seconded by Mrs. Williams and carried by a unanimous roll call vote.

COUNCIL MEMBERS ANNOUNCEMENTS

Mayor Carey thanked the City Manager, Controller/Treasurer, and members of City Council for their efforts in hiring additional police officers.

Mr. Bonar explained that Council's disagreement during debate did not mean that members were disagreeable with one another but only that each member desired to take the action that they felt would best serve the City of Dover.

Mrs. Williams moved for adjournment into the Special Council meeting to discuss legal matters, seconded by Mr. Bonar and unanimously carried.

Meeting Adjourned at 8:14 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of January 9, 2012, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 9, 2012 at 8:14 p.m. with Council President Leary presiding. Members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare (departed at 8:50 p.m.), and Mr. Hutchison.

Council staff members present were City Solicitor Rodriguez (departed at 8:28 p.m.), Mr. Koenig, Mrs. Mitchell, and Mrs. McDowell. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

Mr. Hutchison moved to recess into executive session to discuss legal matters, seconded by Mrs. Russell and unanimously carried.

Meeting recessed at 8:15 p.m. and reconvened at 9:00 p.m.

UPDATE - WARD TRANSFORMER SUIT

During the executive session, City Solicitor Rodriguez provided an update on the Ward Transformer suit.

Mr. Bonar moved to authorize the expenditure of $30,000 for a due diligence study related to the Ward Transformer suit, seconded by Mr. Hutchison and unanimously carried *(Mr. Hare absent)*.

By unanimous consent, the meeting adjourned at 9:02 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of January 9, 2012, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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PROCLAMATION

Whereas, *African American women have played countless vital roles in the making of our nation, from the American Revolution to the present;* and

Whereas, *the efforts, struggles, organization, and sacrifices of these women have made possible the achievements of contemporary black leaders*; and

Whereas, *prominent figures in American culture are Harriet Tubman, who led hundreds of slaves to freedom along the Underground Railroad; Rosa Parks, Civil Rights Movement activist; and Toni Morrison, Nobel Prize and Pulitzer Prize-winning American novelist, editor, and professor; just to name a few*; and

Whereas, *African American women have played a vital role in organized black life in churches, community groups, sororities and support organizations, which has often been overlooked;* and

Whereas, *even though African American women have been subjected to a long history of stereotypes, they have never surrendered to become victims;* and

Whereas, the Association for the Study of African American Life and History has selected "Black Women in American Culture and History" as the 2012 National Black History Theme.

NOW THEREFORE I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim February 2012 as

BLACK HISTORY MONTH

in the City of Dover and urge all citizens to study and reflect on the value of their contributions to our community and thank them for the dedication they have shown in our city and around the country.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on January 9, 2012, at 12:18 p.m., with Chairwoman Russell presiding. Members present were Mr. Anderson, and Mrs. Horsey. Mr. Hare and Mr. Lewis were absent.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Review of Silver Lake Boating Regulations *(Recommendation of the Silver Lake Commission)*

Mr. Dean Holden, Chairman of the Silver Lake Commission reviewed proposed amendments to the Silver Lake Boating Regulations (Chapter 74 - Parks and Recreation, of the Dover Code), with additions depicted in red font and deletions in strikeout. He advised members that the proposed amendments were developed as a result of concerns regarding the presence of non-licensed hovercrafts on the lake, which required police response, as well as an ongoing issue with boats without permits. Additionally, he noted that some of the proposed amendments provided for language clarification.

Mr. Holden assured members that the Silver Lake Commission held several meetings in which the public participated and that the proposed amendments were discussed at great length. He noted that one individual who attended the public meetings expressed a desire for the allowance of larger boat and motor sizes and the Commission discussed the aspects of this request in detail. He stated that the Commission felt that the proposed changes would bring the regulations up to date, address the ongoing concerns, and provide a good framework for operating on the lake.

In response to Mrs. Horsey, Mr. Holden confirmed that the proposed amendments provided for more enforceable rules and regulations. He stated that the Commission cross-checked the State Boating Regulations to assure that the proposed amendments were in compliance at the State level.

Mr. Anderson questioned why Personal Watercrafts (PWCs) were never permitted. Responding, Mr. Holden stated that he was not on the Commission when PWCs were originally included in the regulations; however, he stated that the reservations that people have expressed regarding PWCs relate to noise and safety. He stated that the City is unique in having a lake that allows water skiing, fishing, etc. and, due to the small size of Silver Lake, the lake can become crowded; therefore, allowing a wider use could increase liability to the City and danger to users. Mr. Zach Carter, Director of Parks and Recreation, stated that Silver Lake is quite shallow and PWCs stir up the sediment. He indicated that he was aware of only one lake in the State that allows PWCs and this was a private lake.

Mr. Anderson moved to recommend adoption of Proposed Ordinance #2012-01 amending Chapter 74 - Parks and Recreation, of the Dover Code *(Attachment #1)*, as recommended by the Silver Lake Commission. The motion was seconded by Mrs. Horsey and unanimously carried.

Proposed Amendments to Community Development Block Grant (CDBG) Procedure

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the City of Dover is an entitlement community under the federal Community Development Block Grant (CDBG) program. Each year, the City receives an allocation of funds directly from the Department of Housing and Urban Development (HUD) to support low and moderate income areas and the Parks, Recreation, and Community Enhancement Committee evaluates applications submitted by City departments, non-profit groups, and private property owners and allocates available funds according to funding priorities and the quality of the applications. She noted that 20% of the grant allocation plus program income can be utilized for grant administration. As the City's grant allocation declines and City funds are scarce, the City needs to look for efficiencies in program administration. Mrs. Townshend advised members that the City is expecting approximately $240,000 and that 20% of this amount, which is allocated for grant administration, would not cover all the costs involved.

Mrs. Townshend explained that staff intends to reduce the administrative burden of the CDBG program by soliciting subgrantees for multiple years. Under this proposal, subgrantees selected in the upcoming round of applications would be eligible for funds, depending on availability, for the next three funding cycles. After this period of time, the subgrantees would be selected to coincide with the length of the Consolidated Plan. She explained that this change to the program was presented to and accepted by HUD. If this approach is approved, she stated that staff would prepare an amendment to the Consolidated Plan with the upcoming round of funding allocation, and the program guidelines would be revised and brought to the Committee for their review.

Staff recommended approval of the proposed change to the subgrant procedure as presented.

Mr. Anderson moved to recommend that the proposed amendments to the Community Development Block Grant (CDBG) Procedure be implemented, as recommended by staff. The motion was seconded by Mrs. Horsey and unanimously carried.

Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2011

Mr. William Neaton, Economic Development Director, reviewed the semi-annual report of employment statistics on the 14 largest employers in the Dover area and reminded members that this information is updated and presented to members on a semi-annual basis.

Mr. Neaton noted that, although there have been no major changes, with the exception of seasonal jobs, there have been some major events involving these employers. He advised members that Bayhealth - Kent General Hospital recently had a ribbon cutting on their $174M expansion (a comprehensive cancer center and new emergency department) and that the "shell" for a third floor has been completed. He strongly urged members to tour the new facilities at the hospital, noting that it has become a premier community hospital for the region. He advised members that he will be meeting with the business and investment committee from Bayhealth and that the topic will be the expansions that are scheduled for the Milford Hospital.

Mr. Neaton indicated that there has been a modest increase in the number of full-time employees at Delaware State University (DSU) and that, during a previous meeting, it was suggested that the City attempt to develop a stronger economic development relationship with DSU. As a result, he reported that meetings have been held on a regular basis with Dr. Michael Casson. DSU was the recipient of a $500,000 grant from the United States Economic Development Association and Dr. Casson will be administering those funds. Mr. Neaton stated that Dr. Casson has requested that he serve on the advisory committee and announced that the first project DSU will undertake will be a marketing analysis and study for the Garrison Tract, which will assist with the City's efforts to market the existing properties at the tract. Mr. Neaton stated that he also met with Dr. Harry Williams, President of DSU, in an attempt to enhance the City's economic development strategies with higher learning institutions. He stated that Dr. Williams would like to revitalize the concept of a Civic Center.

Mr. Neaton advised members that, due to a retirement, there is an interim Campus Director at Delaware Technical and Community College (DTCC) and a new Director of Community Relations. He stated that DTCC has always been a good partner of the City's Economic Development Office and has provided assistance with job training.

Mr. Neaton reminded members that a recent expansion at Sam's Club doubled the number of employees; however, he stated that these are seasonal employees and he expected these numbers to decrease.

Mr. Neaton stated that he planned to visit all major employers in the City this spring, as he has done in the past, and would have a spokesperson from the City's Utilities Department attend these visits as well to address any concerns.

Mr. Neaton noted that the unemployment rate in Dover has declined dramatically over the last year and has improved more than two (2) points, from 10% to 7.7%.

Responding to Mr. Anderson regarding the recent loss of Super Fresh, Mr. Neaton stated that, according to the realtor, a supermarket is considering the location and that the realtor was confident that the building will house a supermarket in the near future. In regard to the former Playtex site, Mr. Neaton stated that discussions with the broker revealed that a site visit was planned for a potential purchaser in December; however, the visit had to be rescheduled. Regarding the federally recognized Enterprise Zone, Mr. Neaton stated that he would be meeting with Senator Coons on January 11, 2012 and he had also spoken with Senator Carper's Office staff, who indicated that the Senator was conducting research on the matter. As to the former WalMart site, Mr. Neaton stated that discussions have been held with the developer and that he was not at liberty to reveal the proposed tenants; however, he assured members that a developer was working on a business to be housed at that location.

Mrs. Horsey moved to recommend acceptance of the Statistics Report for the City's Top Employers, as presented, seconded by Mr. Anderson and unanimously carried.

UPDATES

The following updates were provided to members

Planning and Funding for New Library

Mr. Zachary Carter, Director of Parks and Recreation, advised members that construction on the new Dover Public Library was progressing rapidly and that a September opening was anticipated. A $100,000 donation was received and the contributor challenged the community to match the donation. At this point, an additional $38,000 has been received toward the match and another donation was anticipated within the next month.

Responding to Mr. Anderson, Mr. Scott Koenig, City Manager, stated that there has never been any official discussion that 10,000 square feet of the new building would not be utilized. He explained that the new library will be a 46,000 square foot facility that has been authorized by the State as a mixed use facility (library, meeting rooms, conference rooms, etc.); however, the primary use of the facility must be a library. He noted that concerns had been relayed regarding the reduction of the operation hours of the current library, which was due to the reduction in staff. He did not anticipate that the entire 46,000 square foot space would be opened when the new library is officially opened because he was unsure what the staffing situation would be at that time. He assured members that discussions in this regard will become more detailed and technical between now and September.

CDBG Program

Mrs. Tracey Harvey, Community Development Director, reported on the Status of FY2010 CDBG Projects as of December 2011.

Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Fund)

Mrs. Tracey Harvey, Community Development Director, reviewed the Update on the Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Program).

Schutte Park Space - Boys and Girls Club

Mr. Scott Brown, Board President of the Boys and Girls Club, reminded members that several years ago, the City of Dover earmarked land to be donated to the Boys and Girls Club to build a facility at Schutte Park.

Mr. Brown noted that the Boys and Girls Club's lease with the Dover Housing Authority at Simon Circle will expire in January 2013. The State of Delaware's corporate Boys and Girls Club supports the proposed plan for the Dover facility and will be launching a $10M State-wide capital campaign, and $4.5M of this amount has been earmarked for the Dover Club facility.

Mr. Brown stated that the results of a recent feasability study were very favorable and it was anticipated that, based on preliminary costs for a four (4) phase project, there will be enough funds to complete all but the final phase.

Mr. Wayne Sharp, Becker Morgan Group, reviewed a proposed plan for the Boys and Girls Club ***(Attachment #2)***. He noted that the project would involve four (4) phases, as follows: Phase 1 - half of a gym, an administration area, lockers, restroom facilities, a computer room, offices, a mechanical area, classrooms, etc; Phase 2 - a four (4) classroom addition; Phase 3 - the second half of the gym and restroom facilities and lockers to support the addition; and Phase 4 - a two (2) story wing, which would consist of an eight (8) classroom addition. Members viewed a "fly-around" video depicting the proposed area and structure.

In response to Mr. Anderson, Mr. Sharp stated that if the facility is to be used as a true emergency facility, it would be necessary to re-evaluate the construction of the gymnasium area.

Responding to Mr. Carter, Mr. Brown stated that once final approval is received from the City, they will be ready to begin the process of construction. Since the current lease will expire in January 2013, he stated that the goal was to complete the project as close to that date as possible and anticipated a Spring 2013 completion date. He noted that total construction time is scheduled to be six (6) to seven (7) months, including site work.

Dover Youth Advisory Committee

Mrs. Russell reported that the Dover Youth Advisory Committee held a "Holiday Gathering." She noted that the reappointment of members was scheduled for consideration later in the evening during the Regular Council Meeting.

Mr. Anderson requested that members be provided a report on affordable housing during their next meeting

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

Meeting adjourned at 1:05 P.M.

Sophia R. Russell
Chairwoman

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Attachments
Attachment #1 - Proposed Ordinance #2012-01 - Chapter 74 - Parks and Recreation of the Dover Code
Attachment #2 - Presentation - Boys and Girls Club

CITY OF DOVER PROPOSED ORDINANCE #2012-01

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

That Chapter 74 - Parks and Recreation, Article I - In General, be amended by renumbering Section 74-51. Same-Fine as 74-52 and inserting a new Section 74-51 - Vessel Operation, to read as follows:

Sec. 74-51. - Vessel Operation.

The operator of any non-permitted motorboat operated on Silver Lake shall be subject to a fine as provided for in Appendix F - Fees and Fines.

BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article III - Silver Lake Area, Section 74-122 - Boating, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout, as follows:

Sec. 74-122. - Boating.

~~**Boats**~~ ***Vessels*** and boating at Silver Lake shall be governed by the following provisions***, which are subject to fines as provided for in Appendix F - Fees and Fines***:

(1) *Generally*. Silver Lake shall be governed by the laws of 23 Del. C. § 2101 et seq., and the regulations issued pursuant to this law by the state, unless changed or modified by ordinance as allowed in 23 Del. C. § 2121.

(2) *Permit required*. Before any person shall operate any ~~**boat**~~ ***vessel*** upon Silver Lake, he shall obtain a permit for each ~~**boat**~~ ***vessel*** from the ~~**administrative**~~ ***customer*** service~~**s**~~ department. The ~~**boats**~~ ***vessel*** shall be registered in the name of the owner with the ~~**administrative**~~ ***customer*** service~~**s**~~ department at the time of the application for a permit. Thereafter, the owner shall be responsible for the operation of the ~~**boat**~~ ***vessel*** on Silver Lake and shall be responsible for compliance with the terms of this chapter, whether or not the owner is the operator of the ~~**boat**~~ ***vessel***.

(3) *Permit fee*. For each permit issued pursuant to subsection (2) of this section, the ~~**administrative**~~ ***customer*** service~~**s**~~ department shall collect an annual fee as specified by the city council.

(4) *Motorboats*. It shall be unlawful for any person to operate a motorboat in excess of 18 feet in length or 115 horsepower, based on factory specifications as related to the ~~**boat**~~ ***vessel*** outboard certification (OBC) rating. Older ~~**boats**~~ ***vessels*** or home-built ~~**boats**~~ ***vessels*** shall be related, as near as possible, in accordance with similar ~~**boats**~~ ***vessels*** with factory horsepower recommendations.

Draft

(5) ~~**Jet skis. It shall be unlawful for any person to operate jet skis or other similar devices upon Silver Lake.**~~ ***Personal Watercraft (PWC). It shall be unlawful for any person to operate PWC or other similar devices upon Silver Lake. Personal watercraft are defined as motorboats less than 16 feet in length that are powered by jet pumps, not propellers, where the persons stand, kneel, or sit on, rather than inside the vessel. PWCs are operated by one person, and often have seating space for others. Some models have seating for up to four riders (including the operator).***

(6) ***Airboat. It shall be unlawful for any person to operate an airboat or other similar devices upon Silver Lake. An airboat, also known as a fanboat, is a flat-bottomed vessel (jon boat) propelled in a forward direction by an aircraft-type propeller and powered by either an internal combustion or electric engine.***

(7) ***Hovercraft. It shall be unlawful for any person to operate a hovercraft or other similar devices upon Silver Lake. A hovercraft (air-cushion vehicle, ACV) is a craft capable of traveling over surfaces while supported by a cushion of slow moving, high-pressure air which is ejected against the surface below and contained within a "skirt."***

~~**(6)**~~***(8)*** *Display of permit number*. Every ~~**boat**~~ ***vessel*** operated upon Silver Lake shall clearly display the permit required in subsection (2) of this section on the right side of the ~~**transom**~~ ***vessel stern and on the right side of the trailer near the tongue. Permits must be clearly visible at all times***.

~~**(7)**~~**(9)** *Direction of* ~~**boats**~~ ***vessels***. As a general rule, and whenever practical, all ~~**boats**~~ ***vessels*** traveling around Silver Lake shall proceed in a counterclockwise direction.

~~**(8)**~~**(10)** *Overtaking, passing or meeting another* ~~**boats**~~ ***vessel***. The U.S. Coast Guard Inland Rules of the Road regarding the overtaking, passing or meeting of ~~**boats**~~ ***vessels*** shall apply to ~~**boats**~~ ***vessels*** upon Silver Lake.

~~**(9)**~~**(11)** *Passing under Silver Lake Bridge*. In passing under the Silver Lake Bridge, all ~~**boats**~~ ***vessels*** shall use the arch to the right and no ~~**boat**~~ ***vessel*** at any time shall use the center arch. Speeds under the bridge and within 75 feet of the bridge shall be at a no wake speed (four miles per hour).

~~**(10)**~~**(12)** *Operating distance from shore or bridge*. No power~~**boat**~~ ***vessel*** shall operate less than 75 feet from any shoreline, swimming area, pier or dock, except when launching and landing, nor shall any power~~**boat**~~ ***vessel*** operate closer than 75 feet to the Silver Lake Bridge, except when that ~~**boat**~~ ***vessel*** is intending to pass under the bridge, nor shall any power~~**boat**~~ ***vessel*** operate closer than 50 feet to any other power or nonpower vessel.

~~**(11)**~~**(13)** ~~**Boat**~~ ***Vessel*** *racing*. ~~**Boat**~~ ***Vessel*** racing is prohibited upon Silver Lake.

~~**(12)**~~**(14)** *Operating* ~~**boat**~~ ***vessel*** *in swimming area*. At no time shall any ~~**boat**~~ ***vessel*** be operated within any designated swimming area.

Draft

~~(13)~~**(15)** *Motorboat mufflers*. All ~~boats~~ ***vessels*** which are mechanically propelled shall at all times maintain, as part of its equipment, a standard manufacturer's muffler for the type of engine used.

~~(14)~~**(16)** ~~Boats~~ ***Vessels*** *operated after sundown*. All nonpower ~~boats~~ ***vessels*** operating after sundown shall be equipped with lights satisfying the U.S. Coast Guard Requirements on Inland Rules, and shall keep those lights in constant operation as long as the ~~boat~~ ***vessel*** is being operated, and shall not operate at a speed in excess of four miles per hour. The operation of power~~boats~~ ***vessels*** on Silver Lake shall be permitted from sunrise to sunset. Between sunrise and 10:00 a.m. (local time), power ~~boats~~ ***vessels*** shall be operated at a no wake speed (four miles per hour).

~~(15)~~**(17)** *Lowering, placing and removing* ~~boats~~ ***vessels*** *with vehicle*. No person, other than the motor vehicle operator, shall occupy any motor vehicle being used for the purpose of lowering, placing or removing any ~~boat~~ ***vessel*** at the ramps provided for this purpose at the Silver Lake site. ***The only vehicle accessible vessel ramp facility is located next to the dam and accessed from the Kings Highway park entrance.***

~~(16)~~**(18)** *Garbage, litter and other waste*. Garbage, litter, or other waste shall not be dropped or thrown from vessels, or from shore into park waters, but shall be disposed of on shore, at designated locations, in the prescribed manner.

(19) ***Kayak, Canoe and other small craft launching. Kayaks, canoes and other small watercraft that can be launched without the assistance of a motor vehicle, may utilize the identified small craft launching area adjacent to the swimming beach accessed by the Washington St. park entrance. Craft may not be left in the launch area for any duration longer than necessary to access the lake.***

~~(17)~~**(20)** *Beaching*. Beaching of ~~boats~~ ***vessels*** in other than designated areas is prohibited, except in an emergency ***or Parks and Recreation Department Director approved special events***.

~~(18)~~**(21)** *Horseplay*. Any horseplay in ~~boats~~ ***vessels*** or changing from one ~~boat~~ ***vessel*** to another while on the water is strictly prohibited.

~~(19)~~**(22)** *Storms*. In all storm conditions, ~~boats~~ ***vessels*** must return to the docks.

~~(20)~~**(23)** *Accidents and injuries*. All accidents or injuries shall be reported to the police.

(24) *Limiting* ***or expanding vessel*** ~~boat~~ *operations*. The director of parks and recreation and the parks, recreation **,** and community enhancement committee shall have the authority to limit ***or expand*** ~~boat~~ ***vessel*** operation in certain areas of the lake to facilitate operation of nonpower ~~boats~~ ***watercraft or special events***.

Draft

BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article III - Silver Lake Area, Section 74-123 - Water skiing, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout, as follows:

Sec. 74-123. - Water skiing.

(a) *Where prohibited*. No person shall engage in water skiing within 75 feet of any shoreline or within 75 feet of any designated swimming area.

(b) *Prohibited devices*. The use of ski ramps, parachutes and other similar devices ***that are designed to propel the rider, passenger or participant into the air*** shall be prohibited on Silver Lake.

(c) *Number of skiers*. ~~**Boats**~~ ***Vessels*** shall pull no more than two skiers on weekdays, and no more than one skier on weekends and holidays.

(d) *Observer*. When a ~~**boat**~~ ***vessel*** is engaged in pulling a skier, a person at least 12 years of age, other than the ~~**boat**~~ ***vessel*** operator, shall be in the ~~**boat**~~ ***vessel*** to observe the skier and to notify the driver of the ~~**boat**~~ ***vessel*** if the skier should at any time be injured or in need of assistance.

(e) *Boat operator*. No person under the age of 16 years shall operate a ~~**boat**~~ ***vessel*** towing a skier or any device.

(f) *Flotation*. No person shall water ski upon Silver Lake unless he is wearing a life jacket or some other ample form of flotation gear ***that is approved for the activity by the United States Coast Guard***.

(g) *Bridge*. No person shall water ski under Silver Lake Bridge.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, be amended by inserting the text indicated in bold, blue, italics, as follows:

Chapter 74 - Parks and Recreation, Article I - In General		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 74-51	***Operating any non-permitted motorboat on Silver Lake***	***not to exceed $200.00, and not less than $100.00***

Draft

Sec. 74-52	Same - Fine	not to exceed $100.00, and not less than $10.00.

ADOPTED: *

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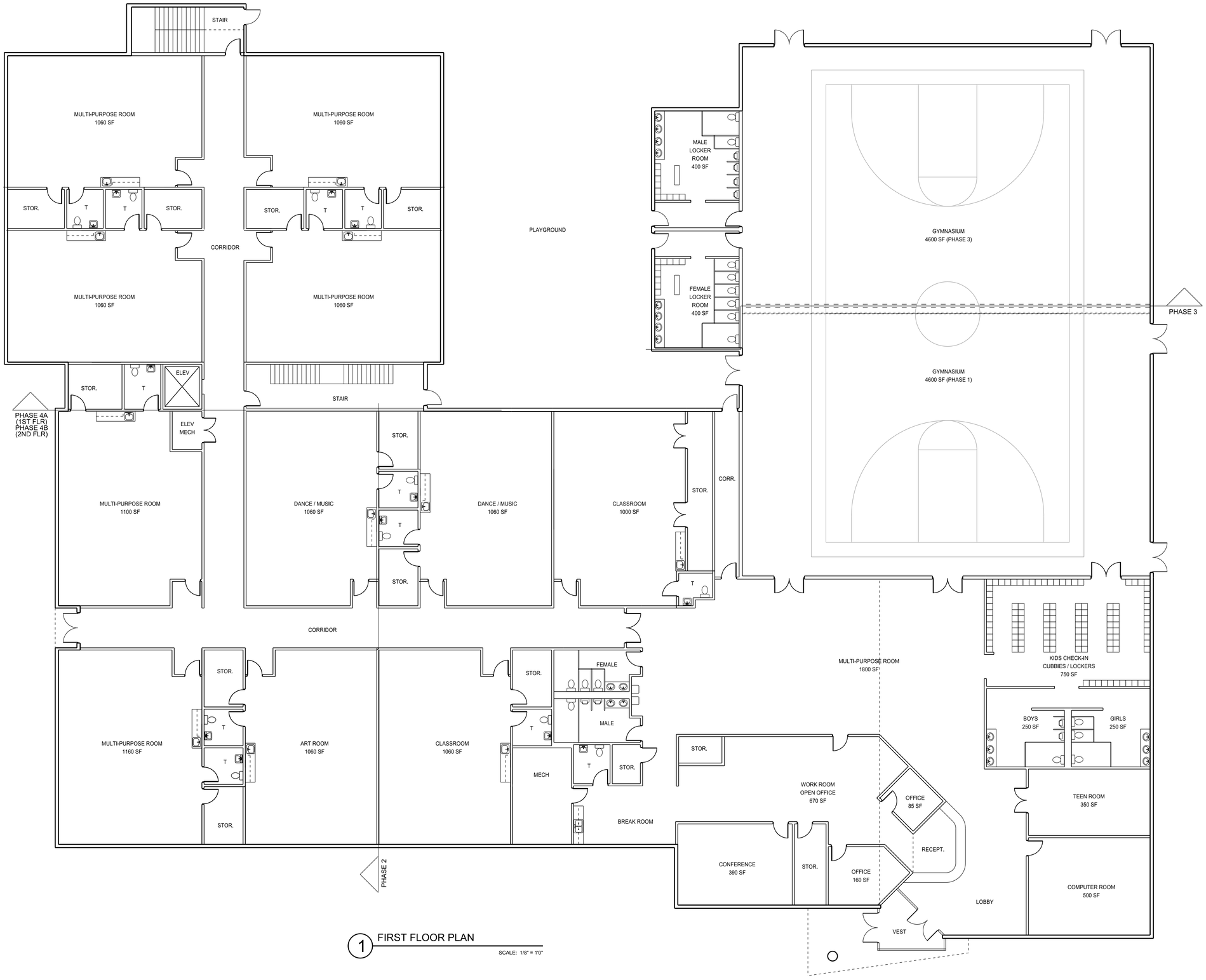
Actions History

January 23, 2012 - Scheduled for First Reading by Council

January 9, 2012 - Considered by Parks, Recreation, and Community Enhancement Committee

Draft

ATTACHMENT #2
PR&CE Meeting of January 9, 2012



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'0"

BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING

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PROJECT TITLE

BOYS & GIRLS CLUB

DOVER, DELAWARE

BOYS & GIRLS CLUBS
OF DELAWARE

SHEET TITLE

FLOOR PLANS

ISSUE BLOCK

MARK	DATE	DESCRIPTION
X	XX/XX/XX	XXXX

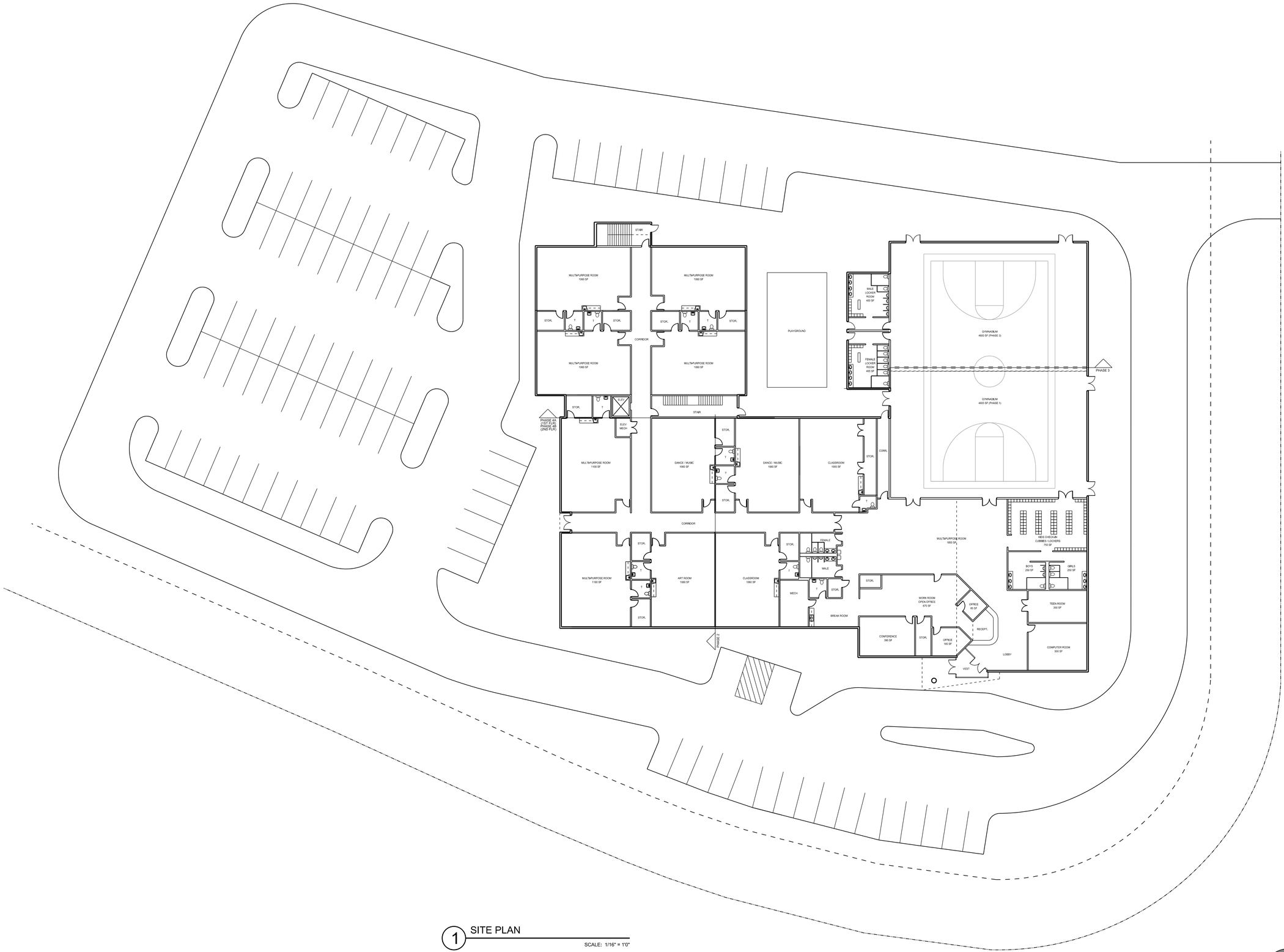
PROJECT NO:	2011103.00
DATE:	11/02/11
SCALE:	1/8 " = 1'0"
DRAWN BY: WJS	PROJ MGR: WJS

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ATTACHMENT #2
PR&CE Meeting of January 9, 2012

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1 SITE PLAN

SCALE: 1/16" = 1'0"

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Wilmington, NC 28403
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PROJECT TITLE

BOYS & GIRLS CLUB

DOVER, DELAWARE

BOYS & GIRLS CLUBS OF DELAWARE

SHEET TITLE

SITE PLAN

ISSUE BLOCK

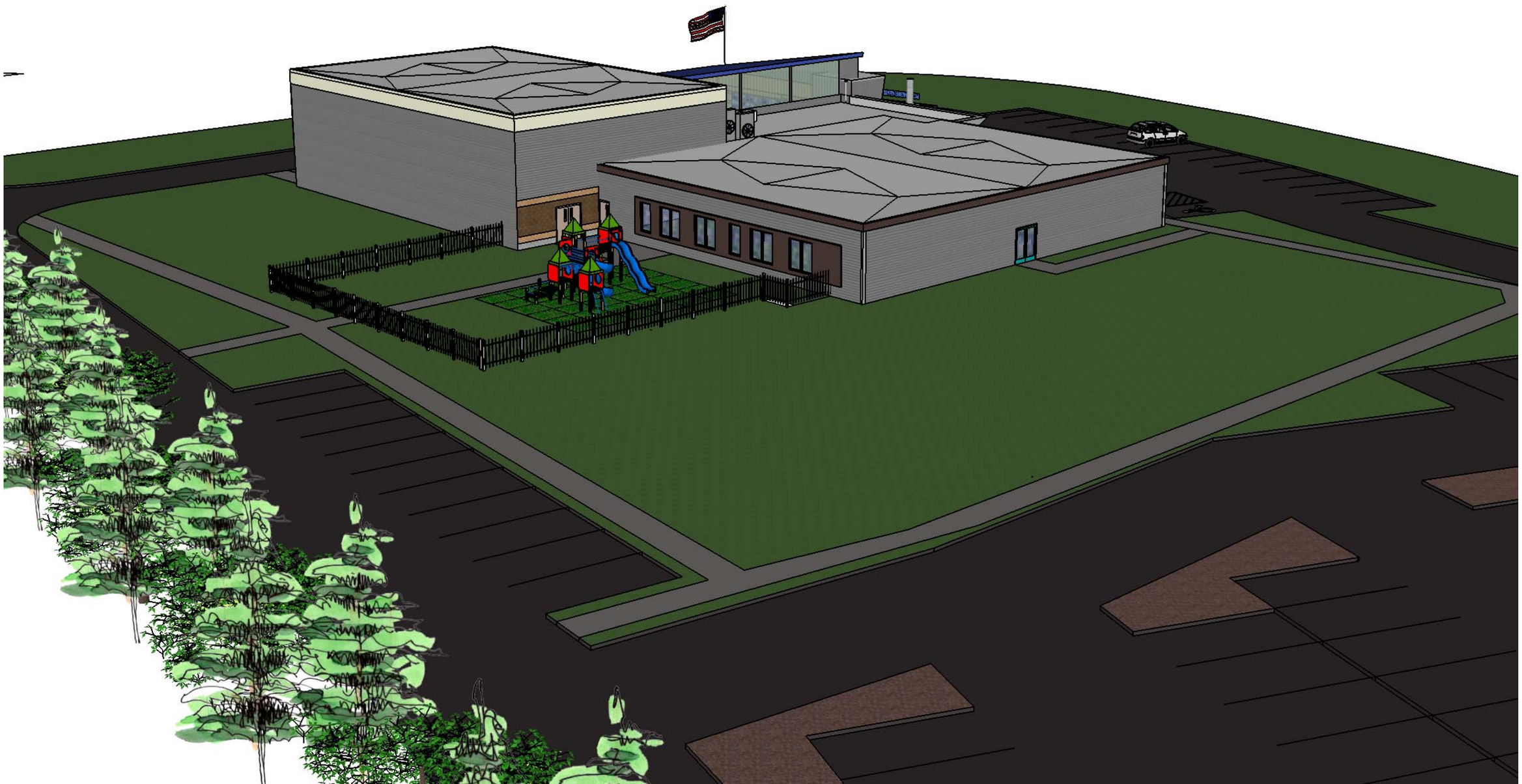
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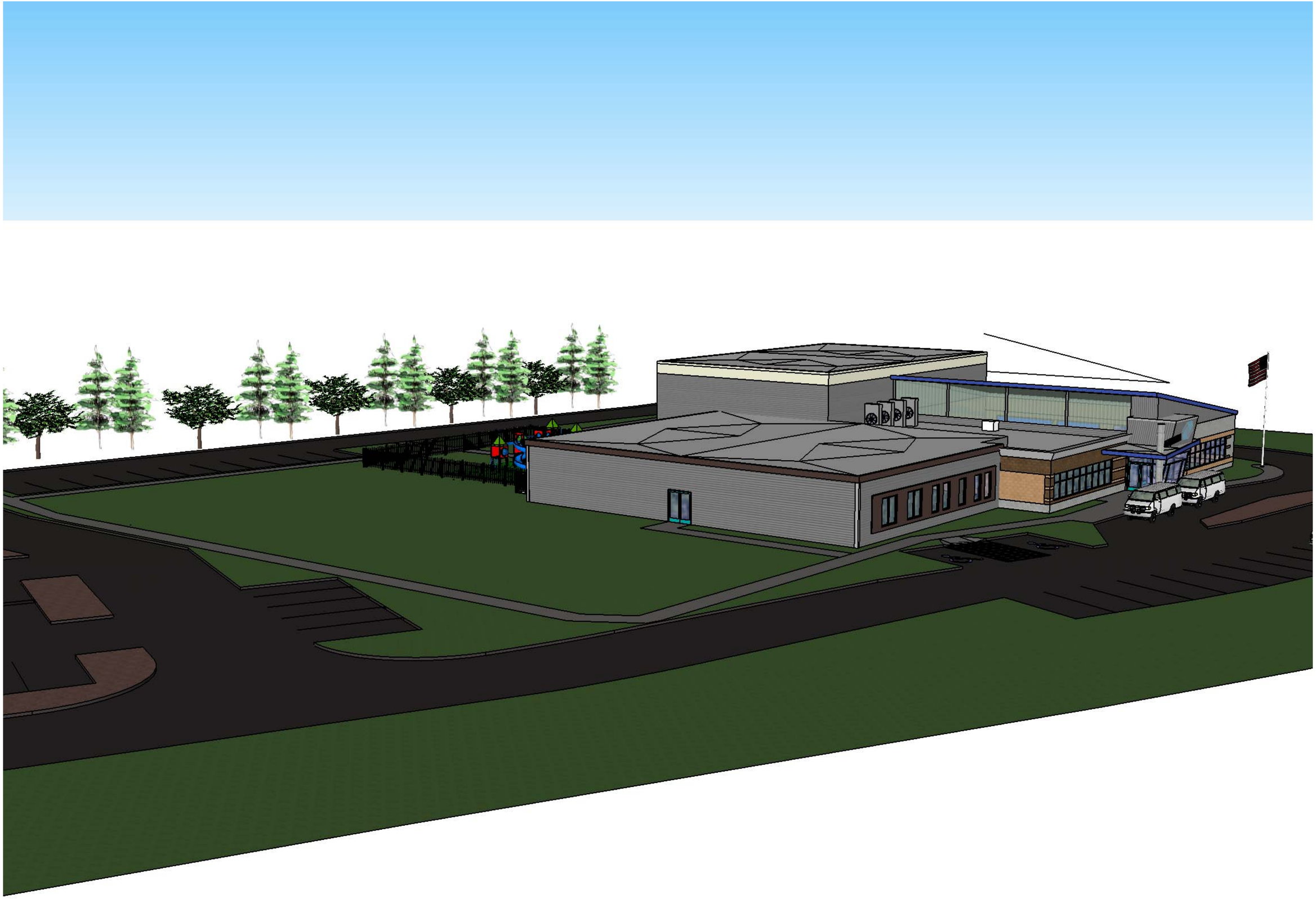
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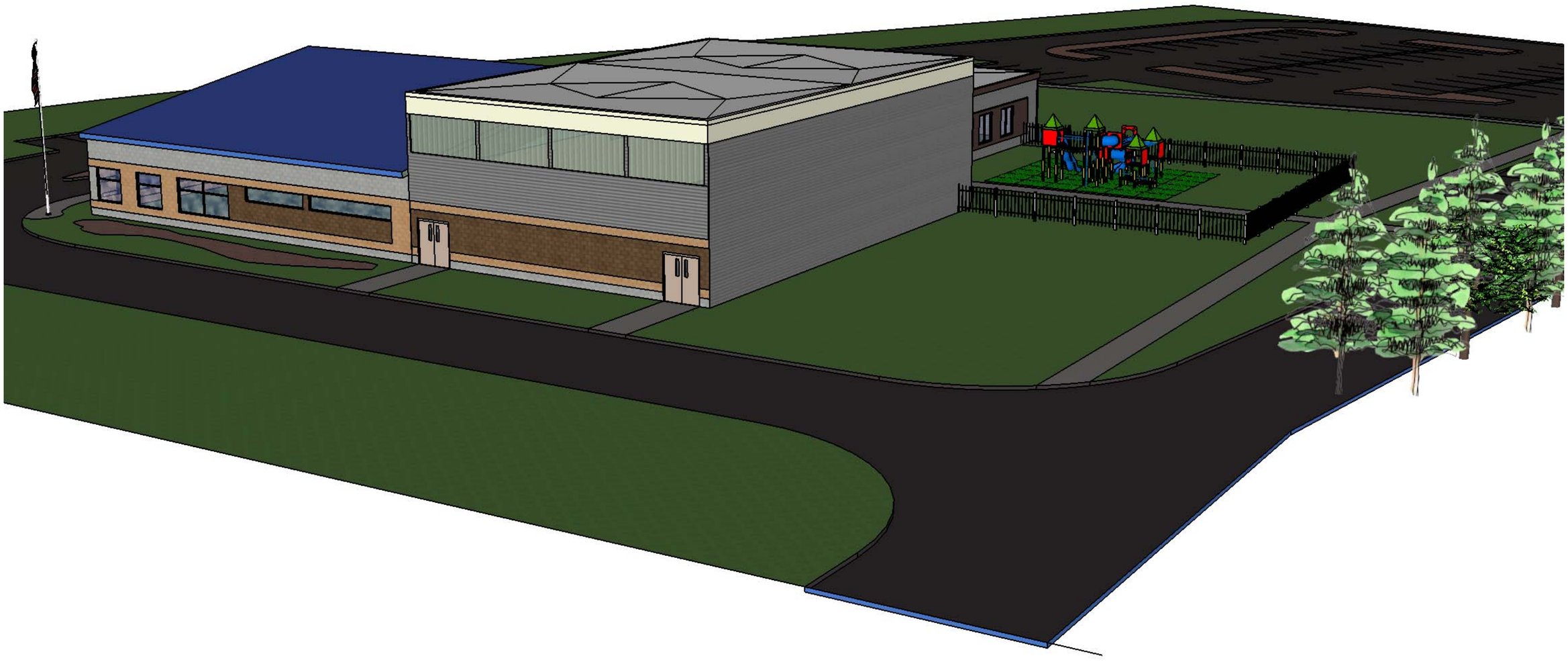
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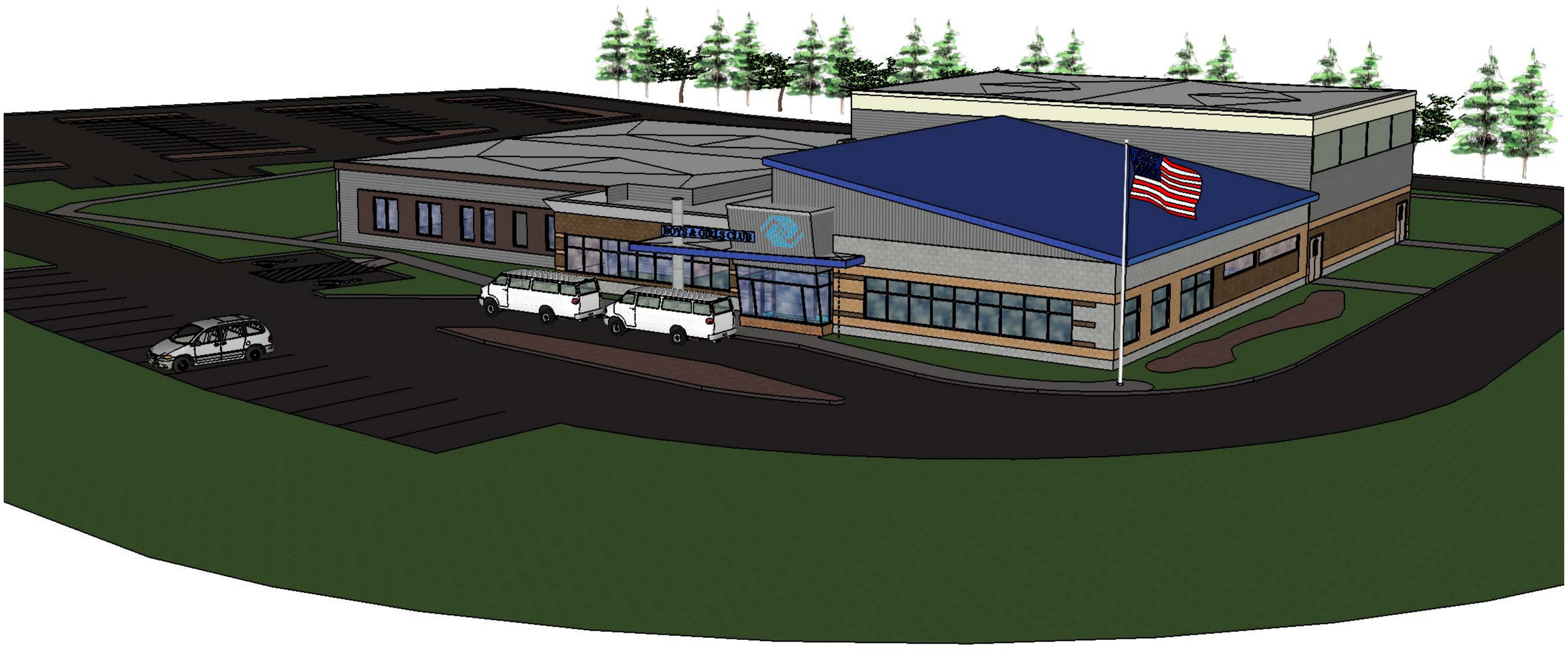
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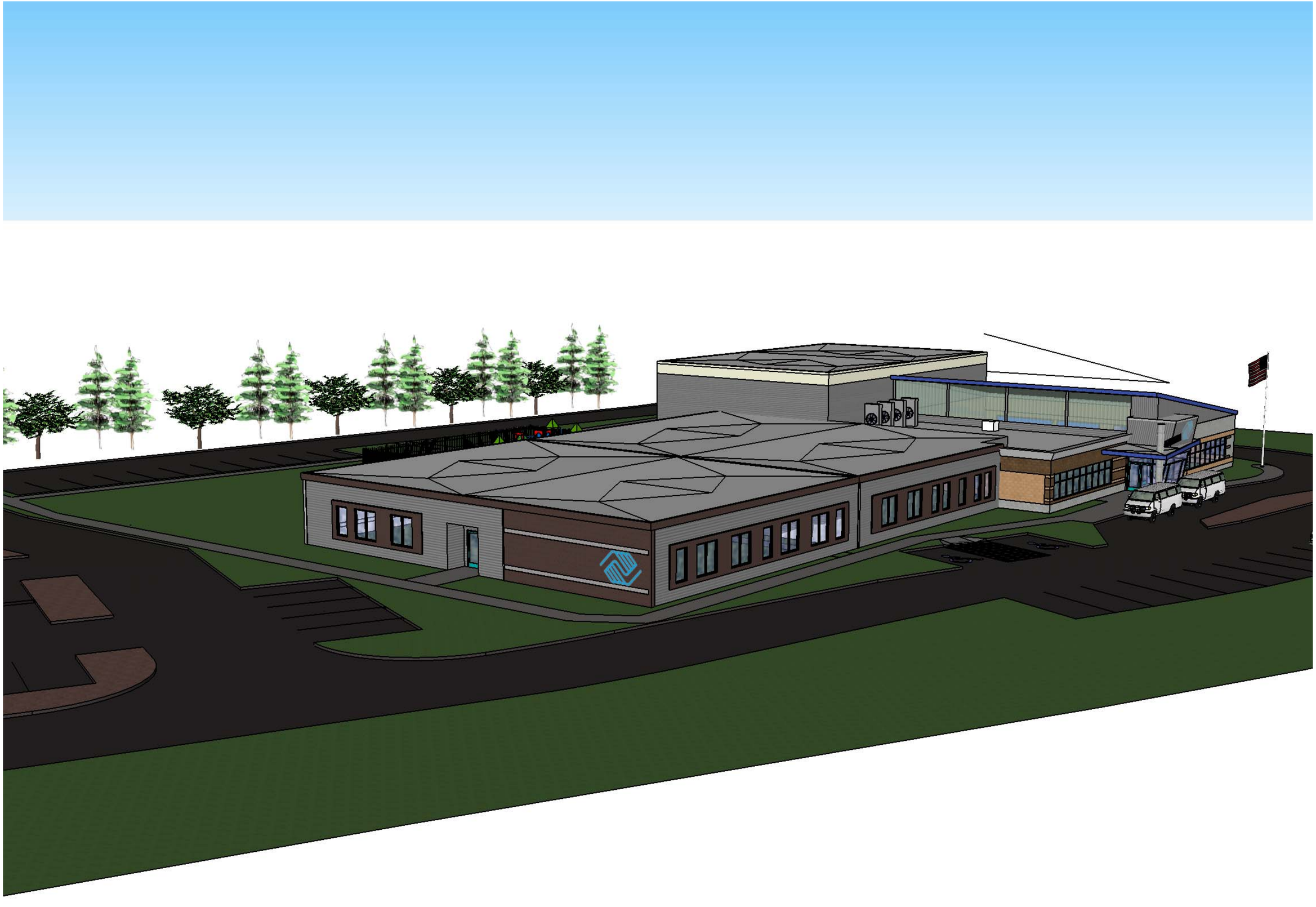


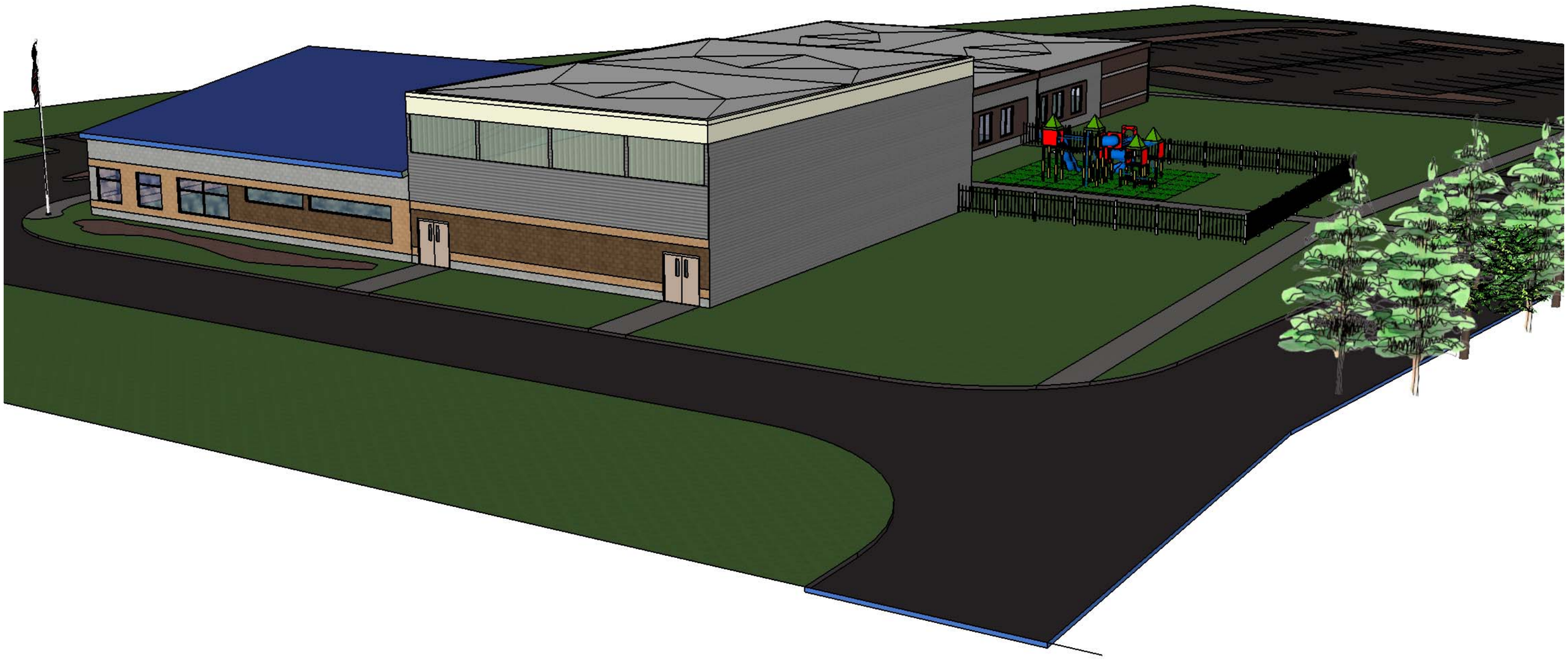


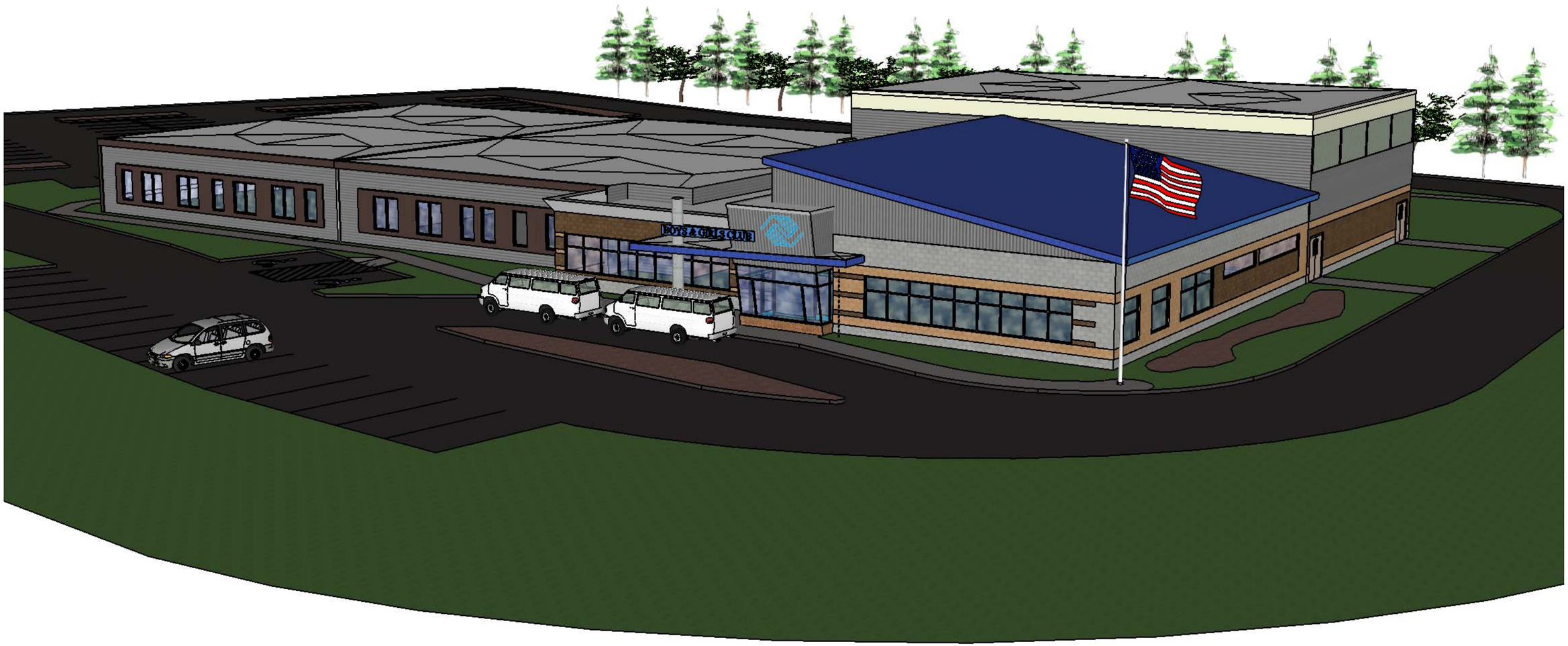


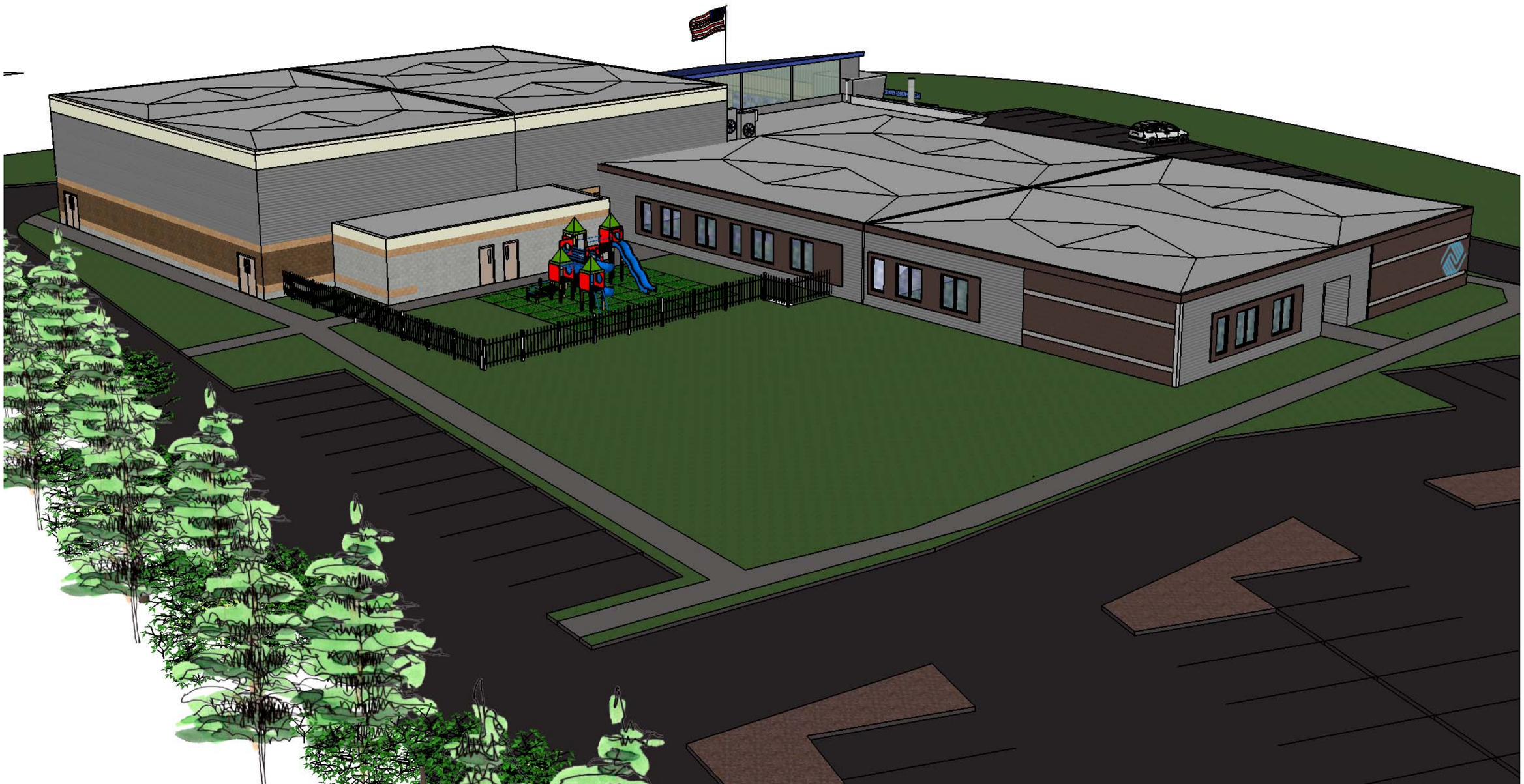

BOYS & GIRLS CLUB

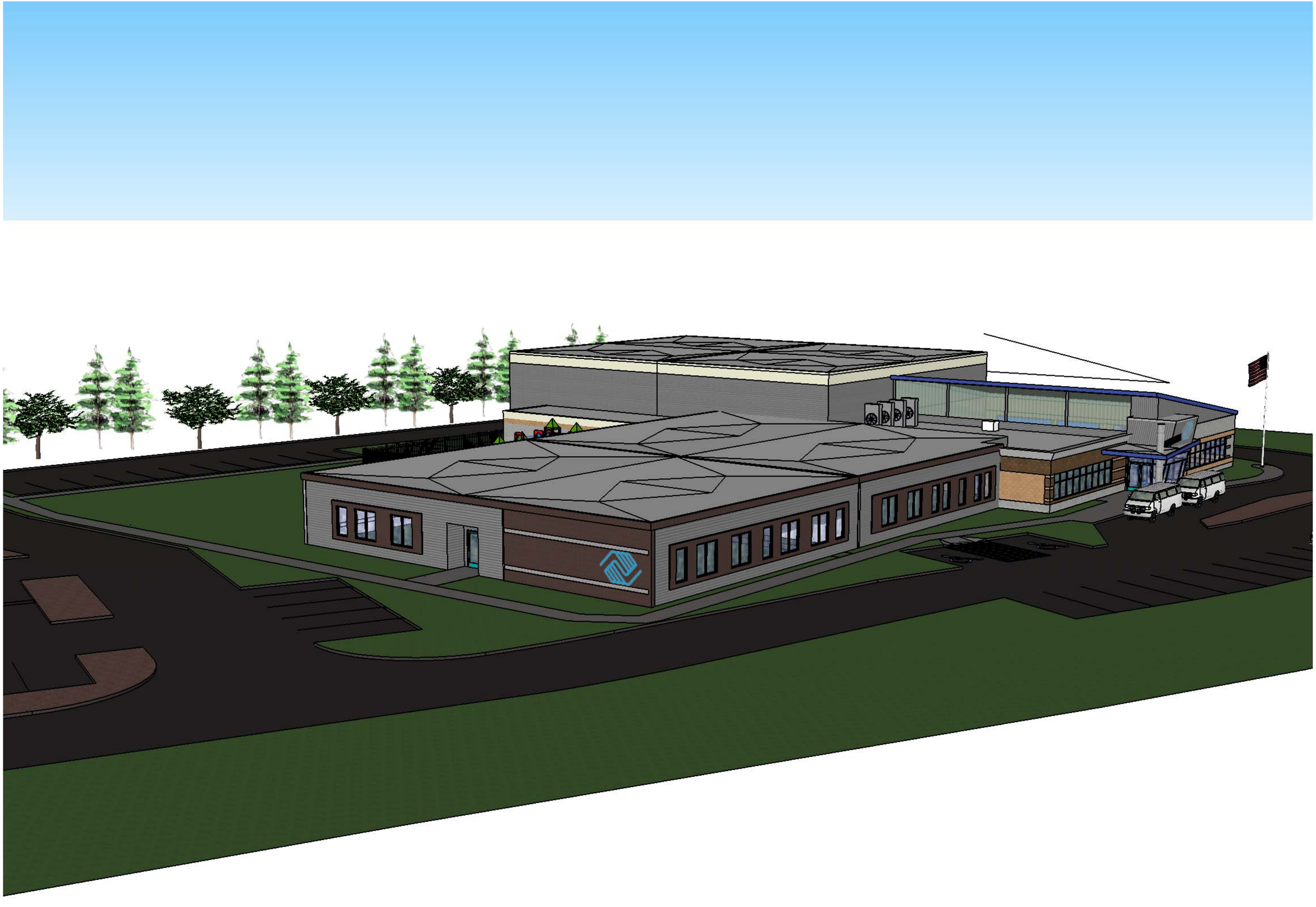


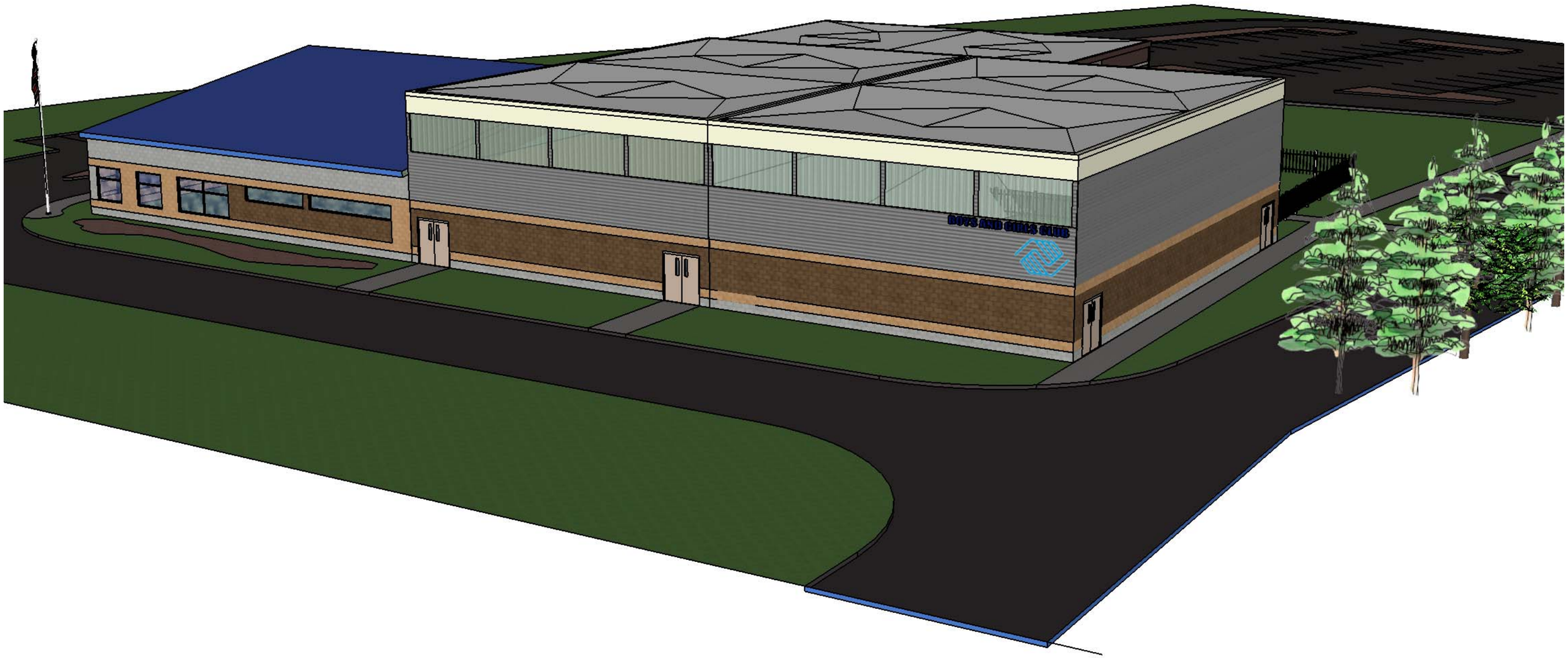


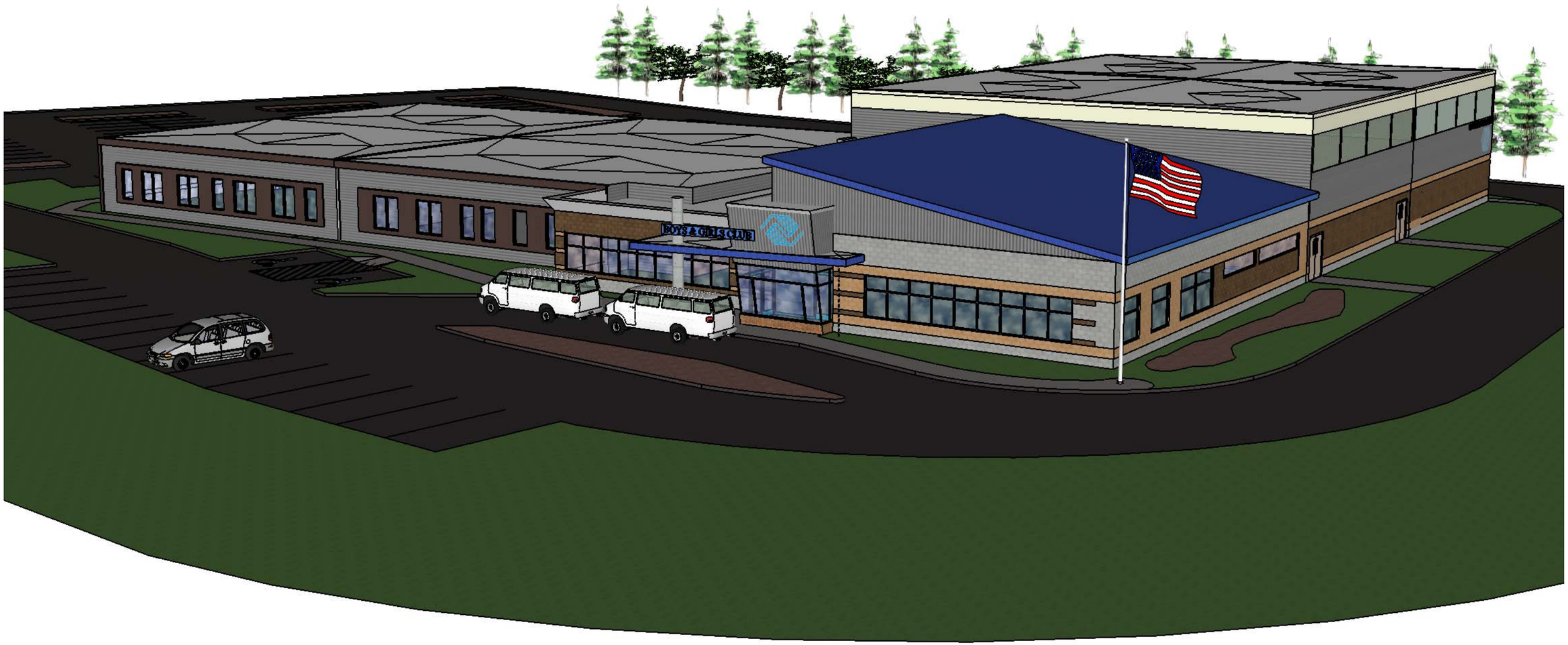



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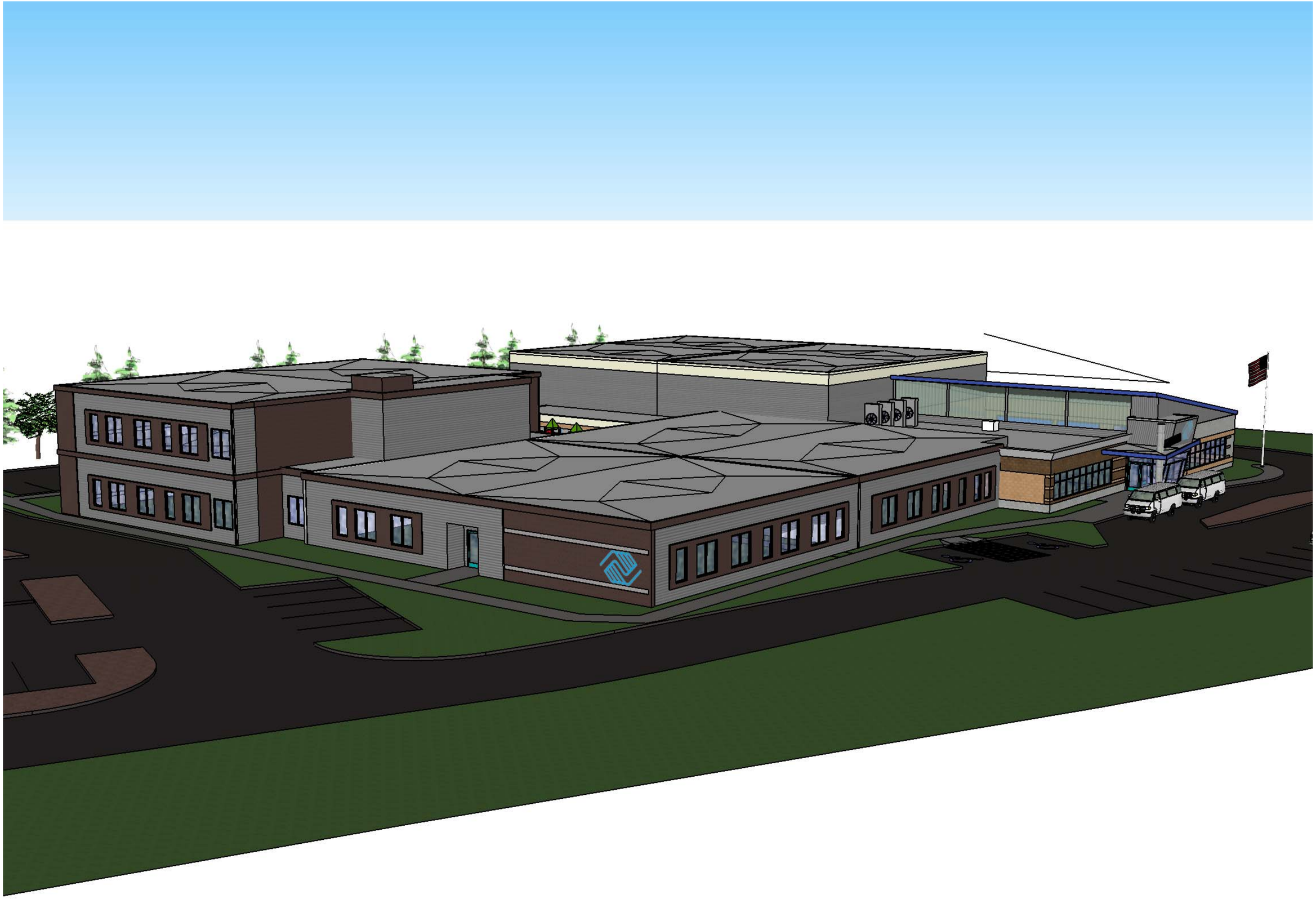


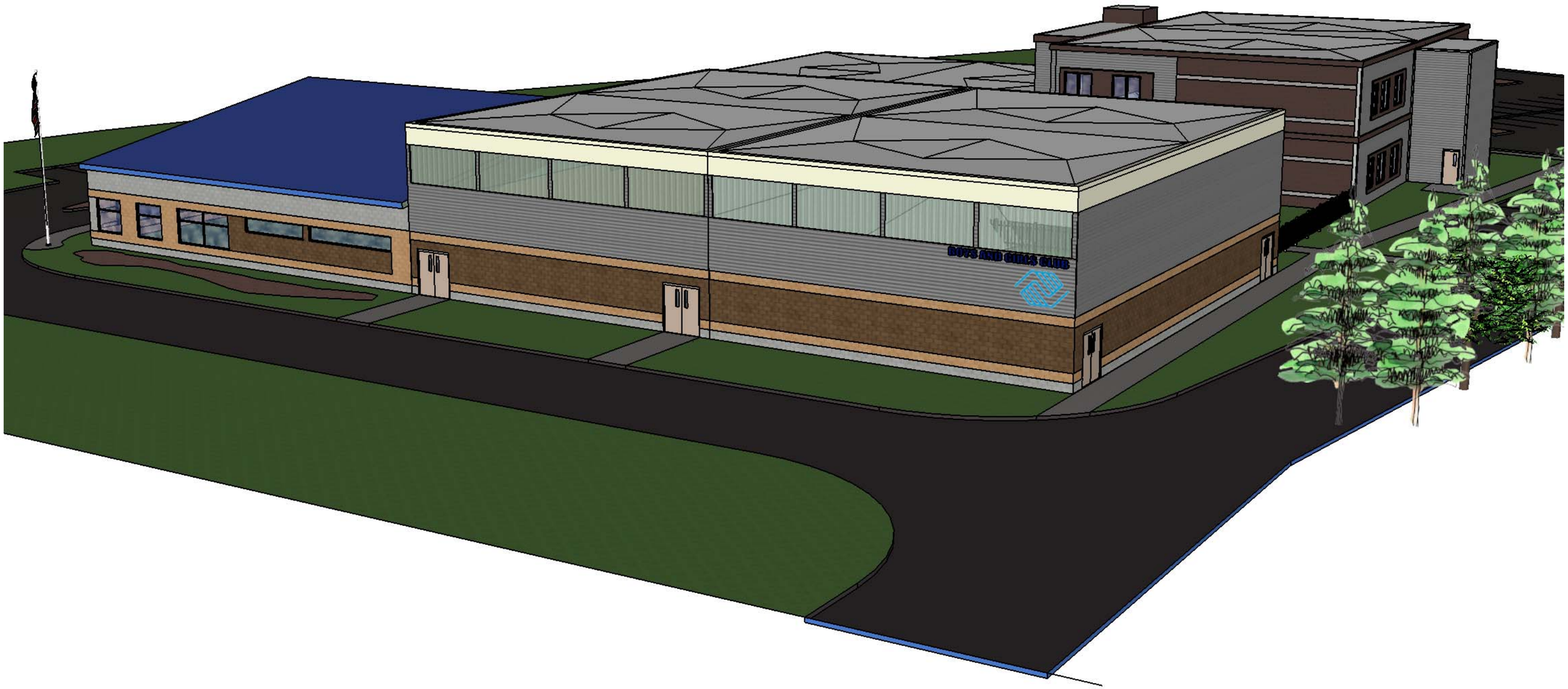


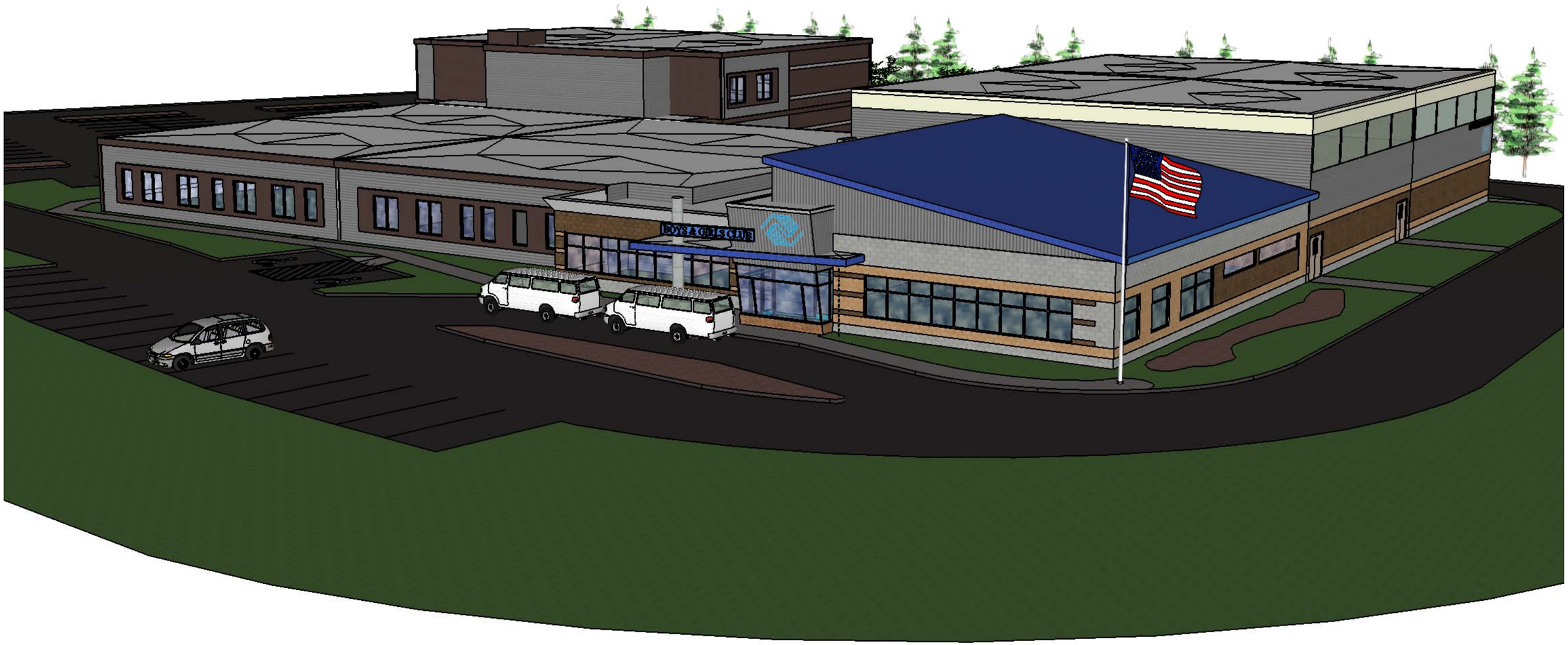

BOYS AND GIRLS CLUB


BOYS & GIRLS CLUB






BOYS AND GIRLS CLUB


BOYS & GIRLS CLUB

UTILITY COMMITTEE

The Utility Committee Meeting was held on January 9, 2012 at 5:00 p.m. with Chairman Bonar presiding. Members present were Mr. Lynn, Mrs. Williams, Mr. Blakeman, and Mr. Snaman. Council President Leary and Mayor Carey were also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Disposition of City Owned Land and Sewer Infrastructure – Dover East Pump Station #12

Mr. Scott Koenig, City Manager, presented members with a request regarding the proposed transfer of ownership of the Dover East Sanitary Sewer Pumping Station #12 from the City of Dover to Kent County. He explained that for over five (5) years, the Grandview, M&S, and Oak Grove Mobile Home Communities have experienced various issues related to the appropriate functioning of the private sewage facilities associated with these locations. These issues led to environmental concerns as well as numerous investigations toward a means to preserve the low income housing option in the area. In March 2011, Kent County proposed that the three (3) communities become an extension to Kent County Sewage Disposal District No. 1, including the smaller Kent County parcels immediately adjacent to the communities, as only M&S was located on a City of Dover parcel. The flow from these areas would discharge to the City's Dover East Pump Station #12. The flow would be deducted from the City's monthly Kent County wastewater bill. He assured members that the City would not lose any existing or future customers.

Mr. Koenig advised members that this proposal was negotiated and accepted by the previous administration, which allowed the County to proceed with the District expansion and to apply for the appropriate funding. Since that time, the County has been informed that they will be unable to receive the necessary funding for the project unless the scope changes. As such, they have requested to take ownership of Dover East Pump Station #12. They will upgrade the station and reroute the flow directly to the Kent County Bypass Line. In turn, they would not be required to pay City of Dover sanitary sewer impact fees for connection.

Mr. Koenig noted that, over the past few years, the abandonment of the Dover East Pump Station and the installation of an associated gravity line were included with the Capital Investment Plan (CIP). This project was to be coordinated with the construction of a new pump station in the Rojan Meadows subdivision. The project cost was $253,800. Due to the delay in the construction of this subdivision and the existing station's pressing need for an upgrade, the CIP project was to be converted from an abandonment project to an upgrade project at similar cost. Should the County's proposal be accepted, this project can instead be removed in its entirety, which would save the City $253,800. Ownership of the pump station by the County would eliminate all immediate and future operational, maintenance, and capital costs.

Mr. Koenig advised members that a parcel of land exists in conjunction with the pump station. Staff has determined that the pump station and associated parcel of land are excess in nature and their disposal would be beneficial to the City of Dover.

Staff recommended that the City Manager be authorized to sell the property located within the Dover East Mobile Home Community, in addition to the sanitary sewer pump station and associated infrastructure contained therein, to Kent County for $1.00 under Exception C of the Land Disposal Policy.

Mrs. Williams moved to recommend approval of staff's recommendation that the property located within the Dover East Mobile Home Community, in addition to the sanitary sewer pump station and associated infrastructure contained therein, be sold to Kent County for $1.00 under Exception C of the Land Disposal Policy. The motion was seconded by Mr. Blakeman and unanimously carried.

Review of Utility Related Capital Investment Plan *(Electric and Water/Wastewater)*

Members reviewed a Project Tracking Report, as of November 30, 2011, for the Utility Related (Electric and Water/Wastewater) Capital Investment Plan (CIP). Mr. Scott Koenig, City Manager, reviewed the Water/Wastewater Report and noted that the Route 13 Water Main Project was near completion and that the actual construction portion was complete.

Responding to Mr. Bonar, Mr. Koenig stated that questions raised by a customer regarding a section of the lining project in East Lake Gardens appeared to have been resolved; the customer seemed to be reasonably satisfied and no further concerns have been received by staff. He noted that there was a problem with one of the lines near the new Library site and that corrective measures have been taken to resolve the issue. Mr. Koenig advised members that it would be difficult to measure the savings from Inflow and Infiltration (I & I) removal because of the size and location of the lines; however, he stated that the City spent approximate $2M on the lining project, and he planned to obtain a calculation of the return on this investment at some point. He stated that this type of work has slowed with the completion of this project; however, will increase again as staff identifies new work.

Mr. Jeremy Johnson, Interim Electric Director, advised members that although he did not have a full command of all the Capital Projects for the Power Plant as yet, he had an understanding of all other Electric projects and did not feel there were any issues or concerns.

Responding to Mr. Bonar, Mr. Johnson stated that internal staff and IBEW representatives investigated the recent accident which caused injuries to two (2) Electric Department employees and determined that there were three (3) issues which led to the incident, as follows: 1) improper labeling on the equipment when installed; 2) proper procedures were not followed in testing equipment; and 3) the employees were not wearing proper protective equipment (fire retardant shirt, pants, gloves, safety goggles, and a hard hat). He noted that the individual who sustained the most injuries was not wearing any of the protective equipment. Mr. Johnson assured members that measures will be taken to prevent such incidents in the future.

Mr. Blakeman moved for adjournment, seconded by Mr. Snaman and unanimously carried.

Meeting Adjourned at 5:18 P.M.

David L. Bonar
Chairman

DLB/TM/jg/js/dd
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LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 9, 2012 at 5:30 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, Dr. Jones, and Mr. Shevock. Members of Council present were Mrs. Russell (arrived at 5:51 p.m.), Mr. Bonar, Mr. Hutchison (arrived at 5:52 p.m.), Mr. Lynn, Mrs. Williams, and Council President Leary. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

Report by Dover Human Relations Commission

During their meeting of September 26, 2011, the Committee recommended that the Dover Human Relations Commission (DHRC) conduct a self-review and report back within three (3) months with suggestions to make operations more effective.

As directed, Mr. Roy Sudler, Jr., Chairman of the DHRC, submitted a Summary Review and Recommendations for the DHRC, dated January 6, 2012 ***(Attachment #1)***, as a follow-up to the DHRC - 2011 Annual Report.

In response to Mr. Hare regarding the need for a Youth Commission (Recommendation #3), Mr. Sudler felt that the youth in the community could provide the DHRC with guidance and insight as to how conditions could be improved in the community. He suggested that the youth may be able to offer their perspective on the causes of gang violence, juvenile delinquency, and other disruptive behavior. He suggested that a representative of the Dover Youth Advisory Commission attend meetings of the DHRC periodically to relay such information.

Mr. Sudler advised members that the minutes of the DHRC include details regarding the accomplishments of the Commission.

In regard to the suggested youth member for the DHRC, Dr. Jones suggested that consideration be given to including more than one (1) additional member, noting that it could be very intimidating for young people when they are among adult members.

Council President Leary suggested that the City pursue Recommendations #1 and #6, which he felt were very similar.

Dr. McGlumphy thanked the DHRC for the presentation and for clarifying the purpose and role of the DHRC and wished them well in future endeavors.

Mr. Anderson moved to recommend acceptance of the Summary Review and Recommendations for the DHRC, as presented, seconded by Dr. Jones and unanimously carried.

Staff Recommendation - Economic Development Office

Mr. Scott Koenig, City Manager, reviewed a memorandum submitted to members outlining a recommendation for restructuring the City's Economic Development Office and the Downtown Dover Partnership (DDP). It was noted that the date "February 1, 2011" on the second page of the memorandum should indicate "February 1, 2012." He explained that this was the first of a series of recommendations that he would be bringing forward regarding the City's restructuring.

Mr. Anderson relayed concerns with the recommendation, noting that the DDP has several upcoming projects worth millions of dollars, such as the North Street Project, the "old C-Moore's" building, refinancing, etc., and questioned if the recommendation should become effective with the new fiscal year rather than February 1, 2012. Responding, Mr. Koenig stated that the February 1, 2012 date is negotiable, depending upon Council's desire. He explained the necessity for staff to have a clear path forward on this issue, since staff will soon begin the development of the Fiscal Year 2013 Budget.

Mr. Anderson suggested that the proposed date for the changes be delayed to avoid risking millions of dollars in future funding with the State of Delaware. Mr. Koenig explained that any delay in the implementation of the recommendations could negatively affect staffing; therefore, the sooner the decision is made with regard to staffing and the employees are transferred accordingly, the better. He assured members that the projects mentioned by Mr. Anderson would have staff support and that the City would not allow the DDP to fail on these projects.

In response to Mr. Anderson, Mr. Koenig indicated no objection to having the DDP comment on the recommendations; however, he reminded members that the recommendations involve City employees. He noted that the amount of the Business Improvement District (BID) tax is between $57,000 and $58,000 and that the recommendation would include transferring these funds for Fiscal Year 2013.

Mr. Koenig indicated no objection to Mr. Hare's suggestion to delay implementation of the recommendations for 60 days (until April 1st) to allow for the DDP to hire a new director.

With reference to the number of positions, Mr. Koenig stated that if the recommendations were adopted, two (2) of the three (3) positions would be eliminated in the Fiscal Year 2013 Budget (the Administrative Assistant position in the Economic Development Division and the Downtown Coordinator position). The Economic Development Manager position would be reclassified as a Coordinator in the Planning Office. This would result in the elimination of two (2) positions. Mr. Hare felt that there may be a need for an executive session to discuss this matter in further detail.

Concurring with the need to delay the recommendations, Dr. Jones relayed her concern for those employees who may be impacted by this transition and the negative impact on employee morale. She felt that this was a crucial issue that should be considered by staff. Referring to Recommendation #5, which would offer the current Downtown Coordinator a position as a union employee, Dr. Jones questioned if there were union requirements for posting the position (in-house). Responding, Mr. Koenig stated that he just received a letter from the union indicating their

objections to the recommendation and, although staff had not been able to fully evaluate the objections, he advised members that in accordance with the IUE-CWA Union Contract, the City Manager has the right to assign staff.

Mr. Lynn indicated his objection to the recommendations and requested that the Committee table the matter to allow a more thorough review. He felt that it would be a critical mistake to consider assigning an economic development staff member to the Planning Office, explaining that there would be conflict of interest issues. Mr. Lynn stated that it was imperative that the integrity of Planning Office opinions (as they relate to site plans, subdivisions, conditional use, rezoning, etc.) be protected from accusations of bias. He explained that any economic development professional would cultivate projects that must go before the Planning Commission, Board of Adjustment, and City Council. If there were an economic development professional under the Planning Office, he felt that the Planning Director's independence in these matters would be compromised. In addition, it was his feeling that moving the economic development professional under the Planning Office would diminish this position.

Mr. Lynn stated his grave concerns with the entire proposal and cautioned members regarding the message that would be given to the business community, particularly in the current economic climate, that the City is not serious about economic development. He rejected the argument entirely that the proposal was budgetary. He reminded members that during a recent presentation by Mr. William Neaton, Economic Development Director, it was stated that the revenue generated by the Economic Development Office exceeded the overhead of the Department; therefore, he questioned why the City would consider "cutting" a profitable department.

Responding to Mr. Lynn, Mr. Koenig stated no objections to moving the economic development professional position to serve under the City Manager's Office. His only reason for putting it under the Planning Office was due to the fact that the position was originally created in the Planning Office. With regard to the statement made by Mr. Neaton, Mr. Koenig stated that he has no formula that would prove that the statement is factual. Concurring that the function of the Economic Development Office was important, it was his feeling that the proposal presented was an option that supported and continued the function of economic development for the City. Although it would not continue as a "stand alone" office down the street from City Hall, he assured members that the proposal maintained the function and position, which would provide a point of contact for the City. As to the issue regarding which department the economic development position would be responsible to report to, he reiterated his agreement to change that to the City Manager's Office.

Mr. Koenig explained that, as City Manager, he must address a very large budget deficit and other issues associated with the general governance of the City. He stated that the proposal presented was developed based on all of the information that he had obtained and noted that not all information was public.

Mr. Hare stated that although Mr. Neaton had indicated that the revenue generated by the Economic Development Office exceeded the overhead of the Department, a report reflecting the details has not been provided to members. In addition, he stated that Dr. McGlumphy requested a Jobs Report

which has not been provided to members. Responding, Mr. Koenig stated that the Jobs Report was submitted to the Parks, Recreation, and Community Enhancement Committee earlier in the day and that he would forward it to members of the Legislative, Finance, and Administration Committee as well.

In response to Council President Leary, Mr. Koenig stated that if the proposed changes were adopted, the City would have an Economic Development Coordinator position either within the City Manager's Office or another City office that would serve as the point of contact for all economic development activities for the City. He did not anticipate that the position would function any differently than currently, with the exception of the location of the office being within City Hall and a title change, since there would no longer be an office director.

At the request of Council President Leary, Mr. Greg Moore, President of the DDP, advised members that the City Manager's proposal had not yet been presented to the Board of Directors. However, he stated that the executive team of the DDP had reviewed and discussed it. He stated that the DDP understands that the City has budget issues and that changes must be made and the organization would like to work with the City in this regard. Mr. Moore indicated that the DDP was agreeable to reductions and felt that the memorandum presented by the City Manager would begin the process. He noted that the DDP is prepared for a reduction in staff and to hire a new Executive Director with the BID tax money. Mr. Moore stated that the only concern of the DDP was the need for administrative support and relayed the importance of having the City's Controller/Treasurer working with the DDP funds, particularly during this period when there were funds involving incomplete projects. Reiterating that the DDP felt confident that an Executive Director could be hired with the BID tax money, he stated that with administrative help from the City, the DDP could continue with their projects, explaining that the DDP did not feel it was essential for the DDP to have three (3) staff members.

With regard to the proposed date for implementation (February 1, 2012), Mr. Moore stated concurrence with the desire to implement the change as soon as possible, explaining that it would not be fair to the DDP staff or Board of Directors to be in limbo for any length of time. He stated that the DDP would like to move forward and create a new plan. However, he requested that members provide him the opportunity to work with Mr. Koenig on a few of the issues of concern, such as administrative support, and to present the proposal to the Board of Directors to obtain their input. He stated that the next Board meeting was scheduled for February 2, 2012.

Responding to Council President Leary, Mr. Moore stated that the memorandum had been forwarded to members of the Board; therefore, he felt confident that a response could be provided soon after the Board's meeting on February 2, 2012.

Mr. Moore noted that there had been considerable debate in the City and with City Council in regard to the Economic Development Office, which he felt had affected the DDP in terms of the energy being created and work being done. Although the DDP was involved with economic development as it relates to their purchases and moving projects forward, he explained that the DDP is not the economic development office for the City and that the DDP is very focused on a very small

downtown area. In this regard, he stated that the proposal submitted by Mr. Koenig would address some of the concerns of the DDP and is considered a strong move to resolve some of these issues.

Mr. Bonar stated that until staff presents details regarding the amount of money the proposal would save the City, he was not prepared to vote on the issue.

At the request of Mrs. Williams, Mr. Koenig estimated that approximately $88,000 to $100,000 would be saved in the Fiscal Year 2013 Budget, since the amount saved would consist of the salary and benefits of an Administrative Assistant position and the Downtown Coordinator position. He assured members that staff could determine these amounts and report back.

Mr. Hare requested that staff provide an income and expense report of the Economic Development Office, since its inception in 2008.

Mr. Lynn questioned what the proposal would cost the City due to the lack of a dedicated, full-time economic development position and if such a cost could be quantified, and he stated the importance of the perception of the business community that the City has someone actively recruiting businesses to the City to ensure that the City is competitive with other similarly situated municipalities. Responding, Mr. Koenig reiterated that the City of Dover would still maintain an Economic Development Office and economic development position that would receive administrative support to carry on the economic development function for the City as he described. Although there would be a change to the office location, he assured members that the function would remain the same.

Mr. Hare noted that prior to 2008, the City of Dover grew nicely; therefore, the perception of the City must have been good since the City attracted businesses such as Sam's Club, WalMart, Sunroc, etc. When the full-time Mayor position was created, he stated that the Mayor was designated to serve as the City's economic development representative to work with the City Manager and Kent County.

Responding to Mr. Hare, Mr. Lynn noted that in reviewing the Comprehensive Plan, the manufacturing industry in Kent County represented only 3% of the economy, while the fastest growing sector of the economy was the service industry. He explained that this sector does not provide the type of jobs which can support a family. He felt that these facts actually prove that the local economy has begun to crumble during the past 25 years.

Mr. Anderson moved to recommend that the proposal be tabled to allow the Downtown Dover Partnership (DDP) Board to submit a response, seconded by Dr. Jones and unanimously carried.

Staff Recommendation - Community Development Office

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the City's Community Development Program administers funds from the Community Development Block Grant (CDBG) Program which are distributed to the City by the U.S. Department of Housing and Urban Development (HUD). In recent years, the City's funding allocation has been cut. The federal grant guidelines allow for up to 20% of the allocation to be used

for program administration. As the City's allocation shrinks, the amount of money available to support program administration is proportionally reduced. The presence of the Neighborhood Stabilization Program, and administrative dollars utilized from this funding, have helped to reduce the General Fund's subsidy to the CDBG administration.

Mrs. Townshend advised members that, with anticipated funding for the upcoming program year, it was expected that the City would be able to spend less than $50,000 of the grant allocation on program administration. The Fiscal Year 2012 budget for program administration is approximately $75,000 ($72,493 comprising personnel costs). In reviewing how the City could reduce program costs and gain efficiency in expenditure of program administration funds, staff has considered streamlining the subgrant process. She noted that this proposal was submitted to the Parks, Recreation, and Community Enhancement Committee for their review earlier in the day and has been approved and accepted by HUD.

With gaining efficiency due to streamlining of program administration, staff recommended that they be authorized to restructure the Community Development Program and what is currently the Community Development Manager position to allow for this position to take on additional responsibilities outside the Community Development Program. She reminded members that one of the planners left the Planning Office in September 2011, after the Planning Office had taken on administration of the City's Municipal Separate Storm Sewer System (MS4) permit. This has added an increased burden to the existing planning staff. By moving the Community Development Program under the Planning Office and retitling the Community Development Manager position to a Planner I, Mrs. Townshend explained that she would have more flexibility in assigning the workload among the members of the Planning Staff. If Council concurs with this reorganization, she assured members that she would work with the Principal Planner to distribute the workload associated with the CDBG program, permit review, and MS4 administration in a way that provides quality customer service, acceptable turnaround time on permit review, and staffing to ensure that the City's obligations under the MS4 permit are met.

Mrs. Townshend advised members that the employee who currently serves as the Community Development Manager has been made aware of the proposal. She noted that the Community Development Manager is a pay grade 120, and the Planner I is a pay grade 117; therefore, no pay adjustment is necessary since the employee's current salary is within the range for a Planner I.

Mrs. Townshend assured members that it is very common for Community Development and Planning to be combined, noting that the comparable position (Community Development Manager) for the State of Delaware is a professional planner. She indicated that the City of Newark employee who administers the CDBG Program is a professional planner whose job responsibilities are very similar to staff's recommendation.

Responding to Mr. Anderson, Mrs. Townshend confirmed that the recommendation would eliminate the need to fill the vacant position in the Planning Office; therefore, there would be a savings for the City in this respect. She explained that next year's budget would not include a Community Development Manager position, since that employee will occupy the Planner position currently

vacant in the Planning Office. She also confirmed that the recommendation would allow the Department to operate more effectively. She stated that, upon approval by Council, the current Community Development Manager would begin training sessions in planning offered by the University of Delaware.

Mr. Hare felt that the matter should be tabled to allow further discussion in executive session.

Mr. Hare moved to table the matter to allow further discussion, possibly in executive session, seconded by Dr. Jones and unanimously carried.

Clarification of Action Taken on August 8, 2011 - Reconsideration of Review and Recommendation - Filling Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions

During their Regular Meeting of August 22, 2011, City Council approved the Legislative, Finance, and Administration Committee's recommendation (of August 8, 2011) to remove the Filling of Critical Positions as a standing agenda item and affirmation and adoption of the current and proposed hiring process for filling vacant or new positions, including submission of a Permission to Recruit Form, a Hiring Justification Outline Form, and a Wage and Benefit Information for Employee Hiring and Transfers Form.

Council President Leary requested clarification regarding the intent of the Committee's recommendation from August 8, 2011, noting a recent misunderstanding among members of Council and staff.

Dr. McGlumphy assured members that the actions taken by those involved in an agenda preparation meeting were not meant to usurp and that there was an apparent misunderstanding. He expressed his concern regarding the current economic situation and how it has been and will be affecting the City of Dover, as staff and Council move forward with the preparation of the City's budget.

Council President Leary again requested clarification from the Committee regarding their motion and if it was their intent that no position requests be brought forward.

Responding, Mr. Anderson felt that it was the Committee's intention to remove the standing agenda item for consideration of filling critical positions; however, he stated that such requests could be brought forward as long as the request met those very strict criteria that were established and approved by Council on August 22, 2011 for those positions that become vacant that would affect public or employee safety or cause financial harm to the City.

For clarification, Mr. Lynn suggested that the Committee take action to re-adopt their proposal, as set forth during their meeting of August 8, 2011, with an amendment to the first paragraph to replace the word "will" with "shall." It was his feeling that the amendment would eliminate any ambiguity and avoid misunderstandings in the future.

Mr. Hutchison requested that such requests be presented to the City Manager and Controller/Treasurer for their review and recommendation prior to the Committee's consideration.

Mr. Hare moved to recommend amending the first paragraph in the process for filling critical positions by replacing the word "will" with "shall" and that such requests be forwarded to the City Manager and Controller/Treasurer for their review and recommendation prior to the Committee's consideration, seconded by Mr. Anderson and unanimously carried.

Review of Travel Policy

Members reviewed a revised City of Dover Training, Conference & Travel Policy. Mrs. Mitchell, Controller/Treasurer, advised members that after reviewing the Travel Policy, the only amendment proposed by staff at this time was to change the mileage reimbursement from .51 cents to .40 cents per mile.

Mr. Hare moved to recommend approval of the revised Travel Policy *(Attachment #2)*, seconded by Mr. Anderson and unanimously carried.

Sponsorship of Delaware New Jobs Infrastructure Fund Grant Application by Calpine Corporation (Garrison Oak Technical Park)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the City of Dover purchased the Garrison Oak Technical Park with funds allocated by the State Bond Bill in 1999. The City has been working on the subdivision and infrastructure construction plans associated with the Garrison Oak site since 2010, and the Dover Sun Park became operational in 2011. The State's FY 2012 budget includes $40 Million in funding for the Delaware New Jobs Infrastructure Fund to be administered by the Delaware Economic Development Office. The City had urged local legislators to support this funding, with the intent that this would support infrastructure development of the Garrison Oak Technical Park.

Mrs. Townshend explained that under the program, private businesses are the eligible grant recipients with municipal sponsorship. The City of Dover has been working with Calpine Corporation, who plans to develop a dual-fueled, combined-cycle power plant on one of the parcels of the Garrison Oak Technical Park. Calpine made a presentation on their plans to the Utility Committee on July 11, 2011. Calpine is preparing an application for funding through the Delaware New Jobs Infrastructure Fund, and staff recommended that the City of Dover be the municipal sponsor of the grant application. The funds sought would allow for construction of sewer, water and road infrastructure necessary to allow the Calpine project to move forward and to make other lots in the Garrison Oak Technical Park accessible and more marketable. If Calpine is awarded the grant, all grant funds would be transferred directly to Calpine Corporation. Once infrastructure is completed, it would be turned over to the City of Dover for ownership and maintenance.

Staff recommended endorsement of the City of Dover's sponsorship of the Delaware New Jobs Infrastructure Fund Grant Application by Calpine Corporation.

In response to Dr. McGlumphy, Mrs. Townshend reiterated that there would be no costs to the City whatsoever, since the City would not be the recipient of the grant.

Mr. Scott Koenig, City Manager, advised members that the City would be responsible for ownership and maintenance of the infrastructure once it is turned over to the City.

Mr. Anderson moved to recommend endorsement of the City's sponsorship of the Delaware New Jobs Infrastructure Fund Grant Application, seconded by Mr. Hare and unanimously carried.

Disposition of City Owned Land - Property Located at 120 W. Loockerman Street

Mr. Scott Koenig, City Manager, advised members that the City recently received a request from the Downtown Dover Partnership (DDP), as a part of the planned design and construction of the proposed North Street improvements, to determine whether or not the parcel of land located at 120 West Loockerman Street is excess property. He stated that the parcel of land was formerly a small park and parking area that supported the downtown business district. The park and a majority of the parking area were demolished previously; therefore, this land has been mostly idle for a number of years. Transfer of this parcel to the DDP would allow for the consolidation of a number of land parcels and would also result in a significant capital improvement in the downtown area. Ultimately, the consolidated area would include an improved plaza, parking, and several potential building sites.

Mr. Koenig stated that, in accordance with Exception D (Donation of Land to Non-Profit Organizations) of the Land Disposal Policy, City Council has the right to make a donation of a parcel of excess land to a non-profit organization if, in their opinion, the donation would be in the best interest of the City of Dover. The tax assessed value of this parcel is $113,500.

Staff recommended donating this parcel of land to the DDP in lieu of payment for the parcel since the overall project cost for all of the North Street Projects is $3,000,000. Payment for the parcel would reduce the funds available for the construction of the project and thus may reduce the overall effectiveness of the proposed project. As such, staff requested authorization to transfer the property located at 120 W. Loockerman Street to the Downtown Dover Partnership for $1.00 under Exception D (Donation of Land to Non-Profit Organizations) of the Land Disposal Policy.

Mayor Carey indicated that he had received telephone calls from several individuals who were not opposed to the disposition of the land; however, they requested that the new owners retain the dedication of property to be known as the "Bobby Chamber Walkway." Responding, Mr. Koenig stated that there is a dedication plaque and he assured members that he has had discussions with representatives of the DDP and that there are no objections to retaining such dedication.

Mr. Hare moved to recommend approval of staff's recommendation to authorize the City Manager to transfer the property located at 120 W. Loockerman Street to the Downtown Dover Partnership for $1.00 under Exception D of the Land Disposal Policy. The motion was seconded by Mr. Shevock and unanimously carried.

Public Comment Period

Ms. Sherry Wright of 927 S. DuPont Highway in Felton, referred to a recent incident that occurred a few weeks ago on New Street where a young man was murdered. She advised members that when the incident occurred, her son was standing by the victim. She requested that the Dover Police Department be required to take some type of sensitivity training in handling young adults, as this was a highly intense situation, and it was her opinion that the police officers did not handle the situation with consideration of those who witnessed the incident.

In response to Mr. Hutchison, Mr. Koenig indicated that he, as City Manager, is responsible for the Garrison Oak Technical Park Project. Mr. Hutchison requested that staff provide a 30-day update on the project.

Mr. Hare moved for adjournment, seconded by Mr. Shevock and unanimously carried.

Meeting Adjourned at 7:00 P.M.

William P. McGlumphy
Chairman

WPM/TM/jg/js/dd
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Attachments
Attachment #1 - Summary Review and Recommendations for the DHRC, dated January 6, 2012
Attachment #2 - Draft Revised Training, Conference, and Travel Policy

DOVER HUMAN RELATIONS COMMISSION – 2011

Chairman's Review and Recommendations

Submitted by: Roy Sudler, Jr.

1/6/2012

****

As a summary and follow up to the DHRC – 2011 Annual Report which was submitted December 21, 2011, the following self-review and recommendations are being offered for consideration as to how the DHRC could operate more effectively within the purview of its mission. Stated in the City's code, Article II, Sec. 58-31, the DHRC was established to effectively help the City meet the following needs:

(1) The need for an environment of fairness and respect among its citizens;
(2) The need for ways to effectively measure and monitor community relations, particularly those that are sources of intergroup conflict;
(3) The need for all segments of the community to understand and appreciate positive intergroup relations;
(4) The need for programs and services to help prevent and resolve community issues and improve human relations; and
(5) The need for developing ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict.

Recognizing that the above needs have been long-term and deep-rooted, the DHRC realizes that there are no "ready-made, quick fixes," and solutions cannot be accomplished by the DHRC alone. The key words in our stated purpose are "to help the City." With that thought in mind, I offer the following observations and recommendations.

Summary:

The Commission has hosted special meetings and forums during the year in response to complaints and disruptive incidences within the Dover community. These meetings were conducted in an open and non-threatening manner, with the intention of objectively reviewing the circumstances and handling of various situations. The Commission has often asked questions and sought information from the Dover Police Department and others in an effort to determine whether the handling of situations appeared to treat everyone fairly, and in a manner which helped to create an environment of fairness, dignity and respect. The Commission has also collaborated with other community agencies, organizations, City and State officials in seeking ways of addressing identified needs and concerns regarding human relations and relieving tensions arising from intergroup conflict within the City. An example of this was displayed when the DHRC was effectively used as a mediator in

resolving an alleged unfair treatment claim against the City's Housing Code Enforcement Division. The Commission was able to reflect the individual's concerns while conveying to him how important it was for him to be in compliance with the codes. Today, both parties are working together in an effort to permanently resolve this matter.

Recommendations:

(1) That an in-depth discussion be held with City Council and the DHRC to clarify the intended goals and expectations of the Commission, as described in (Code 1981, & 2-20; Ord. of 2-11-2002). This should insure that each group has the same understanding of the purpose, functions, responsibilities, and expectations of the Commission. As Councilwoman, Sophia Russell stated, "the Dover Human Relations Commission would function more effectively through clearer detailed guidelines and procedures for the Commission."

(2) That the DHRC work with the Mayor's Office in developing detailed written guidelines and operational procedures for exercising and accomplishing the Commission's seven (7) Powers and Duties, as delineated in Sec. 58-36. Perhaps this should include definitions, explanations, clarifications of "functions limited," ways to determine when/what they are, and even protocol for soliciting/receiving other funds.

(3) That a youth commissioner be added to the Commission. This would help to expand the Commission's inclusion of representation from the entire community. It could also help with developing ways to measure and monitor community relations.

(4) That the DHRC foster more collaborative relationships/partnerships with other appropriate groups/organizations in working to accomplish the Commission's objectives (i.e., faith-based groups, YMCA, Dover Police, NAACP, etc).

(5) That the DHRC be granted authorization to receive training for investigating and monitoring claims of unfair treatment, exclusion, and racial tension in accordance with its purpose, responsibilities, and functions. Other suggested trainings would include the Mediation Process by the Center of Community Justice in an effort to help diffuse/eradicate conflicts.

(6) That the City Solicitor conducts a workshop for DHRC members On "How to Interpret the DHRC Powers, Duties, and City Codes." This should help commission members to function more effectively within the guidelines of the DHRC's purpose.

(7) That the DHRC and City Council work together to develop and approve a Long-range Strategic Plan and Annual Operational Plan for the DHRC. This would greatly enhance the Commission's and City's ability to monitor, measure, and evaluate effectiveness of the City and the Commission in meeting its five (5) stated needs.

(8) That professional training be provided for the DHRC in "How to Develop a Strategic Plan."

CITY OF DOVER
TRAINING, CONFERENCE & TRAVEL POLICY

A. INTRODUCTION

1. Purpose

The purpose of this policy is to provide guidelines under which City of Dover employees, public officials, and appointees will be reimbursed for authorized travel expenses incurred in the conduct of business for the City of Dover, hereinafter referred to as "City." In addition to the guidelines, specific procedures with regard to incurring and reporting related expenses are provided.

2. Scope

This policy shall apply to employees of the City of Dover, elected officials, boards, commissions and others, who are engaged in authorized travel and who expend City funds for travel purposes. The Mayor and Members of City Council are not required to submit a Travel Authorization and Completion Form, but are required to follow the financial and budget requirements of this policy.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of City funds for reimbursable expenses. The City of Dover will provide flexibility to meet the special needs and requirements of their employees during travel.

It remains the responsibility of city management to control and approve travel-related expenditures. The City Manager and Controller/Treasurer may impose more stringent rules when deemed appropriate or necessary.

The City Manager and Controller/Treasurer will review every three years the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the City Manager and Controller/Treasurer. The City Manager and Controller/Treasurer may also, on a case-by case basis, approve reimbursements exceeding the guideline amounts referenced in this policy. In any such instance, a detailed explanation and substantiation (a receipt) is required. Enforcement of this policy will be the responsibility of the Controller/Treasurer.

3. Responsibility

a. Employee, Public Official, or Appointee
- Comply with all provisions of this policy.
- Obtain the necessary approvals in advance for overnight travel and out-of-state use of City vehicles. Provide a copy of the approval with the travel prepayment made by direct voucher.
- All expenses incurred in the course of City business are to be in accordance with the City's Administrative Policies and Rules of Ethics and must be paid solely from appropriated funds.
- Comply with the ten (10) working-day rule.

b. Department Director/City Manager/Council Designee
- Ensure compliance with this policy.
- Review and approve each of their employees/official's travel approval requests and reimbursable expenses.

- Ensure sufficient funds are available for all anticipated expenses.

c. Signatures on the Travel Expense Report (City of Dover Form 030 Exhibit A) certify that the expenses were incurred by the employee/official requesting reimbursement for official City business, are reimbursable in accordance with this policy, and have not been reimbursed except as indicated on this form.

Required signatures for expenses are:
- Employee
- Supervisor
- Department Director or Council Designee

B. TRAINING AND CONFERENCE REGISTRATION FEES

1. Request for payment of registration fees shall be accompanied by the registration form.

2. City Council, Planning Commission and the Mayor are offered opportunities to attend courses designed for governmental officials. Any member of Council wanting to take advantage of these courses offered by the following organizations will submit to the City Clerk's office their request for registration.

- Delaware League of Local Governments
- National League of Cities
- US Conference of Mayors
- International City Managers Association
- Government Finance Officers Association (GFOA)
- American Public Power Association (APPA)
- American Public Works Association (APWA)
- American Planning Association
- Organizations that provide Continuing Education credits for professional license renewals of applicable staff.

Any courses not offered by these organizations will be submitted to the City Manager and Controller/Treasurer for concurrence.

C. TRAVEL AUTHORIZATION

All out-of-state travel that extends beyond one day shall be approved by the City Manager or Council Designee. All requests shall be made on the "Travel Authorization and Completion

Form" (City of Dover - Form 047 Exhibit B). A copy of the conference or meeting program must be attached to the form. The authorization form must be submitted to the City Manager or Council Designee in a reasonable amount of time prior to the traveling day.

The Department Director, City Manager, or Council designee may impose specific requirements as to the time the authorization form must be submitted prior to travel.

Employees and Officials traveling on official City business should be aware that the approval is for travel only, and is not a blanket approval of the expenses incurred.

A travel packet including the authorization form, the meeting program/itinerary, and the purchase orders for advanced costs must be submitted to the Accounts Payable Department. The Purchase Orders for the advanced costs should include the necessary supporting documentation. It does not require the submission of duplicate information. Please note Purchase Orders for registration costs must include the Registration form unless previously submitted; submission for hotel and airfare costs must include documentation of the individual costs unless previously submitted.

D. TRANSPORTATION: COMMON CARRIER

1. General

All trips requiring the use of common carrier must be pre-approved by the appropriate approval authority.

The mode of travel must be justified on the basis of the most economical use of time of the personnel involved, the cost of optional travel modes, and the requirements of the trip.

All common carrier reservations must be consistent with reasonable business travel planning, common carrier will be booked at the lowest available fare. If the lowest available fare is turned down by the traveler, the traveler's explanation for the denial is to be provided with the travel authorization request.

Travelers should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs.

In order to take advantage of special discount rates (supersaver fares, etc.), reimbursement to an employee may be made prior to a trip being taken under the following conditions:

a. Documentation of the substantial savings that will accrue to the City (e.g., supersaver discounts).
b. Employee's proof of payment on a statement from the airline, other than credit card receipts.

Most airlines will not give refunds or partial refunds for supersaver airfares.

It is encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

2. Air Travel

a. Accommodations - When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class accommodations are more economical.

b. Routing of Travel - All travel will be by the most economical and direct routes.

In the event that a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.

c. Conference Airfare Arrangements

When attending a conference, always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go

directly to an airline to obtain the discount fare, the employee should compare the conference rates through the internet with all other airline rates available before scheduling airline reservations. The employee should always book the lowest fare possible. (See Section E.3. for Conference Lodging Arrangements).

3. Rail Travel

1. Accommodations

When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be utilized.

E. TRANSPORTATION: PASSENGER VEHICLES

1. City-Owned Vehicles

City-owned vehicles should be utilized for both in-state and out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

2. Use of Privately-Owned Vehicles

a. The use of privately owned vehicles for any City travel (both in state and out-of-state) should only be used when a City Vehicle is not available. The use of a privately owned vehicle for City travel shall require the prior approval of the City Manager and Department Director. Reimbursement of private vehicle expenses shall be at the ~~Standard Mileage Rate as set by the federal government~~ **Council approved rate as indicated on Exhibit B** for actual and necessary miles traveled. Beginning and ending odometer readings are required for the reimbursement for mileage.

b. In considering approval for use of personal vehicles, the approval authority shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel/transit days. Mileage reimbursements shall not exceed the cost of airfare plus travel to/from the airport.

c. When two or more employees travel in a privately owned vehicle, only one mileage reimbursement will be allowed.

3. Rental Cars

a. General

The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. Prior approval by the City Manager is required before arranging for car rental. All rentals should be at the most economical rate per day including

government rates or special rate agreements. When traveling in groups, sharing of cars, when practical, must be done to minimize costs. The city will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official, or appointee.

b. Vehicle Size

Whenever possible, compact cars shall be rented or reserved. However, if a larger size vehicle is more economical or more than two city travelers are traveling together the larger vehicle may be appropriate. Any representative of the City requesting an upgrade of the size of a rented vehicle shall provide a written explanation of their reasons to the City Manager. **A receipt is always required**.

c. Insurance

(1) The optional insurance coverage offered by the car rental agency must be declined when the traveler charges the rental car. The traveler will automatically receive primary coverage under the City blanket insurance policy for travel. When insurance is declined, the policy covers collision damage, theft, fire and vandalism. Reimbursements for additional or optional insurance coverage will not be allowed.

(2) Other. Travelers <u>not</u> covered under the blanket insurance policy may be covered by their personal automobile insurance policy or other personal credit cards. Travelers should check their automobile policy and credit card policy for business travel coverage and accept or decline additional coverage accordingly. Reimbursement for additional or optional insurance coverage will not be allowed.

d. Refueling Before Return

To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to the rental company. Any surcharges billed to the employee, public official, appointee, or City shall be explained in the reimbursement request.

e. Reservations

Approved car rental reservations shall be made in advance whenever possible. The employee should compare car rental rates and always look to reserve the lowest rental.

F. LODGING

1. General

City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value. Employees are expected to compare local lodging rates in the area prior to reserving lodging.

2. Accommodation

a. Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to official travel.

b. Accommodations shared with family members or others not on official City business are reimbursable at the single occupancy rate only.

c. Accommodations shared with other City travelers should be billed and reimbursed to one traveler. When required, reimbursements to more than one traveler shall be based on a pro rata share as reported on each reimbursement request.

3. Conference Lodging Arrangements

When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee/official should compare conference rates with the rates for other local hotels within a three (3) block radius of the conference. The employee is urged to reserve hotel accommodations that offer the best value to the City. This includes conference rate, government rate or lower rate, for the employee/official. If a lower rate is not available, the conferees should make their lodging arrangements directly utilizing the conference instructions. Conference lodging will be considered to accommodate persons with special circumstances.

4. Occupancy Tax

The City is exempt from the tax on occupancy of hotel, motel and tourist home rooms within Delaware only. When instate overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the lodging facility. Tax on occupancy of hotels in other states must be paid.

G. MEAL ALLOWANCES

1. General

The City will pay for or reimburse an employee/official for the necessary and reasonable cost of meals and incidental expenses incurred during out of state travel requiring overnight lodging.

Additional meal costs incurred over and above those provided as part of a conference or registration fee are not reimbursable, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

Exceptions are to be pre-approved by the City Manager and Controller/Treasurer.

There will not be any reimbursement for meals when the meals are provided as part of the conference/training or by the host organization and when meals are provided as part of the airfare.

Only per diem rates as prescribed by the Federal Government for official travel will be provided for M I& E Allowance (Exhibit D).

If an employee is traveling partial days on any calendar day, the City will prorate the applicable M&IE rate at 75 percent. This applies to both day of departure and day of return. Partial travel days begin when an employee leaves Dover after 12:00 noon on the day of departure and returns to Dover by 5:00 PM on the day of arrival.

When meals are provided at the conference or by the host, the meal allowance will be reduced by 25% for each meal provided. Continental Breakfast provided by the hotel or at the conference is counted as a meal, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

2. Day Trips, In-state Travel and Before or After Hours

The meal allowance for day trips out of the City will be reimbursed at actual cost**,** as long as it does not exceed 25% of the normal per diem per the M&IE Allowance (Exhibit D). The meal allowance for working before or

after hours as a general rule are not encouraged, but may be approved by the City Manager and/or Controller/Treasurer on a case-by-case basis. At no time can the amount exceed the allowances established.

H. CASH ADVANCES

General/Blanket travel advance checks will not be issued to employees, public officials, or appointees. Employees, public officials, and appointees will be reimbursed for specific travel related expenses after the trip or event has been completed.

The City will pay specific travel and lodging costs in advance as long as the request deadlines are met. Employees, public officials, and appointees shall use a City purchase order when requesting travel cost advances. Department Directors should use their City credit card for business travel. Directors may approve the use of their departmental travel credit card when arranging employee travel. Under urgent situations and with prior approval, employees and officials can also use a personal credit card and request reimbursement when they return.

The City will pay in advance the following costs:

Please note: A travel packet including the Travel authorization form, the meeting program/itinerary, and a purchase order for the advanced costs listed below must be submitted to the Accounts Payable Department no later than 12 days prior to the event.

a) **Conference/Training registration fees.** Such payment will be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department upon receipt of the approved Travel Authorization Form. A copy of the registration form describing the specific event must be attached to the purchase order. The Employee Travel packet must be submitted to Accounts Payable prior to/or along with the purchase order request for advance travel expenses.

b) **Airfare.** Airfare is normally reserved on-line through the internet and paid with a City credit card after travel approval has been received. (See City Credit Card Policy)

c) **Lodging**. Upon receipt of the approved Travel authorization form, the department may submit a purchase order for lodging. The check will be made payable to the hotel and will be given to the person for whom the lodging arrangements are made. The department must provide supporting documentation including the daily lodging rates and applicable taxes along with the purchase order. Lodging reservations can be held with the use of a City Credit Card. (See City Credit Card Policy)

d) **Meal allowance**. An advance for the M&IE Allowance, which includes both meals and incidental expenses, will be permitted for meals not provided by the conference or training as indicated in Section G (1) above. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE Allowance (Exhibit D).

I. TRAVEL EXPENSE REIMBURSEMENT

1. General

A. **Travel Expense Report** (City of Dover Form 30) is due to Accounts Payable within **ten (10) working days** after travel or an expense is incurred. **(Ten working-day rule)**

a. Timely reimbursement can be assured only if an accurate, properly substantiated Travel Expense Report is received in Accounts Payable **ten (10) working days** after completion of the trip.

b. Failure to submit timely Travel Expense Reports after the completion of a trip will result in administrative action, such as notification to the Department Director and denial of future travel requests.

Travel Expense Reports for local travel and related expenses are to be submitted monthly. **In no case shall a reimbursement be made to an employee for travel/conference/training related expenses incurred in excess of 90 days.**

Note: This section pertains to only those travel expenses paid by the traveler; not to travel expenses directly billed to/paid by the City.

2. Receipt Requirements and Other Reimbursement Criteria

a. Tickets booked on common carriers (airline, rail or bus) require original copy of the paid invoice or email confirmation containing total travel costs for arrangements booked on-line.

b. Hotel/motel bills shall be the original copy of hotel/motel billing marked paid.

c. Ground transportation, including airport shuttle, taxi or public transit requires a receipt.

d. Car rental reimbursements require paid invoice from the rental company.

e. Meals do not require receipts and are not reimbursable above the maximum daily/partial day per meal allowance.

Tips are included in the M&IE Allowance and will not be reimbursed separately.

When more than one City employee, public official, or appointee's meals are being reimbursed, each employee must submit a separate Travel Expense Reimbursement, including a receipt from the dining facility attached.

f. Hotel/motel related expenses should be documented identifying the date and the cost for each category with the following requirements:

(1) Out-of-pocket costs for incidental items such as tips, baggage handling and maid service are not individually reimbursable by the City of Dover. Costs included under this category are included in the M&IE per diem rate. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE allowance. (Exhibit D)

(2) City-business related telephone calls are reimbursable as incurred and require a receipt from the telephone service provider or included on the hotel/motel billing invoice.

g. Lodging at campgrounds using traveler's camper or recreational vehicle is reimbursable at the actual cost, not to exceed the equivalent cost of hotel/motel lodging. Receipt is required.

h. Other Categories

Reimbursement for the following categories should be submitted on a schedule identifying the date, the cost and the category. All supporting receipts must be attached:

1) The City will reimburse employees for hotel and airport self-parking. The City encourages all employees to seek 'economy and budget parking'.
2) The City will not reimburse employees for Valet parking, unless prior approval has been granted by the City Manager and Controller.
3) The City will reimburse employees the cost of tolls for interstates, turnpike, bridges and/or ferries. All travel expenses require a receipt.

i. Gasoline and/or Other Supplies

Need for emergency repairs incidental to using a City-owned vehicle shall require a Vendor receipt.

j. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies.

k. Prior Department Director approval is required to receive reimbursement for Internet Access Costs for city business. These costs must be substantiated with receipts and validation by the Information Technology Department.

l. While traveling overnight out-of-state, the City will reimburse employees for the cost of up to two (2) personal telephone calls not to exceed $8 per trip. A receipt is required for reimbursement.

3. Non- Reimbursable Expenses

The City shall not reimburse expenses for the following:

a. Alcoholic beverages**.**
b. In-room movies or pay television.
c. Theater tickets or nightclub entertainment.
d. Laundry.
e. Babysitting.
f. Related expenses of spouse, children and other persons accompanying the authorized employee/official.
g. Pleasure, historic or other tour related expenses. Expenses for business related tours would be reimbursed.
h. Donations and gifts made while at training, conference, or meeting.
i. Loss or damage of personal items.
j. Meals for other conference attendees.
k. Purchase of personal items.
l. Any parking or moving violation fines.
m. Any personal or pleasure travel while on City business.

J. CHARTER AND CODE OF CONDUCT

All City of Dover policies are subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses - Mayor and Council and other elected or appointed officials", whereas,

"Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "applicable to all elected and appointed officials and to all employees of the City of Dover."

K. INTERNAL REVENUE CODE - DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office."

The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.
The office was delegated a portion of the powers of the government body.
The powers conferred and the duties to be discharged are defined either directly or indirectly law or through legislative authority.
The duties are being performed independently and without control of a superior power other than the law.
The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president; a governor or mayor; the secretary of state; a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge; a justice of the peace; and members of advisory boards and committees.

L. REVIEW & REVISION

The City of Dover Travel Policy will be reviewed every three years by the City Manager, Controller/Treasurer and City Clerk to provide recommended changes to City Council for approval.

EXHIBITS

Exhibit A - COD Travel Expense Form 30
Exhibit B - COD Travel Authorization Form 47
Exhibit C - COD Exemption Certificate Form 99A
Exhibit D - General Service Administration Regulations - Per Diem Rates Travel Rates for Continental United States

ADOPTED: March 23, 2009

Exhibit A

CITY OF DOVER
TRAVEL EXPENSE REPORT FORM

NAME OF EMPLOYEE	DEPARTMENT	TRIP TAKEN TO (CITY)

PURPOSE OF TRIP

Please attach receipts for hotels, tolls, transportation, etc., and show all costs on this form.
Please use a separate form for each week.
Please note incidental expenses (tips) are included in M & IE Rate.

EXPENSES / DATE	MON	TUES	WED	THUR	FRI	SAT	SUN	TOTAL
REGISTRATION FEES								$ -
TRANSPORTATION - AIR/TRAIN								$ -
PERSONAL AUTO _____ Miles @ ~~.51~~ .40 cents a mile								$ -
AUTO RENTAL								$ -
PARKING FEES, TOLLS, GAS, ETC.								$ -
TAXI/BUS FARE/SHUTTLE								$ -
HOTEL/MOTEL								$ -
TELEPHONE								$ -
MISCELLANEOUS EXPENSES								$ -
MEALS (M & IE RATE) $								$ -
MEAL ALLOWANCE OVERAGE								$ -
TOTALS	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

SIGNATURE OF PERSON INCURRING EXPENSE	DATE	TOTAL EXPENSES	$ -
		LESS PAID BY CITY:	$ -
DEPARTMENT HEAD SIGNATURE	DATE		
(For Certification)		REGISTRATION	$ -
		HOTEL	$ -
FINANCE DEPARTMENT - AUDIT	DATE		
		AIRFARE	$ -
FINANCE - FINAL ACTION	DATE	TRAVEL ADVANCE	$ -
		DUE EMPLOYEE	$ -
ACCOUNT NUMBER			
		DUE CITY	$ -

Form 30

Exhibit B

CITY OF DOVER
TRAVEL REQUEST AND ITINERARY

EMPLOYEE TRAVELING		REQUEST DATE

BUSINESS PURPOSE

DEPARTMENT		TRAVEL DESTINATION AND DATES

ITEMIZED EXPENSES AND TRAVEL ADVANCES

NOTE: ITINERARY AND PROOF FOR ALL TRAVEL ADVANCE REQUESTS BELOW ARE REQUIRED PRIOR TO TRAVEL.

* APPROVAL FOR SPECIAL REQUESTS ARE REQUIRED FROM FINANCE-CONTROLLER/TREASURER OR CITY MANAGER PRIOR TO TRIP *

						ESTIMATED COST:
REGISTRATION FEE:	MEALS PROVIDED BY CONFERENCE MUST BE DEDUCTED FROM M & IE RATE.					0.00
MODE OF TRAVEL AND COSTS:						
AIRLINE		ONE WAY			ROUND TRIP	0.00
AIRPORT PARKING		PER DAY			TOTAL DAYS	0.00
TRAIN		ONE WAY			ROUND TRIP	0.00
BUS		ONE WAY			ROUND TRIP	0.00
* RENTAL CAR		ONE WA			ROUND TRIP	0.00
* PERSONAL CAR		TOTAL MILE GE		0.40	PER MILE	0.00
* TOLLS		C Y			ROUND TRIP	0.00
CITY VEHICLE		IS AD SE TO BE USED INSTEAD OF PERSONAL CAR"				
LODGING EXPENSES:	BRE AST P VIDED BY HOTEL MUST BE DEDUCTED FROM M & IE RATE					
HOTEL		NIGHT		TAXES	NUM OF NIGHTS	0.00
* SHUTTLE		R TRIP		TAXES	TOTAL TRIP	0.00
* TAXI		ER TRIP		TAXES	TOTAL TRIP	0.00
* PARKING		PER DAY		TAXES	TOTAL DAYS	0.00

MEALS: M & IE RATE $_____ (MEALS & INCIDENTAL EXPENSES) SUBTRACT 25 % FOR EACH MEAL PROVIDED. SUBTRACT 75% FOR PARTIAL DAY OF TRAVEL.

	SUN	MON	TUE	WED	THUR	FRI	SAT	
DATES:								
								0.00
								0.00
								0.00
								0.00
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
								$0.00
								TOTAL EXPENSES

EMPLOYEE SIGNATURE		DATE	
DEPARTMENT HEAD APPROVAL		DATE	
CITY MANAGER OR COUNCIL DESIGNEE APPROVAL		DATE	

DRAFT

Exhibit B

CITY OF DOVER
TRAVEL AUTHORIZATION FORM

NAME	DATE	DEPARTMENT	DATES OF TRAVEL

PURPOSE OF THE TRIP

DESTINATION	**ESTIMATED [illegible]T:**	
MODE OF TRAVEL	**A. R[illegible]n Fe**	
	B. Tra[illegible]	
LODGING	**C. M[illegible]als**	
	D. [illegible]dging	
ADVANCE REQUESTED	**E. Tolls, Parking, Mileage, etc.**	
	F. Other	
ADVANCE APPROVED		
	Total	$ -
SIGNATURE OF DEPARTMENT HEA		

EMPLOYEE'S SIG[illegible]URE	DATE	DEPT. HEAD SIGNATURE	DATE
		COUNCIL DESIGNEE/CITY MANAGER	**DATE**

Form 047

CURRENT

Exhibit C

CITY OF DOVER
DEPARTMENT OF FINANCE

EXEMPTION CERTIFICATE
TAX ON OCCUPANCY OF HOTEL AND MOTEL AND TOUR IST HOME ROOMS

In accordance with Internal Revenue Code Section 5253(I), no tax shall be imposed under section 4251 upon any payment received for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

This Part to be Completed by the Operator

Name of Hotel, Motel, or Tourist Home			Fed. EI or SS number
Address	City	State	Zip Code

This Part to be Completed by the Occupant

This is to certify that I, the undersigned, am a representative of the City of Dover, Delaware; that the charges for the occupancy at the above establishment on the dates set forth below has been or will be paid for by the City of Dover, a government unit; and that such charges are incurred in the performance of my official duties as a representative or employee of the governmental unit.

Name (Please type or print)		Signature	
City of Dover	51-6000092		
Governmental Unit	Tax I.D. #	Title	
P.O. Box 475	Dover	DE	19903-0475
Address	City	State	Zip Code

Date(s) of Occupancy _____

If additional information is needed, please contact the City of Dover Finance Director at (302) 736-7018.

NOTE: A separate Exemption Certificate is required for each occupancy and for each representative or employee.

THIS EXEMPTION CERTIFICATE IS TO BE RETAINED BY THE OPERATORS OF HOTELS, MOTELS, AND TOURIST HOMES AS EVIDENCE OF EXEMPT OCCUPANCY.

CITY OF DOVER
TRAVEL ADVANCE WORKSHEET

Request the following travel advances for:

Employee Name | **Department** | **Trip taken to (City)**

Attach this worksheet and an itinerary to purchase order and submit to Accounts Payable.

DATES								**TOTAL**
MEALS & I E								$ -
* TOLLS								$ -
* CAR RENTAL								$ -
* MILEAGE								$ -
* GAS								$ -
* AIRPORT PARKING								$ -
* HOTEL PARKING								$ -
*GROUND TRANSPORT								$ -
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	$ -	**$ -**

**** Advances must be pre-determined by Finance Director with supporting documentation.*** **(See Travel Policy; Page 8, e.)**

Please note for meals:

If an employee is traveling partial days on any calendar day, the City will prorate the applicable M & IE rate at 75%.
This applies to both day of departure and day of return.

When meals are provided by the host, the meal allowance will be reduced by 25% for each meal provided.
EXAMPLE:

FOR EACH MEAL PROVIDED: M & IE RATE $49.00, MEAL WILL BE REDUCED BY 25%, WHICH WILL EQUAL $36.75 (MEAL WAS REDUCED BY $12.25)

IF TWO MEALS ARE PROVIDED, M & IE WILL BE REDUCED BY AN ADDITIONAL $12.25.

FOR DAY OF TRAVEL & RETURN:
(See Travel Policy, Page 7, first paragraph)

Form 30b

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Meeting 1/23/12 **AGENDA ITEM NO.:** 1
DEPARTMENT OF ORIGIN: Finance **DATE SUBMITTED**: 01/17/12
PREPARED BY: Donna Mitchell
SUBJECT: City of Dover Charter – Amendment to City Charter – Section 50 Debt Limit
RELATED PROJECT:
APPROVALS: City Council
EXHIBITS: Council Resolution 2012 – 02
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: N/A
RECOMMENDED ACTION: Staff recommends approval of the change to the City of Dover Charter – Section 50, Debt Limit.

BACKGROUND AND ANALYSIS

The recommended change to the City of Dover debt limit is to expand and clarify the purposes for debt issuance without a referendum vote by inserting specific uses of general obligation debt which will be secured by the full faith and credit of the City.

The change continues to provide a referendum requirement when the debt issuance would exceed one-fourth of one percent of the taxable assessed value of real property.

PROPOSED COUNCIL RESOLUTION NO. 2012-02

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

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to expand and clarify the purposes for which bonds may be issued without a referendum vote. Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article IV - Financial Affairs, Section 50 - Debt Limit, paragraph (c) of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

CITY OF DOVER CHARTER - ARTICLE IV - FINANCIAL AFFAIRS

Sec. 50. - Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The indebtedness created under this section shall be evidenced by the bond, or note, of the city, and the faith and credit of the city shall be deemed to be pledged thereby.

(b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and credit of the City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of the City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these purposes the mayor and council shall have full power and authority to issue bonds of the said "City of Dover."

Draft

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to five percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the mayor and council deem advisable.

The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of the City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor and council, and all such bonds shall be signed by the mayor and the treasurer of the City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the mayor and treasurer and a facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the signatures of the said mayor and treasurer in their own handwriting and of the affixing of the corporate seal itself.

Said bonds of the City of Dover shall be exempt from all state, county and municipal taxes.

The mayor and council of the City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all ~~or~~ ***of*** said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

Draft

(c) Bonds may be authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, for the following purposes:

(i) To finance ***capital projects, including, but not limited to,*** public storm sewers, ***water mains, sewer mains,*** streets and ~~appurtenances~~ ***public buildings*** provided that no more than ¼ of one percent (.25%) of taxable assessed value of real property of aggregate principal amount of ***general obligation*** bonds may be issued at any one time pursuant to this clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of ***general obligation*** bonds outstanding at any one time to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

(ii) To refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return: and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligation the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption.

ADOPTED: *

S:\RESOLUTIONS & PROCLAMATIONS\2012\2012-02 Request to GA-Art IV-Financial Affairs, Sec. 50-Debt Limit.wpd

CARLETON E. CAREY, SR.	THOMAS J. LEARY
MAYOR	COUNCIL PRESIDENT

SYNOPSIS

This amendment expands and clarifies the purposes for which bonds may be issued without a referendum vote.

Actions History:

January 23, 2012 - Scheduled for Consideration by City Council

January 23, 2012 - Scheduled for Introduction at Legislative, Finance, and Administration Committee *(Due to time constraints, this item will move directly to Council the same evening)*

Draft

Sponsor:_____

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY
SENATE BILL NO._____

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER
RELATED TO FINANCIAL AFFAIRS - DEBT LIMIT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House concurring therein):

Section 1. Amend Section 50 - Debt limit, of Article IV - Financial Affairs of the Charter of the City of Dover by deleting the text indicated in strikeout and inserting the text indicated in underscore as follows:

Sec. 50. - Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The indebtedness created under this section shall be evidenced by the bond, or note, of the city, and the faith and credit of the city shall be deemed to be pledged thereby.

(b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and credit of the City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of the City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these purposes the mayor and council shall have full power and authority to issue bonds of the said "City of Dover."

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to five percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the mayor and council deem advisable.

The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of the City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor and council, and all such bonds shall be signed by the mayor and the treasurer of the City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the mayor and treasurer and a facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the signatures of the said mayor and treasurer in their own handwriting and of the affixing of the corporate seal itself.

Said bonds of the City of Dover shall be exempt from all state, county and municipal taxes.

The mayor and council of the City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all ~~or~~ of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

(c) Bonds may be authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, for the following purposes:

(i) To finance capital projects, including, but not limited to, public storm sewers, water mains, sewer mains, streets and ~~appurtenances~~ public buildings provided that no more than ¼ of one percent (.25%) of taxable assessed value of real property of aggregate principal amount of general obligation bonds may be issued at any one time pursuant to this clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of general obligation bonds outstanding at any one time to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

(ii) To refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return: and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligation the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption.

SYNOPSIS

This act would expand and clarify the purposes for which bonds may be issued without a referendum vote.

CITY OF DOVER
FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012
REVENUE FORECAST
As of December 31, 2011

GENERAL FUND	FY12 BUDGET	December YTD Receipts	50.0% % Budget Received	FY12 PROJECTION	COMMENTS	FY11 RECEIPTS	FY10 RECEIPTS
Property Taxes	$ 11,133,367	$ 10,879,920	97.7%	$ 11,133,367	Budget for 7/1 Billing = $10,632,000; PILOT less than budget;	$ 10,855,007	$ 9,977,466
Transfer from Electric Fund	7,876,288	4,000,000	50.8%	7,876,288	Timing of transfer based on need and investment maturities;	8,856,000	6,758,100
Intrafund Service Receipts Electric	3,370,778	1,552,802	46.1%	3,270,778	Lower receipts due to staff attrition	3,148,974	3,159,199
Transfer Tax	900,000	963,152	107.0%	1,229,500	Large value transfers (5) totaling $696,750	1,461,890	867,795
Business Licenses	1,523,675	1,447,006	95.0%	1,523,675	Reflects July 1 Billing for FY12	1,467,382	1,464,341
Intrafund Service Receipts Water/Wastewater	988,393	442,991	44.8%	930,000	Lower receipts due to staff attrition	892,015	900,164
Trash Fees & DSWA Rebate	2,050,000	976,755	47.6%	1,966,000		2,173,433	1,340,730
Permits & Other Licenses	934,000	371,819	39.8%	934,000	Timing, rental permits billed in January	949,982	960,427
Transfer from Municipal Street Aid Fund	526,814	329,586	62.6%	526,814	1st & 2nd Quarter received from State; $132,130 restricted for CIP	527,226	-
Fines & Police Revenue	639,000	253,745	39.7%	639,000	Revenues realized lower than expected; Being researched;	671,859	626,833
Court of Chancery Fees	690,000	321,400	46.6%	690,000	Through November	692,180	675,390
Transfer from Water/Wastewater Fund	424,508	200,000	47.1%	424,508	Timing of transfer based on need and investment maturities;	-	548,020
Transfer from Civil Traffic Penalties Fund	1,000,000	325,588	32.6%	781,411	Through November	967,020	791,583
Library Revenues & County Reciprocal Pymt.	435,000	241,669	55.6%	435,000		444,455	465,387
Police Extra Duty Fees	300,000	219,600	73.2%	300,000	Reflects Billing for July Nascar Race $68,000;	334,023	418,479
Franchise Fees	520,000	135,452	26.0%	540,000	2nd quarter will be received in Jan/Feb	559,354	520,157
Grants	753,500	214,921	28.5%	753,500	Police Pension Grant - based on State Funding & timing	973,819	651,853
Business Improvement District Tax	51,821	51,512	99.4%	51,821	FY12 Billing;	49,902	52,118
Other Miscellaneous Receipts	404,750	183,405	45.3%	382,750	Lowered Recreation Revenue	404,370	283,106
Interest Income	215,900	39,038	18.1%	80,000	Lower interest rates, delay in investing cash	47,554	145,869
Transfer from Reserves	-	-	0.0%	-		-	236,582
TOTALS	$ 34,737,794	$ 23,150,361	66.6%	$ 34,468,412		$ 35,476,445	$ 30,843,599

CITY OF DOVER
FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012
REVENUE FORECAST
As of December 31, 2011

WATER/WASTEWATER FUND	FY12 BUDGET	December YTD Receipts	50.0% % Budget Received	FY12 PROJECTION	COMMENTS	FY11 REVENUES	FY10 REVENUES
Water Fees	$ 4,603,400	$ 2,553,177	55.5%	$ 4,902,100	Adjsuted for increased usage	$ 4,945,385	$ 4,274,966
Wastewater Fees	3,756,700	1,938,487	51.6%	3,799,400	Adjusted for increased usage	3,694,020	3,015,856
Wastewater Adjustment Fees - County Trtmt	3,090,900	1,601,893	51.8%	3,139,700	Adjusted for increased usage	3,058,656	3,100,547
Groundwater Inflow Adjustment	1,386,900	618,804	44.6%	1,237,600	Revenues realized lower than expected; Being researched;	1,171,376	-
Wastewater Impact Fees	323,000	155,800	48.2%	323,000	Blue Hen Apartments; Kent General	354,825	418,475
Water Impact Fees	357,000	174,300	48.8%	357,000	Blue Hen Apartments; Kent General	393,750	369,750
Water Tank Space Leasing	307,600	136,041	44.2%	307,600	Timing of receipts	300,137	293,154
Interest Income	27,800	12,335	44.4%	27,800	Lower interest rates	9,808	1,573
Other Miscellaneous Revenues	58,000	36,020	62.1%	58,000		83,056	58,848
TOTALS	$ 13,911,300	$ 7,226,857	51.9%	$ 14,152,200		$ 14,011,013	$ 11,533,169

ELECTRIC REVENUE FUND	FY12 BUDGET	December YTD Receipts	50.0% % Budget Received	FY12 PROJECTION	COMMENTS	FY11 REVENUES	FY10 REVENUES
Sales to Customers	$ 95,675,500	$ 51,621,795	54.0%	$ 96,904,000	Reflective of higher YTD usage	$ 99,859,602	$ 96,289,984
Purchased Power Adjustment	(6,012,000)	(3,272,232)	54.4%	(6,152,000)	Reflective of higher YTD usage	(2,290,989)	-
Utility Tax	1,966,100	827,839	42.1%	1,700,000	Tax rate was lowered by State after budget was set; Pass thru	1,944,543	1,922,645
Transfer from Rate Stabilization Reserve (FY12)	1,000,000	1,000,000	0.0%	1,000,000		-	-
Miscellaneous Revenue	1,208,300	768,720	63.6%	1,208,300	LS Power for Sun Park work & Dover High School work	1,106,496	1,532,506
Interest Income	264,900	73,260	27.7%	150,000	Lower interest rates	823,171	16,441
Intrafund Service Fees - Water/Wastewater	240,203	85,305	35.5%	240,200	Lower actual expenses for support services;	171,646	179,360
TOTALS	$ 94,343,003	$ 51,104,687	54.2%	$ 95,050,500		$ 101,614,469	$ 99,940,936

DEPARTMENT OF POLICE

James E. Hosfelt, Jr.
Chief of Police
F.B.I.N.A.

400 South Queen Street
Dover, Delaware 19904
302/736-7111
Fax 302/672-1842

RECEIVED
JAN 17 2012
OFFICE OF THE CITY CLERK

January 12, 2012

Ms. Traci McDowell
City Clerk
Dover City Hall
P.O. Box 475
Dover, DE 19903

Dear Traci:

The Police Pension Board term of Retired Cpl. Martin Stallings will expire on January 31, 2012. Pursuant to Section 18-47 of the pension plan, a request for nominations was posted with an announcement of election to fill the vacancy on January 18th and 19th, 2012. One nomination was received, therefore, no election will be held.

I hereby nominate Retired Cpl. Martin Stallings to serve a three-year term on the Pension Board, commencing February 1, 2012 and ending January 31, 2015, subject to confirmation of a voting majority of City Council.

If you need additional information, please call me at (302) 736-7100.

Sincerely,

James E. Hosfelt, Jr.
Chief of Police

JEH:sbf

CITY OF DOVER
STAFF AMENDMENT #1 TO ORDINANCE #2012-01

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

That Ordinance #2012-01 be amended by striking lines 15, 16, and 17 in their entirety.

Ssynopsis

The proposed amendment deletes unnecessary references to Delaware Code.

ADOPTED: *

S:\ORDINANCES\2012\Draft\2012-01 SA1-Chapter 74 - Parks and Recreation.wpd

Actions History

January 23, 2012 - Scheduled for Introduction at Council

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2012-01

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

That Chapter 74 - Parks and Recreation, Article I - In General, be amended by renumbering Section 74-51. Same-Fine as 74-52 and inserting a new Section 74-51 - Vessel Operation, to read as follows:

Sec. 74-51. - Vessel Operation.

The operator of any non-permitted motorboat operated on Silver Lake shall be subject to a fine as provided for in Appendix F - Fees and Fines.

BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article III - Silver Lake Area, Section 74-122 - Boating, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout, as follows:

Sec. 74-122. - Boating.

~~**Boats**~~ ***Vessels*** and boating at Silver Lake shall be governed by the following provisions***, which are subject to fines as provided for in Appendix F - Fees and Fines***:

(1) *Generally*. Silver Lake shall be governed by the laws of 23 Del. C. § 2101 et seq., and the regulations issued pursuant to this law by the state, unless changed or modified by ordinance as allowed in 23 Del. C. § 2121.

(2) *Permit required*. Before any person shall operate any ~~**boat**~~ ***vessel*** upon Silver Lake, he shall obtain a permit for each ~~**boat**~~ ***vessel*** from the ~~**administrative**~~ ***customer*** service~~**s**~~ department. The ~~**boats**~~ ***vessel*** shall be registered in the name of the owner with the ~~**administrative**~~ ***customer*** service~~**s**~~ department at the time of the application for a permit. Thereafter, the owner shall be responsible for the operation of the ~~**boat**~~ ***vessel*** on Silver Lake and shall be responsible for compliance with the terms of this chapter, whether or not the owner is the operator of the ~~**boat**~~ ***vessel***.

(3) *Permit fee*. For each permit issued pursuant to subsection (2) of this section, the ~~**administrative**~~ ***customer*** service~~**s**~~ department shall collect an annual fee as specified by the city council.

(4) *Motorboats*. It shall be unlawful for any person to operate a motorboat in excess of 18 feet in length or 115 horsepower, based on factory specifications as related to the ~~**boat**~~ ***vessel*** outboard certification (OBC) rating. Older ~~**boats**~~ ***vessels*** or home-built ~~**boats**~~ ***vessels*** shall be related, as near as possible, in accordance with similar ~~**boats**~~ ***vessels*** with factory horsepower recommendations.

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(5) ~~**Jet skis. It shall be unlawful for any person to operate jet skis or other similar devices upon Silver Lake.**~~ ***Personal Watercraft (PWC). It shall be unlawful for any person to operate PWC or other similar devices upon Silver Lake. Personal watercraft are defined as motorboats less than 16 feet in length that are powered by jet pumps, not propellers, where the persons stand, kneel, or sit on, rather than inside the vessel. PWCs are operated by one person, and often have seating space for others. Some models have seating for up to four riders (including the operator).***

(6) ***Airboat. It shall be unlawful for any person to operate an airboat or other similar devices upon Silver Lake. An airboat, also known as a fanboat, is a flat-bottomed vessel (jon boat) propelled in a forward direction by an aircraft-type propeller and powered by either an internal combustion or electric engine.***

(7) ***Hovercraft. It shall be unlawful for any person to operate a hovercraft or other similar devices upon Silver Lake. A hovercraft (air-cushion vehicle, ACV) is a craft capable of traveling over surfaces while supported by a cushion of slow moving, high-pressure air which is ejected against the surface below and contained within a "skirt."***

~~**(6)**~~***(8)*** *Display of permit number*. Every ~~**boat**~~ ***vessel*** operated upon Silver Lake shall clearly display the permit required in subsection (2) of this section on the right side of the ~~**transom**~~ ***vessel stern and on the right side of the trailer near the tongue. Permits must be clearly visible at all times***.

~~**(7)**~~**(9)** *Direction of* ~~**boats**~~ ***vessels***. As a general rule, and whenever practical, all ~~**boats**~~ ***vessels*** traveling around Silver Lake shall proceed in a counterclockwise direction.

~~**(8)**~~**(10)** *Overtaking, passing or meeting another* ~~**boats**~~ ***vessel***. The U.S. Coast Guard Inland Rules of the Road regarding the overtaking, passing or meeting of ~~**boats**~~ ***vessels*** shall apply to ~~**boats**~~ ***vessels*** upon Silver Lake.

~~**(9)**~~**(11)** *Passing under Silver Lake Bridge*. In passing under the Silver Lake Bridge, all ~~**boats**~~ ***vessels*** shall use the arch to the right and no ~~**boat**~~ ***vessel*** at any time shall use the center arch. Speeds under the bridge and within 75 feet of the bridge shall be at a no wake speed (four miles per hour).

~~**(10)**~~**(12)** *Operating distance from shore or bridge*. No power~~**boat**~~ ***vessel*** shall operate less than 75 feet from any shoreline, swimming area, pier or dock, except when launching and landing, nor shall any power~~**boat**~~ ***vessel*** operate closer than 75 feet to the Silver Lake Bridge, except when that ~~**boat**~~ ***vessel*** is intending to pass under the bridge, nor shall any power~~**boat**~~ ***vessel*** operate closer than 50 feet to any other power or nonpower vessel.

~~**(11)**~~**(13)** ~~**Boat**~~ ***Vessel*** *racing*. ~~**Boat**~~ ***Vessel*** racing is prohibited upon Silver Lake.

~~**(12)**~~**(14)** *Operating* ~~**boat**~~ ***vessel*** *in swimming area*. At no time shall any ~~**boat**~~ ***vessel*** be operated within any designated swimming area.

Draft

~~(13)~~**(15)** *Motorboat mufflers*. All ~~boats~~ ***vessels*** which are mechanically propelled shall at all times maintain, as part of its equipment, a standard manufacturer's muffler for the type of engine used.

~~(14)~~**(16)** ~~Boats~~ ***Vessels*** *operated after sundown*. All nonpower ~~boats~~ ***vessels*** operating after sundown shall be equipped with lights satisfying the U.S. Coast Guard Requirements on Inland Rules, and shall keep those lights in constant operation as long as the ~~boat~~ ***vessel*** is being operated, and shall not operate at a speed in excess of four miles per hour. The operation of power~~boats~~ ***vessels*** on Silver Lake shall be permitted from sunrise to sunset. Between sunrise and 10:00 a.m. (local time), power ~~boats~~ ***vessels*** shall be operated at a no wake speed (four miles per hour).

~~(15)~~**(17)** *Lowering, placing and removing* ~~boats~~ ***vessels*** *with vehicle*. No person, other than the motor vehicle operator, shall occupy any motor vehicle being used for the purpose of lowering, placing or removing any ~~boat~~ ***vessel*** at the ramps provided for this purpose at the Silver Lake site. ***The only vehicle accessible vessel ramp facility is located next to the dam and accessed from the Kings Highway park entrance.***

~~(16)~~**(18)** *Garbage, litter and other waste*. Garbage, litter, or other waste shall not be dropped or thrown from vessels, or from shore into park waters, but shall be disposed of on shore, at designated locations, in the prescribed manner.

(19) ***Kayak, Canoe and other small craft launching. Kayaks, canoes and other small watercraft that can be launched without the assistance of a motor vehicle, may utilize the identified small craft launching area adjacent to the swimming beach accessed by the Washington St. park entrance. Craft may not be left in the launch area for any duration longer than necessary to access the lake.***

~~(17)~~**(20)** *Beaching*. Beaching of ~~boats~~ ***vessels*** in other than designated areas is prohibited, except in an emergency ***or Parks and Recreation Department Director approved special events***.

~~(18)~~**(21)** *Horseplay*. Any horseplay in ~~boats~~ ***vessels*** or changing from one ~~boat~~ ***vessel*** to another while on the water is strictly prohibited.

~~(19)~~**(22)** *Storms*. In all storm conditions, ~~boats~~ ***vessels*** must return to the docks.

~~(20)~~**(23)** *Accidents and injuries*. All accidents or injuries shall be reported to the police.

(24) *Limiting* ***or expanding vessel*** ~~boat~~ *operations*. The director of parks and recreation and the parks, recreation **,** and community enhancement committee shall have the authority to limit ***or expand*** ~~boat~~ ***vessel*** operation in certain areas of the lake to facilitate operation of nonpower ~~boats~~ ***watercraft or special events***.

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BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article III - Silver Lake Area, Section 74-123 - Water skiing, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout, as follows:

Sec. 74-123. - Water skiing.

(a) *Where prohibited*. No person shall engage in water skiing within 75 feet of any shoreline or within 75 feet of any designated swimming area.

(b) *Prohibited devices*. The use of ski ramps, parachutes and other similar devices ***that are designed to propel the rider, passenger or participant into the air*** shall be prohibited on Silver Lake.

(c) *Number of skiers*. ~~**Boats**~~ ***Vessels*** shall pull no more than two skiers on weekdays, and no more than one skier on weekends and holidays.

(d) *Observer*. When a ~~**boat**~~ ***vessel*** is engaged in pulling a skier, a person at least 12 years of age, other than the ~~**boat**~~ ***vessel*** operator, shall be in the ~~**boat**~~ ***vessel*** to observe the skier and to notify the driver of the ~~**boat**~~ ***vessel*** if the skier should at any time be injured or in need of assistance.

(e) *Boat operator*. No person under the age of 16 years shall operate a ~~**boat**~~ ***vessel*** towing a skier or any device.

(f) *Flotation*. No person shall water ski upon Silver Lake unless he is wearing a life jacket or some other ample form of flotation gear ***that is approved for the activity by the United States Coast Guard***.

(g) *Bridge*. No person shall water ski under Silver Lake Bridge.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, be amended by inserting the text indicated in bold, blue, italics, as follows:

Chapter 74 - Parks and Recreation, Article I - In General		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 74-51	***Operating any non-permitted motorboat on Silver Lake***	***not to exceed $200.00, and not less than $100.00***

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Sec. 74-52	Same - Fine	not to exceed $100.00, and not less than $10.00.

ADOPTED: *

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Actions History

January 23, 2012 - Scheduled for First Reading by Council

January 9, 2012 - Considered by Parks, Recreation, and Community Enhancement Committee

Draft

FIRST READING

CITY OF DOVER
ORDINANCE #2012-02

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN BY REPLACING MAP 12-1: LAND DEVELOPMENT PLAN, MAP 13-1: ANNEXATION AREAS, AND MAP 13-2 POTENTIAL LAND USE FOR ANNEXATION AREAS.

WHEREAS, the City Council of the City of Dover, on February 9, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on April 24, 2009; and

WHEREAS, the 2008 Comprehensive Plan allows for an annual amendment process; and

WHEREAS, four property owners have requested amendments to the Land Development Plan Map (Map 12-1) and Annexation Plan (Maps 13-1 and 13-2), in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on February 21, 2012, after which the Commission made a recommendation in regards to the proposed amendments to the Land Development Plan and Annexation Plan related to the above request.

NOW, THEREFORE, BE IT ORDAINED THAT the Mayor and Council of the City of Dover hereby amend Map 12-1: Land Development Plan, Map 13-1: Annexation Areas, and Map 13-2 Potential Land Use for Annexation Areas of the 2008 Comprehensive Plan, as amended on November 23, 2009; March 14, 2011; and April 11, 2011, by replacing the referenced maps with the Amended Map 12-1, 13-1 and 13-2, presented to City Council on March 12, 2012.

SYNOPSIS

The proposed ordinance would adopt amendments to the 2008 Comprehensive Plan, as amended on November 23, 2009; March 14, 2011; and April 11, 2011.

DRAFT

PROPOSED AMENDMENTS TO THE *2008 COMPREHENSIVE PLAN*
First Reading before the
Dover City Council
January 23, 2012

Proposed Amendments to the *2008 Comprehensive Plan*: A summary of the proposed amendments to the *2008 Comprehensive Plan* follows.

1) **Land Development Plan Amendment** – Change of land use classification for three parcels located at the southwest corner of Forrest Avenue (Route 8) and Mifflin Road from Residential Low Density to Commercial.

   This amendment has been requested by the affected property owners, in conjunction with a rezoning request, as specified in the *2008 Comprehensive Plan*.

2) **Annexation Plan Amendment** – Addition of property south of South Little Creek Road and east of Horsepond Road as "Category 2 Annexation Area" with a land use classification at "Agriculture."

   This amendment has been requested by the affected property owner in anticipation of developing the property as a solar power generation facility.

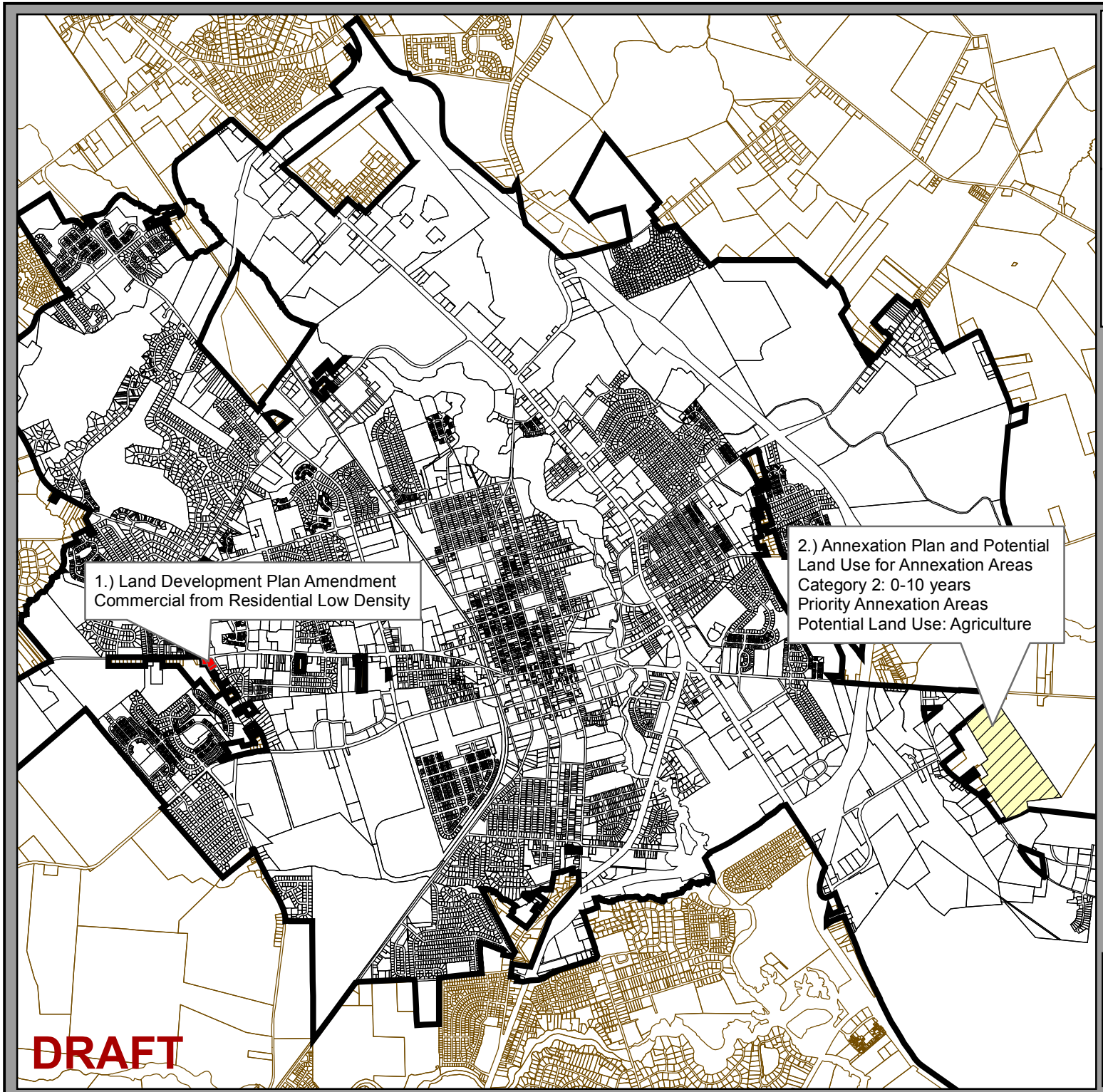
Ordinance Number: 2012-02

File Number: MI-12-01

City of Dover, Delaware

Proposed Amendments to Maps 12-1, 13-1 & 13-2 Land Development Plan Annexation Areas & Potential Land Use for Annexation Areas

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Legend

- Potential Land Use for Annexation
- Category 2 Annexation Area
- Land Development Plan Amendment
- Dover Boundary
- Kent County Parcels
- Dover Parcels

N W E S

Proposed December 2011

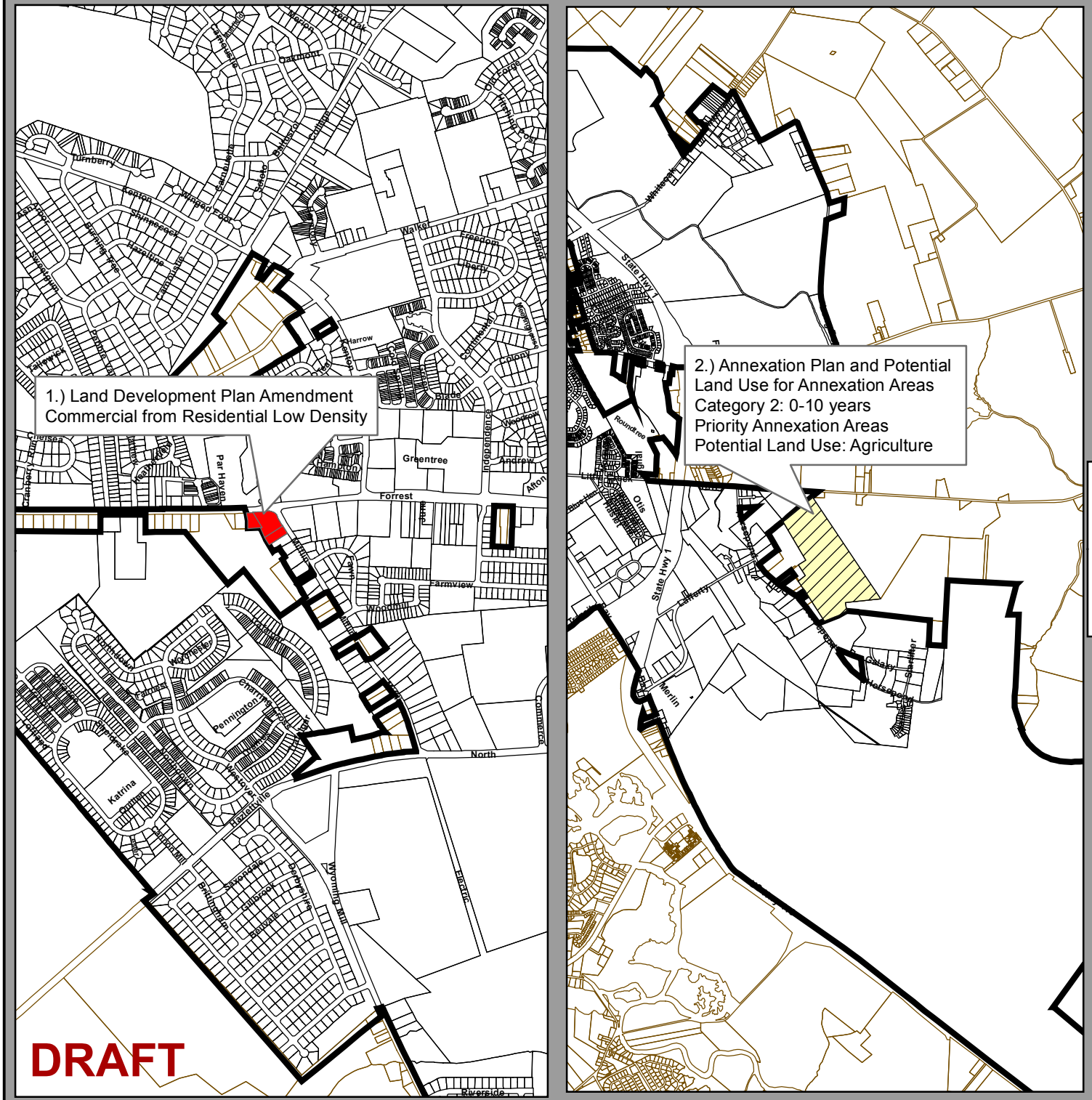
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Map Created By:
Planning Office
Date Map Printed: 12-20-11
File Path: PSData/Projects/2011 Comprehensive Plan Amenements 2011

City of Dover, Delaware

Proposed Amendments to Maps 12-1, 13-1 & 13-2 Land Development Plan Annexation Areas & Potential Land Use for Annexation Areas

DRAFT



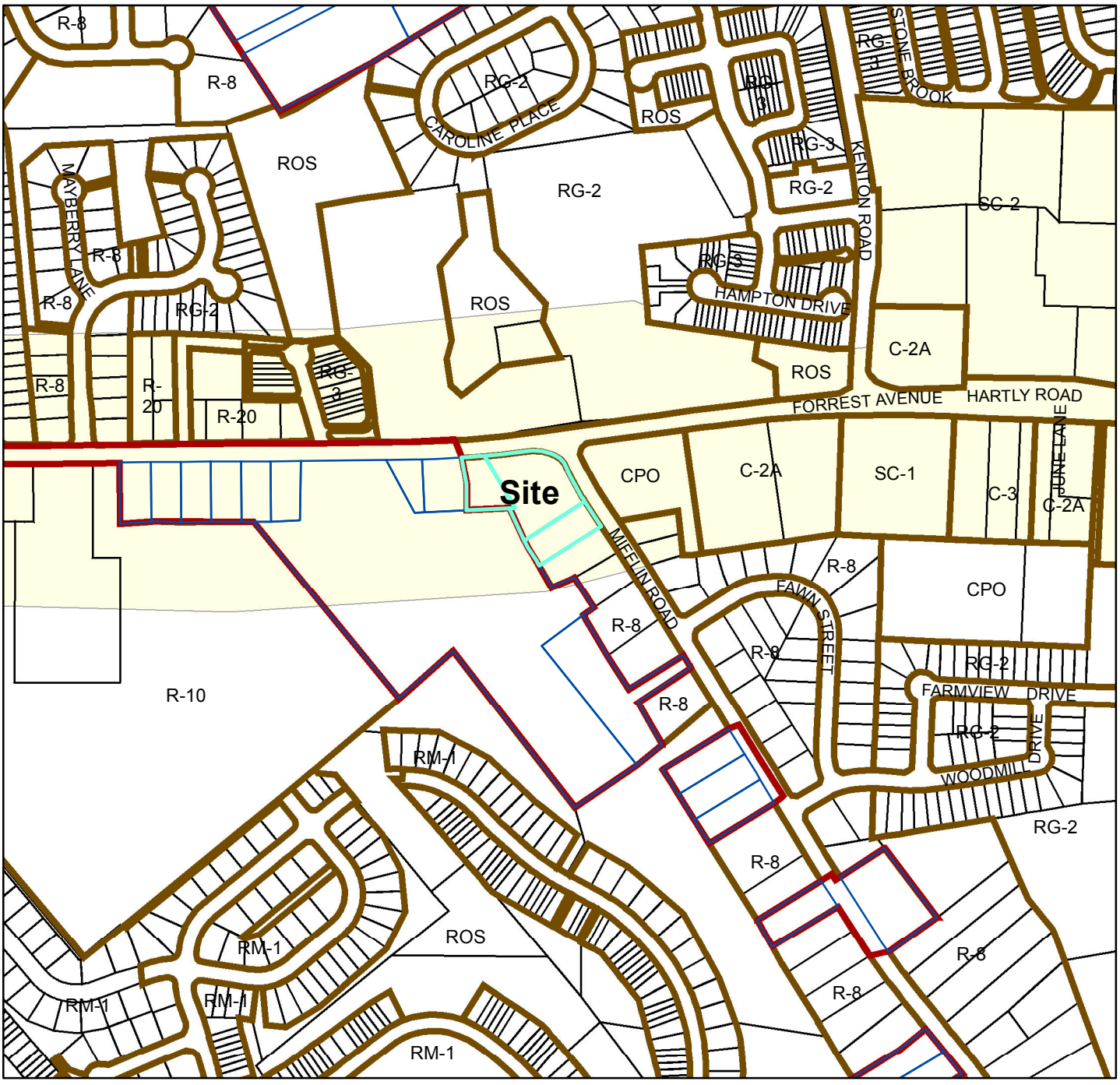
PETITION TO AMEND AND ZONING DISTRICT
First Reading before the Dover City Council
January 23, 2012

Applicants/Owners:	Doreen Lucas Peter & Bonnie Reidy Robert Klewans & Carol Candor
Address:	1510 Forrest Avenue 4 Mifflin Road 24 Mifflin Road
Location:	Southwest corner of Mifflin Road and Forrest Avenue (Route 8)
Tax Parcel ID #:	ED05-076.09-01-08.00 ED-05-076.09-01-11.00 ED-05-076.09.01-12.00
Size:	2.21 acres
Present Use:	Residential
Proposed Use:	Commercial
Comprehensive Plan Designation:	Residential Low Density – Proposed to Change to Commercial
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
Reason for Request:	To allow for commercial development of the corner
File Number:	Z-12-01

City of Dover

Department of Planning & Inspections

Application No.: Z-12-01



Plan Title: Lands of Doreen Lucas,
Peter & Bonnie Reidy, Robert Klewans & Carol Candor
Location: 1510 Forrest Ave., 4 Mifflin Rd., and 24 Mifflin Rd.
Plan Type: Rezoning
Tax Parcels: ED05-076.09-01-08.00-000,
ED05-076.09-01-11.00-000, and
ED05-076.09-01-12.00-000
Current Zoning: R-8
Propsoed Zoning: C-2A
Owners: Doreen Lucas, Peter & Bonnie Reidy
and Robert Klewans & Carol Candor
Date: 1-12-12

Legend

- Dover Parcels
- Dover Boundary
- Kent County Parcels
- Zoning
- Corridor Overlay Zone

0 300 600 1,200 Feet

N W E S

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2012-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 4 MIFFLIN ROAD, 24 MIFFLIN ROAD, AND 1510 FORREST AVENUE

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of properties described below from R-8 (One Family Residence Zone) and subject to COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from R-8 (One Family Residence Zone) and subject to COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone) on those properties located at 4 Mifflin Road, consisting of $1.25^{+/-}$ acres, owned by Peter and Bonnie Reidy, and 24 Mifflin Road, consisting of $0.55^{+/-}$ acres, owned by Robert Klewans and Carol Candor, and 1510 Forrest Avenue, consisting of $0.41^{+/-}$ acres, owned by Doreen E. Lucas. (Tax Parcels: ED-05-076.09-01-11.00; ED-05-076.09-01-12.00; and ED-05-076.09-01-08.00; Planning Reference Z-12-01)

ADOPTED: *

S:\REZONINGS\2012\2012-04 4 and 24 Mifflin Rd and 1510 Forrest Ave.wpd

Actions History

January 23, 2012 - Scheduled for First Reading/Referral by Council
February 21, 2012 - Scheduled for Consideration by Planning Commission
March 12, 2012 - Scheduled for Public Hearing/Final Reading by Council

Draft