LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

August 8, 2011 - 5:30 P.M. - Council Chambers - City Hall - City of Dover

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

AGENDA ADDITIONS/DELETIONS

1. Reconsideration of Review and Recommendation - Filling Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions

2. Formation of Salary and Benefits Compensation Comparison Committee

3. Proposed Ordinance #2011-21 - Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One Family Residence Zones, Subsection 1.15 - Accessory Uses, Limited to and Appendix B - Zoning Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones

4. Amendment to Personnel Policy - Compensatory Time

5. Review of Grant Application - FY08 Mobil Field Force Development Grant Program (DEMA BearCat)

6. Discussion
   A. Review of Other City of Dover Insurances
   B. Health Insurance RFP Questions

7. Public Comment Period

8. Adjournment by 7:00 P.M.

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

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 08-08-2011
DEPARTMENT OF ORIGIN: City Council	**DATE SUBMITTED**: 07-29-2011
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of Chairman McGlumphy	
SUBJECT: Reconsideration of Review and Recommendation - Filling Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions	
EXHIBITS: 1) Excerpt of March 9, 2009 City Council Minutes, 2) Procedure to Fill a Vacant or New Position, 3) Permission to Recruit Form, 4) Hiring Justification Outline, and 5) Wage and Benefit Information Form for Employee Hiring and Transfers	
TIMETABLE: Consideration by City Council on 08-22-2011	
RECOMMENDED ACTION: Removal of Filling of Critical Positions as a Standing Agenda Item and Affirmation and Adoption of Current and Proposed Hiring Process	

BACKGROUND AND ANALYSIS

During their Regular Meeting of March 9, 2009, City Council approved the Legislative, Finance, and Administration (LF&A) Committee's recommendation to approve a Hiring Freeze for Fiscal Year 2008-2009, but allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council and that, in order to avoid issues involving notice of agenda items, there could be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

In light of the current economic conditions, Dr. McGlumphy, Chair of the LF&A, has requested that the Committee reconsider having the Filling of Critical Positions as a standing item on the agenda and adopting the following process with regard to vacancies:

- If a position becomes vacant that will affect public or employee safety or cause financial harm to the city, permission to recruit, hiring justification, and Wage and Benefit Information for Employee Hiring and Transfers forms (Exhibits #3, #4, and #5) will be submitted to the Legislative, Finance, & Administrative Committee as needed.

- The justification to fill a position is to include the exiting employee's salary and benefits, estimated salary and benefits for the new employee, and how the department will fund this position within the realm of their current budget for salary and benefits. The cost to include any vacation, sick leave or comp time paid out to the exiting employee. If the department cannot cover the cost due to terminal leave or lump sum payouts, then the position cannot be filled until such time the cost can be covered in the current budget (Exhibit #5).

- If Council decides to cover the cost overages, then how it is to be funded needs to be determined by the City Manager, Council, or the Council/Mayor appointee.

- To fill the needs of a department that has vacancies, staff from other departments or staff within the department that has vacancies will be utilized while Council is working through the current and future budget constraints.

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EXCERPT OF MINUTES OF REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 9, 2009 at 7:30 p.m. with Council President Hogan presiding. Council members present were Mr. Leary, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mrs. Williams, Mr. Salters and Mr. Ruane.

Council staff members present were Police Major Taraila, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Deputy Fire Chief Christiansen, Mr. DePrima, City Solicitor Rodriguez, Mrs. McDowell, and Mayor Carey.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - FEBRUARY 23, 2009

The Legislative, Finance, and Administration Committee met on February 23, 2009 with Chairman Slavin presiding.

Moratorium on Hiring and Process for Exemptions

Mr. DePrima, City Manager, advised members that in December 2008, due to the lagging revenues and concern for meeting this year's budget goals, he requested that all Department Heads refrain from hiring vacant positions unless it was considered mission critical. In others words, without the position, a critical aspect of the department's mission could not be fulfilled. He stated that by continuing this policy more formally, it would allow better flexibility in developing next year's budget. For example, he explained that the City may be able to eliminate a position without having to lay off an employee. In addition, through immediate savings, the City will be better able to meet this year's budget goals.

Traditionally all departments, with the exception of the Police Department when hiring uniformed officers, would fill out the Permission to Recruit form and complete a Hiring Justification Outline. Mr. DePrima advised members that these forms are generally signed by the City Manager for departments assigned to him, by the Council President for Council Appointee Departments, and the Mayor for the Police. Once the forms are completed, the Human Resources Department begins the recruitment and hiring process.

Thus far, Mr. DePrima noted that there is one (1) vacancy being held open in each of the following departments: Library, Assessor's Office, Customer Service, Water Construction, and the Electric Division. He stated that two (2) positions were considered mission critical: 1) The Council President has signed a "Permission to Recruit" form for an Accountant II in the Finance Department; and 2) The Mayor has signed a "Permission to Recruit" form for a uniformed Police Officer. An offer has been made to a potential candidate for the Police officer position.

Mr. DePrima suggested that in order to bring more inter-departmental uniformity as to what is "mission critical", a review panel consisting of the Mayor, Council President, and City Manager is warranted. He explained that this would also serve as a good check and balance, and allow different points of view to be considered. This panel could meet and act quickly allowing for the timely hiring of mission critical positions during the hiring freeze.

Staff recommended approval of the hiring freeze for fiscal year 2009-2010, but to allow the hiring of critical positions through the review and approval of the Hiring Review Committee, which will be comprised of the Mayor, the Council President, and the City Manager.

Responding to Mr. Salters, Mr. DePrima stated that staff's recommendation is for the approval of a hiring freeze, which would make it official, and also the creation of a mechanism to allow for critical positions to be hired. He clarified that the positions approved by the Mayor and Council President were replacements and did not allow for the hiring of additional employees.

Mr. Leary felt that a hiring freeze is a "Fait accompli" particularly in this environment. Alluding to their being previous discussion regarding this matter during the recent Council Retreat, of which he was not in attendance, Mr. Leary objected to the creation of a special committee since it was his opinion that there would be no position that could not wait two (2) weeks in order for the matter to be brought before the committee for their review and recommendation to Council.

Concurring, Mrs. Williams also felt that the recommendation would place the Mayor in a position of dictating to Council, which is not permitted in accordance with the City Charter. She stated that it would also put the Council President in a unique position whereby he would be voting on a position against the wishes of a majority of Council.

In order to avoid issues involving notice of agenda items, Mr. Slavin suggested that there could be a "standing" agenda item to consider the filling of critical positions and, if there are no positions to consider, the item could be removed.

Mr. Ruane relayed his concurrence with these matters being brought before the committee for their review and recommendation to City Council. He noted that staff's recommendation is for approval of the hiring freeze for fiscal year 2009-2010 and questioned if it should be effective for fiscal year 2008-2009. Responding, Mr. DePrima confirmed that there was a typographical error and that the hiring freeze should be effective for fiscal year 2008-2009.

The committee recommended approval of the Hiring Freeze for Fiscal Year 2008-2009, but allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council.

By consent agenda, Mr. Slavin moved for approval of the committee's recommendation, seconded by Mr. McGlumphy and carried by a unanimous roll call vote.

Procedure to Fill a Vacant or New Position

1. A Permission to Recruit form and Hiring Justification must be filled out for additions / replacements for your Department. This form must be forwarded to the City Manager / Council President or Mayor for approval, as appropriate, prior to being forwarded to Human Resources.

2. Human Resources will write the ad, as needed, and return to the originating Department for review. This will be completed within 3 days of receiving the Permission to Recruit form from the City Manager / Council President or Mayor. The Department is responsible to provide Human Resources with a job description for a new position. Bargaining unit jobs will be posted as outlined in the appropriate Labor Agreement. All jobs deemed appropriate will be posted on the City's website.

3. Human Resources will post / run the ad in the appropriate publications and log in and collect the applications and resumes.

4. Once the job closes and all applications / resumes are received, Human Resources will review the responses for appropriateness to fill the open position, narrow the selection down to the 15 most qualified candidates and contact the originating Department to sign for and pick up the applications/ resumes for their review. If an in-house applicant is ***NOT*** to be interviewed, then the department doing the hiring must speak with the employee to determine why the employee feels that they are qualified for the position. The discussion should include why the candidate has not being selected for an interview.

5. Once the department has determined which candidates will not be interviewed, Human Resources will send a letter to everyone that was not selected for an interview. This is completed at the beginning of the interview process rather then after in order to maintain good communications with all the applicants.

6. The Department will contact Human Resources to schedule interviews at a time convenient to the Department, HR and the persons to be interviewed. The department will also provide Human Resources with a draft of the interview questions for the HR department's review and finalization. HR will then schedule the interviews and provide interview packets to the interview committee.

7. At the conclusion of the interviews, if possible, the interview panel should determine the top candidate. By doing this, the background investigation can be conducted simultaneously while the department is completing the interview process.

   After all the interviews are complete, it is recommended that the department check the applicant's references. Please do not contact references that are not indicated on the applicant's application or the applicant's present employer unless the applicant gives you permission.

8. Following the interviews the Department will submit their preference of candidates and recommendation for hire to HR for review and final approval along with all interview notes. The recommendation must include the reasons for their choice of candidate and list all candidates interviewed with a brief outline of the justification for their choice along with the reasons they did not chose the other candidates to fill the open position. Approval cannot be granted until all interview notes from the entire interview panel are received by the Human Resources Department. The recruitment file is not complete without this vital information.

9. Once the background investigation is received, the H/R department will contact the successful candidate(s) by phone and offer him or her the position. H/R will follow up the phone call with a formal letter. The candidate will be instructed that the offer is contingent upon them successfully completing our pre-employment drug test and that their official hire date will be determined once the drug results are received. H/R will inform the department when the drug results are received. The results are normally received within three days of the applicant taking the test. If the results are favorable, the department is to make contact with the applicant to determine his or her start date. The department will then notify H/R of this date.

10. Once a start date is determined, HR will notify the Information Technology Department, as appropriate, to make sure the technology is in place for our new hire on the start date.

11. HR will send letters to candidates interviewed however not extended an offer of employment.

EXHIBIT #3

LF&A Action Form 08-08-2011-Agenda Item #1

Permission to Recruit

To: City Manager Date:_____

From:_____

Permission to recruit:_____(number)

Type of Position: PF PP TF TP (circle one)

Title of Position:_____

Start employment on:_____

Opening is due to:

Termination, Transfer, Promotion, Other_____
(circle one) (explain)

_____
(Name of previous employee)

Type of recruitment desired:

All out-of-house job postings will be advertised/announced in the Delaware State News, Dover Post, News Journal and the Air Lifter, Dover website, DoverTV, and other general recruitment sites.

Please indicate additional websites or professional organizations:

_____
_____
_____

_____
Department Head

☐ APPROVED ☐ DENIED

_____
City Manager

P: Human Resources/Recruitment/Permission to Recruit

Hiring Justification Outline

1. Explain the principal function of this job.

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

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

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

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

6. Can one or more existing employees absorb the duties of this position?

7. Could a temporary person be hired to fill this position for 60 days?

8. Grade/Salary Information

EXHIBIT #5

LF&A Action Form 08-08-2011-Agenda Item #1

City of Dover

Wage and Benefit Information for Employee Hiring and Transfers

Department/Division Originating Request _____

Date _____

(Form has been developed to handle multiple departments/multiple funds to cover allocated departments and funding sources)

Current Positions	Current Grade/Step	Separation Date *	Wages Budgeted	Benefits Budgeted	Annual Wages & Benefits	% Year Wages Paid	# Mos. Benefits Paid	To Date Wages Paid	To Date Benefits Paid	Lump Sum Wages & Benefits Paid	Paid To Date (I, J, K)	Current Fiscal Year Balance	Remarks
Position(s)													
Dispatcher	18/13	7/20/11	48,826.57	13,393.43	62,220.00	5.2%	1	2,534.71	1,116.12	327.74	3,978.57	58,241.43	
Dispatcher	18/13	7/7/11	48,826.57	14,024.65	62,851.22	1.6%	1	800.44	1,168.72	4,073.34	6,042.50	56,808.72	
Custodian	10/13	1/31/12	34,800.00	14,100.00	48,900.00	58.5%	7	20,347.54	8,225.00	-	28,572.54	20,327.46	
H/R Coordinator	121	7/24/11	54,754.00	18,252.00	73,006.00	6.3%	1	3,440.83	1,521.00	1,176.12	6,137.95	66,868.05	
Totals					**$246,977.22**						**44,731.55**	**$202,245.67**	

Replacement/ Transfer Position	Proposed Grade/Step	Projected Hire Date	Estimated Wages	Estimated Benefits	Estimated Total Compensation	% Year Wages Needed	# Mos. Benefits Needed	Wages	Benefits			Estimated Amount Needed	Remarks
Position(s)													
Dispatcher	18/1	9/1/11	33,136.56	11,933.93	45,070.49	82.8%	10	27,432.73	9,944.94			37,377.67	
Dispatcher	18/1	9/1/11	33,136.56	20,836.73	53,973.29	82.8%	10	27,432.73	17,363.94			44,796.67	
Custodian	10/1	1/1/12	33,136.56	23,121.00	56,257.56	49.5%	6	16,387.21	11,560.50			27,947.71	
H/R Coordinator	121/Entry	10/1/11	43,973.28	24,070.53	68,043.81	74.6%	9	32,799.74	18,052.90			50,852.64	
Totals					**$223,345.15**							**$160,974.68**	
Balance					**$23,632.07**							**$41,270.98**	

Department Summary	Increase/ (Decrease)
Police - Civilian	($32,875.81)
Central Services - Facilities	7,620.25
Human Resources	(16,015.42)
Total	($41,270.98)

Funding Source: (See below Fund Budget)	
General Fund	($44,342.72)
Water/Wastewater Fund	(808.91)
Electric Fund	3,880.65
Grant Fund	0.00
Total	($41,270.98)

Description of funding source
N/A
N/A
Describe
N/A

General Ledger Account
N/A
N/A
Account
N/A

Fund Budget - Increase/(Decrease)

Fund	Increase/ (Decrease)
General Fund	($44,342.72)
Water/Wastewater Fund	(808.91)
Electric Fund	3,880.65
Grant Fund	0.00
Total	($41,270.98)

Department/Division Police/Civilian

Allocation %	Increase/ (Decrease)
100.0%	($32,875.81)
0.0%	$0.00
0.0%	$0.00
0.0%	$0.00
Total	($32,875.81)

Department/Division Central Services/Facilities

Allocation %	Increase/ (Decrease)
10.3%	784.89
8.3%	632.48
81.4%	6,202.88
0.0%	-
Total	$7,620.25

Department/Division Human Resources

Allocation %	Increase/ (Decrease)
76.5%	(12,251.79)
9.0%	(1,441.39)
14.5%	(2,322.24)
0.0%	-
Total	($16,015.42)

Allocated Department percentages can be found in Budget Document, obtained from Finance or the City Manager's Office

City of Dover

Wage and Benefit Information for Employee Hiring and Transfers

This form is to be completed when requesting to fill vacant positions or to transfer staff between divisions or operating funds. The purpose of which is to determine how changes in personnel will affect the budget for each operating fund. If the changes increase operating expenses then the funding source to cover the increase is to be included.

Directions for Completing Wage and Benefit Information for Employee Hiring and Transfers

Column	Description	Instructions
A	Position Title	Current Position Section - Title of position vacated; Replacement/Transfer Position Section - Title of replacement position, or title change if applicable of employee transferred.
B	Current Grade/Step	Current Position Section - Current grade and step (if applicable) of current position; Replacement/Transfer Position Section - Proposed grade and step;
C	Separation Date	Current Position - Last day paid. If employee elects to take terminal leave, then separation date must be date terminal leave ends. Replacement/Transfer Position Section - Proposed hire date of this position.
D	Wages Budgeted	Current Position Section - Annual wages budgeted for the current employee in this position. If unknown, contact City Manager's Office or Finance Office; Replacement/Transfer Position - Proposed hourly rate times 2080 hours. FY12 has 366 days so use 2088 hours.
E	Benefits Budgeted	Current Position Section - Annual wages budgeted for the current employee in this position. If unknown, contact City Manager's Office or Finance Office. Replacement/Transfer Position Section - Calculate by multiplying wages time benefit rates. If this is a new position use the highest benefit rate to insure budgetary funding. See below for benefit rates. If this is an existing employee then use actual benefits;
F	Annual Wages & Benefits	Current Position Section - Column D plus Column E; Replacement/Transfer Position Section - Column D plus Column E;
G	% Year Wages Paid	Current Position Section - Number of days paid for in current fiscal year; Formula set up to automatically calculate based on 366 calendar days in FY12; Replacement/Transfer Position Section - Number of days from estimated date of hire through the end of the fiscal year.
H	# Mos. Benefits Paid	Current Position Section - Number of months benefits have been paid out for the current fiscal year; Replacement/Transfer Position Section - Number of months estimated benefits to be budgeted for in the current fiscal year;
I	To Date Wages Paid	Both Sections - Column D times Column G; If actual amounts are available for current employees use actual amounts rather than calculation;
J	To Date Benefits Paid	Both Sections - Column E divided by 12 (months) times Column H; Column H is number of months paid to date for current employees and number of months from projected date of hire through June 30 for replacement employees.
K	Lump Sum Wages & Benefits Paid	If paid, contact Finance for amount; If not paid estimate - Hourly rate X hours to be paid plus benefits; Benefit rate = Sum of percentages for FICA, Worker's Comp and Pension times wages to be paid out; (I.e. $18.00 hourly rate x 760 hours = $13,680 Wages x 13.65% (employee with 401a plan) $1,867; $13,680 plus $1,867 = $15,547 estimated lump sum wages and benefits); FY12 - no Worker's Compensation
L	Paid to Date	Current Position Section - Sum of Columns I, J, & K as calculated above
M	Current Fiscal Year Balance	Current Position Section - Current estimated balance of funds in departmental budget for this position to apply towards new hire or transfer; Replacement/Transfer Position - Amount needed to fund replacement or transferred position. Sum of Column I & Column J.
N	Remarks	Any comments you would like to add
Bottom Section	Department & Fund Summaries	Formula based calculations of financial impact on individual departments and funds. Describes funding sources for budget increases.

ACTION FORM

PROCEEDING Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Planning Office **DATE SUBMITTED**: July 28, 2011
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development
SUBJECT: Proposed ordinance to amend the Zoning Ordinance as it relates to keeping of animals in one family residence zones and as it relates to swimming pools in residence zones.
REFERENCE: Dover Code, Appendix B - Zoning, Article 3 – District Regulations, Section 1 – One Family Residence Zones and Article 5 – Supplementary Regulations
RELATED PROJECT: N/A
REVIEWED BY: N/A
EXHIBITS: Draft Ordinance #2011-21
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**:N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE:
RECOMMENDED ACTION: Staff recommends that the Committee forward the proposed ordinance to City Council for first reading on August 22, 2011; referral to the Planning Commission for September 19, 2011; and final reading and public hearing before City Council on October 10, 2011.

BACKGROUND AND ANALYSIS

The proposed ordinance would address two issues in the *Zoning Ordinance*:

1. It would prohibit the keeping of farm animals in one family residence zones and include a maximum number of cats (5) in a one family residence zone. Currently, the *Zoning Ordinance* allows for keeping up to 25 fowl, up to three dogs over six months old, and no limit on cats. As the City has become more urbanized, the allowance for up to 25 fowl and the absence of a maximum number of cats have become outdated.
2. It would move the regulations regarding swimming pools from Article 3 – District Regulations, to Article 5 – Supplementary Regulations. Additionally, it would more closely align the regulations regarding swimming pools with the provisions of the Building Code. The conflicts between the two codes has been a source of confusion for residents in recent years.

CITY OF DOVER PROPOSED ORDINANCE #2011-21

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 1 - One Family Residence Zones, Subsection 1.15 - Accessory Uses, be amended by deleting the text indicated in bold, red, strikeout and inserting the text indicated in bold, blue, italics as follows:

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain~~**, provided that pools of 30 inches deep shall be subject to the following requirements:**~~

~~**i. The edge of the pool shall be kept a distance of not less than ten feet from all property lines.**~~

~~**ii. If located within 50 feet of any property line, such pool shall be screened from the view of abutting properties. Such screen shall be at least five feet high.**~~

~~**iii. Such pool shall be completely surrounded by a fence or wall not less than 3½ feet in height and so constructed as not to have openings larger than four inches in at least one dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.**~~

~~iv. **Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement within the required front yard**~~.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals ~~**(except pigs) for individual domestic purposes or**~~ as pets, provided not more than three dogs over six months old and not more than ***five cats over six months old*** ~~**25 fowl**~~ shall be permitted~~**, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line**~~. ***The keeping of farm animals including but not limited to swine, goats, or chickens shall be prohibited within one family residence zones.***

(e) (Reserved.)

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street~~, except as set forth in item [subsection] (e) of this subsection [1.15]~~.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, be amended by adding a new subsection 1.11 as follows:

1.11 Swimming Pools

1.111 Definition - For the purposes of this section, swimming pools shall be defined as any pool, tank, depression, or excavation in or above ground, or other structure which shall cause retaining of water over a greater depth than twenty-four (24) inches.

1.112 Safety - All swimming pools as defined in this section must conform to the requirements of Dover Code, Chapter 22 - Buildings and Building Regulations.

1.113 Placement - Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement between the principal structure and the street.

1.114 Setback - The edge of the swimming pool, specifically referring to the edge of the water containment portion of the pool, shall be no less than fifteen (15) feet away from all property lines. All associated structures, buildings, and pavement related to the swimming pool shall be no less than five (5) feet away from all property lines.

BE IT FURTHER ORDAINED:

That the prohibition of keeping farm animals within the one family residence zones shall become effective twelve months after adoption by City Council.

SYNOPSIS

The proposed ordinance would set a limit on the number of cats permitted as pets within residential zones and would prohibit the keeping of farm animals within residential zones. It also moves the regulations for swimming pools into the supplementary regulations for residence zones.

ADOPTED: *

Actions History

August 8, 2011 - Scheduled for Consideration by the Legislative, Finance, and Administration Committee

DRAFT

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee	
DEPARTMENT OF ORIGIN: Human Resources	**DATE SUBMITTED**: 07/28/2011
PREPARED BY: Kim Hawkins, Human Resources Director	
SUBJECT: Personnel Policy revision in reference to Compensatory Time	
REFERENCE: City of Dover Personnel Policy – Section 9. Overtime	
REVIEWED BY: Topic of special staff meeting on July 12, 2011. Department Heads and several support personnel discussed and agreed to the revised personnel policy in order to further the implementation of the time and attendance module of ADP	
RECOMMENDED ACTION: Approval of revised Section 9. Overtime in the City of Dover Personnel Policy	

BACKGROUND AND ANALYSIS

With the implementation of ADP, a simplified, citywide policy needed to be created for compensatory time (comp-time). Through a staff meeting of July 12, 2011 the general consensus was to eliminate the 90 day time limit and implement a maximum accumulation. Indicated below is the revised personnel policy language. Following the revised personnel policy language is the final draft with no markups.

Article III The Pay Plan - Section 9: Overtime

In order for an employee to be eligible for overtime the following general provisions apply to all employees:

(a) the work is of a regularly scheduled nature and is pre-approved by the Department Head or the authorized representative of the Department Head,

(b) the work is of an unusual, unscheduled or emergency nature and is directed by the Department Head or the authorized representative of the Department Head,

(c) compensatory time off shall be permitted in lieu of overtime. ~~taken within ninety (90) days from the time it is earned.~~ The maximum accumulation of compensatory time is 80 hours. The Department Head must approve the compensatory time use schedule.

(d) when an employee is required to work overtime he or she will be compensated with time off at the rate of one and one half times the overtime hours worked or paid for such time on the basis of one and one half times their regular hourly rate for the overtime hours.

In determining whether an employee will receive compensatory time or monetary payment for overtime it is the discretion of the Department Head; unless the employee labor agreement for the position the employee occupies indicates otherwise. The employee and Department Head must reach a mutual agreement on the method of compensation prior to the overtime occurring.

For non-bargaining, exempt employees the following additional guidelines apply:

~~When a non-bargaining, nonexempt employee is required to work overtime he or she will be compensated with time off at the rate of one and one half times the overtime hours worked or paid for such time on the basis of one and one half times their regular hourly rate for the overtime hours. worked provided that:~~

~~(a) the employee and Department Head or authorized representative of the Department Head must reach a mutual agreement concerning receiving pay or Comp time prior to the performance of overtime work.~~

~~(b) the work is of a regularly schedule nature and is approved by the Department Head or authorized representative of the Department Head prior to the work being performed.~~

~~(c) the work is of an unusual, unscheduled or emergency nature and is directed by the Department or an authorized representative of the Department Head.~~

(d) ~~compensatory time off should be scheduled and taken within ninety (90) days from the time it is earned. The Department Head must approve the compensatory time schedule. If earned compensatory time is not taken within ninety (90) days, the City will have the option of paying overtime to the affected employees.~~

(e) ~~the Department Head or person designated by the Department Head will keep records of compensatory time earned for all non-bargaining, nonexempt employees in his or her Department.~~

When a non-bargaining, exempt employee is required to work overtime he or she will be compensated with time off at the rate of one time (1 overtime hour = 1 comp-time hour) the overtime hours worked provided that:

(a) the work is of an unusual, unscheduled or emergency nature and must be completed at a specific time in order to meet a deadline or specific request from an outside agency or authority.

(b) ~~compensatory time off should be taken within ninety (90) days from the time it is earned.~~ Council Appointees and City Manager Department heads may work a flexible work schedule to accomplish receiving the earned compensatory time. ~~If the compensatory time is not taken in ninety (90) days, non-bargaining exempt employees will forfeit the time.~~ The maximum accumulation of compensatory time is 80 hours. Any accumulated compensatory time shall be forfeited upon employment ending.

(c) ~~the Department Head or person designated by the Department Head will keep records of compensatory time earned for all non-bargaining, exempt employees in their Department.~~

FINAL DRAFT (NO MARKUPS)

Article III The Pay Plan
Section 9 – Overtime

In order for an employee to be eligible for overtime the following general provisions apply to all employees:

(a) the work is of a regularly scheduled nature and is pre-approved by the Department Head or the authorized representative of the Department Head,

(b) the work is of an unusual, unscheduled or emergency nature and is directed by the Department Head or the authorized representative of the Department Head,

(c) compensatory time off shall be permitted in lieu of overtime. The maximum accumulation of compensatory time is 80 hours. The Department Head must approve the compensatory time use schedule.

(d) when an employee is required to work overtime he or she will be compensated with time off at the rate of one and one half times the overtime hours worked or paid for such time on the basis of one and one half times their regular hourly rate for the overtime hours.

In determining whether an employee will receive compensatory time or monetary payment for overtime it is the discretion of the Department Head; unless the employee labor agreement for the position the employee occupies indicates otherwise. The employee and Department Head must reach a mutual agreement on the method of compensation prior to the overtime occurring.

For non-bargaining, exempt employees the following additional guidelines apply:

When a non-bargaining, exempt employee is required to work overtime he or she will be compensated with time off at the rate of one time (1 overtime hour = 1 comp-time hour) the overtime hours worked provided that:

(a) the work is of an unusual, unscheduled or emergency nature and must be completed at a specific time in order to meet a deadline or specific request from an outside agency or authority.

(b) Council Appointees and City Manager Department heads may work a flexible work schedule to accomplish receiving the earned compensatory time. The maximum accumulation of compensatory time is 80 hours. Any accumulated compensatory time shall be forfeited upon employment ending.

ACTION FORM

PROCEEDING: 7/25/11 Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 7/14/11
PREPARED BY: Captain Steven Getek / Administrative Division Commander	
SUBJECT: FY08 Mobile Field Force Development Grant Program	
REFERENCE: Grant Funded Asset	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $235,089.00 (by DEMA)	**PROJECT BUDGET:** $0.00
FUNDING SOURCE (Dept./Page in CIP & Budget): Grant	
TIMETABLE: The Delaware Emergency Management Agency (DEMA) will purchase the asset using Federal funds for the Dover Police Department.	
RECOMMENDED ACTION: Council approve the project and purchase as requested.	

BACKGROUND

This award requires no purchase actions on our part as DEMA will complete all purchase actions and hand it over to the Dover Police Department for use.

The vehicle to be supplied is a Lenco BearCat Armored 4WD vehicle. It is a specialized vehicle which runs on a V10 gasoline powered engine using regular unleaded fuel. It is capable of detecting radiation and explosive gases as well as providing passengers protection from live fire rounds.

ACTION REQUESTED

The Legislative and Finance Committee approve the receipt of this grant.





Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

General Information

Department: Police Staff Contact: Capt Getek

Grant/Project Title: DEMA - FY08 Mobile Field Force Development Grant Program

Brief Grant/Project Description: This is a vehicle asset that will be purchased by the Delaware Emergency Management Agency (DEMA) for the Dover Police Department using funds received from the Federal Emergency Management Agency (FEMA). Funds for this purchase were reallocated from reverted funds previously awarded to the Delaware State Police. DEMA will complete all purchase actions for the vehicle awarded on this grant.

Application Information

Due Date: N/A New ☒ Related Grants:

Recurring ☐ Not Applicable

Anticipated Award Date: N/A Anticipated Notification Date: 7/8/11

Start Date: N/A End Date: N/A

Award Amount: $235,089.00 Cash ☐ Reimbursement ☐ Other ☒

Approx. reimbursement turn-a-around time 1-2 weeks

Council Approval Needed: Yes ☐ No ☒

(Council approval is needed for grant projects > $25,000, when match amounts equal or exceed $25,000, or when expressly required by the granting authority.)

Which apply?
- Match amount ☐
- Project shortage ☐
- Other grant requirement ☐

* All purchasing and documentation will be handled by DEMA.

Grant/Project Costs

Budget Category	Award Amt	Match Amt	Match Source
Contractual			
Equipment/Supplies			
Indirect Cost (ie, vehicle repairs, mileage, IT, telephone)			
Personnel			
Additional Personnel/Over-time (ie, support costs, administrative salaries)			
Travel/Training			
Capital one Lenco BearCat Armored Vehicle	$235,089.00	$0.00	Not Applicable
Other (ie, informant/buy money)			
Total	$235,089.00	$ 0.00	
	GRANT TOTAL	$235,089.00	**Award + Match**

Department Grant Application Analysis Form

For Use in Evaluating Grant Opportunities

Other Information

1. Are any of this project's costs included in the City budget?
   The vehicle maintenance and gasoline will be absorbed within the Police Department budget. After discussing with HR and Finance, the estimated amount for insurance based on the vehicle's weight and value, as compared to a $215,000 electric truck, is $1,473/year.

2. Are there any long-term costs or commitments?
   Yes and theses include vehicle insurance, maintenance and gasoline. Maintenance and gasoline costs shouldn't cost more than $500/year considering the planned used of the vehicle and how its use affects the usage rates of other vehicles in the Police fleet.

3. How will this program/project be funded after the grant expires?
   Not Applicable.

4. What is the maximum amount of funds available from this funding source?
   Not Applicable.

5. If the Department receives only a portion of the amount requested, how will the project be funded?
   The funds are explicitly authorized for the purchase of this vehicle for the Dover Police Department.

6. Are there other departments in the City eligible for this funding?
   No.

7. Are other departments in the City willing to collaborate on this project?
   Not Applicable.

8. Will this project duplicate or compete with other services or programs provided by the City or other local agency?
   No.