REGULAR COUNCIL MEETING

A G E N D A

July 9, 2007 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE

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 - Regular Council Meeting of June 25, 2007

2. Public Hearing/Final Reading - Rezoning
   Properties located on the east side of South West Street, south of West Division Street (Capital Scrap Yard), owned by the Downtown Dover Development Corporation. These properties, consisting of eight (8) parcels totaling $1.4601^{+/-}$ acres, are currently zoned C-3 (Service Commercial) and the proposed zoning is C-2A (Limited Central Commercial). *The First Reading of the proposed ordinance was accomplished during the Council Meeting of May 29, 2007.*

3. 2005 Charter Review Committee Recommendation

* 4. Safety Advisory and Transportation Committee Report - June 26, 2007
   A. Proposed Resolution - Maintenance and Safety Procedures for Rail Transport of Hazardous Materials
   B. Briefing on DelDOT Projects - *Gary Laing*
   C. Briefing on MPO Projects - *Juanita Wieczoreck*

5. IBEW Contract Settlement

6. Evaluation of Bids
   A. Evaluation of Bids - Purchase of Pad-Mounted Distribution Capacitors
   B. Evaluation of Bids - Purchase of Overhead Distribution Capacitors
   C. Well #8 Replacement Bid
   D. FY 2008 Miscellaneous Concrete Repair Program

* 7. Appointments Recommended by Mayor Speed

A. Dover Parking Authority - Laura G. Simmons (Five Year Term to Expire July 1, 2012) *(Reappointment)*

B. Election Board - Lillie M. Johnson (To Fill Expired Term of Beulah Gray - Three Year Term to Expire May 2010)

C. Metropolitan Planning Organization - Two-Year Terms to Expire July 2009 *(Reappointments)*

c-1. Prameela Kaza

c-2. James P. Webster

8. Setting of Dates for Special Election

9. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on June 25, 2007 at 7:30 p.m. with Council President Williams presiding. Council members present were Mr. Carey, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane.

Council staff members present were Police Chief Horvath, Mr. Capuano, Mrs. Townshend, Fire Chief Osika, Mr. DePrima, City Solicitor Rodriguez, Mrs. McDowell, and Mayor Speed.

OPEN FORUM

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

There was no one present wishing to speak during the Open Forum.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Carey moved for approval of the agenda, seconded by Mr. Salters and unanimously carried.

Mr. Salters moved for approval of the Consent Agenda, seconded by Mr. Carey and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JUNE 11, 2007

The Minutes of the Regular Council Meeting of June 11, 2007 were unanimously approved by motion of Mr. Salters, seconded by Mr. Carey and bore the written approval of Mayor Speed.

ANNEXATION/REZONING PUBLIC HEARING/FINAL READING - PROPERTY LOCATED AT 1086 SOUTH STATE STREET (OWNED BY INVESTMENTS TOGETHER, LLC)

An annexation referendum was held on June 14, 2007 for property located at 1086 South State Street, containing $0.25^{+/-}$ acres, owned by Investments Together, LLC.

Referendum Results

The City Clerk reported that the referendum was held with one (1) eligible voter. One (1) vote was cast in favor of the annexation, with zero (0) votes cast against annexation.

Mr. Salters moved to accept the referendum results, seconded by Mr. Slavin and unanimously carried.

Annexation

By motion of Mr. Carey, seconded by Mr. Salters, Council adopted the following Resolution by a unanimous roll call vote:

A RESOLUTION APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described within the limits of the City of Dover, and

WHEREAS, the Charter of the City of Dover provides that if a majority of the Votes cast in an election held in a territory proposed to be annexed shall be in favor of inclusion of that territory within the limits of the City of Dover, the Council may thereupon adopt a resolution annexing said territory and including same within the limits of the City of Dover.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, shall be annexed to and included within the limits of the City of Dover:

> All that certain tract, piece or parcel of land situated in East Dover Hundred, Kent County and State of Delaware lying on the Northwest side of South State Street and being bounded as follows:
>
> On the East by South State Street – 60' wide;
>
> On the South by land now or formerly of Capitol Cleaners & Launderers, Inc. – deed record V-33-269;
>
> On the Southwest by land now or formerly of B&B General Contractors Inc. – deed record X-42-259;
>
> On the Northwest by land now or formerly of Delmarva Enterprises, Inc. – deed record Q-31-172;
>
> On the North by Other Lands to be conveyed to Investments Together, LLC;
>
> Being more particularly described according to a plan prepared by Braun Engineering & Surveying dated February 22, 2007, reference drawing 0705A, said plan being an integral part hereof as follows:
>
> Beginning at a found concrete monument in the Westerly line of South State Street at the Northeast corner for this subject land and the Southeast corner for Other Lands To Be Conveyed To Investments Together, LLC., said point being approximately

789.45' $^{+/-}$ in a southerly direction from the intersection of the Westerly line of South State Street with the Southerly line of Wyoming Avenue. Thence from said beginning point and continuing with said line of South State Street the following two (2) courses and distances:

1. S 16°47'45" W a distance of 22.20 feet to a point of curvature:

2. By an arc of a circle curving to the left with a radius of 1219.74 feet a distance of 61.46 feet (Its chord being S 15°21'08" W a distance of 61.45 feet) to a found concrete monument in said line of South State Street at a corner of land for the aforementioned Capitol Cleaners & Launderers. Thence with said lands of Capitol Cleaners & Launderers, and then continuing with land of the aforementioned B&B General Contractors:

3. N 89°57'40" W a distance of 160.04 feet to a found iron pipe in line of land of the aforementioned B&B General Contractors at a corner for land of aforementioned Delmarva Enterprises, Inc. Thence with said land of Delmarva Enterprises, Inc.:

4. N 22°38'17" E a distance of 68.09 feet to a found iron pipe at a corner for land of the aforementioned Delmarva Enterprises, Inc., at a corner for other lands to be conveyed to Investments Together, LLC. Thence with said other lands to be conveyed to Investments Together, LLC.:

5. N 83°36'01" E a distance of 157.50 feet to a point and place of beginning.

Containing within the above described courses and distances an area of 11,099$^{+/-}$ square feet or 0.2548 +/- acres.

The above described property is subject to any rights-of-way, easements or restrictions as may be shown in any public records, or any regulation or requirement of any public agency.

2. The above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs, then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of the resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 26th day of June 2007 at 12:01 a.m.

ADOPTED: JUNE 25, 2007

Public Hearing - Zoning Classification

Mrs. Ann Marie Townshend, City Planner, reviewed the Petition to Annex and Zone property *(Exhibit #1)*. The Planning Commission recommended that the zoning classification of this property be approved as C2-A (Limited Central Commercial) upon annexation.

Council President Williams declared the public hearing open.

Mr. David Braun of Braun Engineering and Surveying, representing the applicant, noted that the intent of the applicant is to combine this parcel with other property they own immediately north of this property for development as one parcel.

Council President Williams declared the public hearing closed.

Mr. Hogan moved that the property be zoned C2-A (Limited Central Commercial) as recommended by the Planning Commission. The motion was seconded by Mr. Salters and by a unanimous roll call vote, Council adopted the following ordinance. (The First Reading of the proposed ordinance was accomplished during the Council Meeting of April 9, 2007).

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1086 SOUTH STATE STREET

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 property described below from BG - General Business (Kent County zoning classification) to C-2A - Limited Central Commercial (City of Dover zoning classification).

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 has been amended by changing the zoning designation from BG (Kent County zoning classification) to C-2A (City of Dover zoning classification) on that property located at 1086 South State Street, owned by Investments Together, LLC.

ADOPTED: JUNE 25, 2007

ANNEXATION/REZONING PUBLIC HEARING/FINAL READING - PROPERTY LOCATED ON THE SOUTH SIDE OF FORREST AVENUE, APPROXIMATELY 1,495.5 FEET WEST OF MIFFLIN ROAD (OWNED BY EDWIN B. BAKER, III, DONALD M. CAREY, AND RUTH E. CAREY)

An annexation referendum was held on June 14, 2007 for property located on the south side of Forrest Avenue, approximately 1,495.5 feet west of Mifflin Road, containing $5.0^{+/-}$ acres, owned by Edwin B. Baker, III, Donald M. Carey, and Ruth E. Carey.

Referendum Results

The City Clerk reported that the referendum was held with three (3) eligible voters. Three (3) votes were cast in favor of the annexation, with zero (0) votes cast against annexation.

Mr. Carey moved to accept the referendum results, seconded by Mr. Salters and unanimously carried.

Annexation

By motion of Mr. Salters, seconded by Mr. Carey, Council adopted the following Resolution by a unanimous roll call vote:

A RESOLUTION APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described within the limits of the City of Dover, and

WHEREAS, the Charter of the City of Dover provides that if a majority of the Votes cast in an election held in a territory proposed to be annexed shall be in favor of inclusion of that territory within the limits of the City of Dover, the Council may thereupon adopt a resolution annexing said territory and including same within the limits of the City of Dover.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, shall be annexed to and included within the limits of the City of Dover:

> All that certain lot, piece or parcel of land situated in East Dover Hundred, Kent County and State of Delaware, lying on the south side of Delaware Route #8, a short distance northwest of Mifflin Road; being bounded on the north by Delaware Route #8 and lands now or late of Donald M. Carey & Nancy E. Baker; on the east, south and west by lands now or late of Donald M. Carey & Nancy E. Baker and being more particularly described in accordance with an Annexation Plan by Earl D. Smith, Inc. Professional Land Surveyors dated March 10, 2006 as follows to wit:
>
> Beginning at a point in the south line of Delaware Route #8 at a corner for this lot and lands now or late of Donald M. Carey & Nancy E. Baker; said point of beginning commencing from the intersection of the southeast right-of-way of Mifflin Road with the south right-of-way of Delaware Route #8 running in a northwesterly direction a distance of 1,495.5 feet to the point of beginning; thence running from said point of

beginning with lands Donald M. Carey & Nancy E. Baker on the following seven courses: (1) South 05 deg. 49 min. 00 sec. West 320.00 feet to a point; thence (2) South 84 deg. 11 min. 00 sec. East 92.16 feet to a point; thence (3) South 05 deg. 49 min. 00 sec. West 416.28 feet to a point; thence (4) North 84 deg. 11 min. 00 sec. West 352.16 feet to a point; thence (5) North 05 deg. 49 min. 00 sec. East 536.28 feet to a point; thence (6) South 84 deg. 11 min. 00 sec. East 60.00 feet to a point; thence (7) North 05 deg. 49 min. 00 sec. East 200.00 feet to a point at a corner for this lot and lands now or late of Baker & Carey in the south line of Delaware Route #8; thence running with the south line of Delaware Route #8, South 84 deg. 11 min. 00 sec. East 200.00 feet to the point and place of beginning and containing 5.0000 acres of land be the same more or less. Tax Parcel: ED-00-076.00-01-08.10-000

2. The above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs, then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of the resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 26th day of June, 2007 at 12:01 a.m.

ADOPTED: JUNE 25, 2007

Public Hearing - Zoning Classification

Mrs. Ann Marie Townshend, City Planner, reviewed the Petition to Annex and Zone property *(Exhibit #2)*. The Planning Commission recommended that the zoning classification of this property be approved as R-10 (One Family Residence) upon annexation.

Council President Williams declared the public hearing open and, with no one present wishing to speak, Council President Williams declared the public hearing closed.

Mrs. Russell moved that the property be zoned R-10 (One Family Residence) as recommended by the Planning Commission. The motion was seconded by Mr. Salters and by a unanimous roll call vote, Council adopted the following ordinance. (The First Reading of the proposed ordinance was accomplished during the Council Meeting of April 9, 2007.).

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE SOUTH SIDE OF FORREST AVENUE, APPROXIMATELY 1,495.5 FEET WEST OF MIFFLIN ROAD

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 property described below from RS-1 - Single Family Residence (Kent County) to R-10 - One Family Residence (City of Dover)

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 has been amended by changing the zoning designation from RS-1 (Kent County) to R-10 (City of Dover) on that property located on the south side of Forrest Avenue, approximately 1,495.5 feet west of Mifflin Road, containing $5.0^{+/-}$ acres, owned by Edwin B. Baker, III, Donald M. Carey, and Ruth E. Carey.

ADOPTED: JUNE 25, 2007

SETTING OF PROPERTY TAX RATE FOR FISCAL YEAR 2007/2008

The current property tax rate for the City of Dover is thirty-three cents ($0.33) per one hundred of assessed valuation. The proposed budget maintains the same rate for the upcoming tax billing.

Mr. Hogan moved to set the property tax rate at thirty-three cents ($0.33) per one hundred dollars of assessed valuation for the upcoming 2007/2008 property tax billing, seconded by Mr. Salters and carried by a unanimous roll call vote.

SETTING OF ELECTRIC UTILITY RATE FOR FISCAL YEAR 2007/2008

Staff has recommended setting a system-wide average electric rate increase of 9.75% for Fiscal Year 2007/2008, as presented in the draft budget.

Responding to Mr. Ruane, Mr. DePrima stated that in some instances, depending on the rate class and usage, it may be more or less than 9.75%.

Mr. McGlumphy stated that he felt strongly that if the transfer to the General Fund and some expenditures had been reduced, the increase could have been reduced.

Mr. Slavin moved for approval of staff's recommendation, seconded by Mr. Carey and by a roll call vote of seven (7) yes and two (2) no (Mr. McGlumphy and Mr. Hogan).

SETTING OF KENT COUNTY SEWER ADJUSTMENT CHARGE FOR FISCAL YEAR 2007/2008

Kent County proposed an increase in the cost charged for treating sewer. Staff recommended a $2.34 Kent County Sewer Adjustment Charge to cover this expense for all billings on or after July 1, 2007.

Mr. DePrima advised members that this is a pass through charge for Kent County to treat the City's wastewater. Mrs. Tieman, Senior City Administrator, advised members that the current charge is $2.13 per 1,000 gallons and the proposed charge is $2.34 per 1,000 gallons; an increase of 0.21 cents per 1,000 gallons. She noted that, except for a few industrial customers, the wastewater charges are based on the water meter reading.

Mr. Salters moved to set the Kent County Sewer Adjustment Charge at $2.34 per 1,000 gallons for all billings on or after July 1, 2007. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote.

DOWNTOWN DOVER BID - ASSESSMENT (TAX) RATE FOR FISCAL YEAR 2007-2008

In accordance with Appendix D, Article III, Section 9(f) of the Dover Code, City Council must adopt a Business Improvement District (BID) budget and assessment every year. Members were provided the FY 2007-2008 budget showing BID tax revenue and the expenses charged against that revenue, as well as the following tax calculation worksheet with recommended rates:

JULY 1, 2007 TO JUNE 30, 2008

	ZONE 1	ZONE 2	ZONE 3	TOTAL
Aggregate Assessments	$32,561,600	$58,496,500	$29,621,700	$120,679,800
Assessment Tax Rate Per $100 Assessment	0.0849	0.0362	0.015	---
Revenue Raised	$27,645	$21,176	$4,443	$53,264
% Revenue Raised	52%	40%	8%	100%
Number of Parcels	122	113	49	284
Average Assessment	$227	$187	$91	$188

Staff recommended approval of the Downtown Dover Business Improvement District (BID) - Assessment (Tax) Rate for FY 2007-2008 and adoption of the proposed budget ordinance.

Mr. DePrima noted that the BID funds are raised to support the redevelopment of the downtown area and the Main Street Program. Mr. Ruane noted that some of this expense is offset by a tax abatement program available to property owners within the Business Improvement District.

Mr. Carey moved for approval of the committee's recommendation to approve the Downtown Dover Business Improvement District (BID) Assessment (Tax) Rate for FY 2007-2008 and adoption of the proposed budget ordinance, seconded by Mr. Salters and unanimously carried. *(The Final Reading of the ordinance will take place during the latter part of the meeting).*

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JUNE 12, 2007

The Parks, Recreation, and Community Enhancement Committee met on June 12, 2007 with Chairwoman Russell presiding.

Report Examining the Cost Differential Between a Geothermal System and a Traditional Air-conditioning System - John W. Pitts Recreation Center

During their meeting of November 28, 2006, members reviewed bids with and without air-conditioning for the construction of the John W. Pitts Recreation Center. They then recommended that staff present a report examining the cost differential between a geothermal system and a traditional air-conditioning system.

Mr. Zachery Carter, Director of Parks and Recreation, reviewed the cost differential between a geothermal system and a traditional air-conditioning system for only the gymnasium area of the John W. Pitts Recreation Center. Responding to Mr. McGlumphy, Mr. Carter stated that the cost to install a geothermal system for the entire building would be approximately $760,000. Mr. Tony DePrima, City Manager, stated that he would provide Mrs. Russell with the payback savings information regarding utilizing a geothermal system for the entire building. He also noted that this project should qualify for funding from the State of Delaware Green Energy Program and approximately $100,000 had been reserved. Mr. Ruane suggested that Mr. DePrima and Mr. Carter explore the funding or cost sharing possibility available with the State of Delaware and provide a report back to members for review. Mrs. Russell noted that, during their meeting of June 29, 2007, Mr. DePrima stated that, to his knowledge, there are no state moneys that can be used by the City of Dover for this purpose. Mr. Ruane also suggested that a report be provided regarding the one hundred wells supporting a potential addition to the John W. Pitts Recreation Center.

The committee recommended acceptance of the report examining the cost differential between a geothermal system and a traditional air-conditioning system for the John W. Pitts Recreation Center, with the understanding that the concerns expressed by members will be addressed.

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

Introduction - New Library Director

Mr. DePrima introduced Mr. Richard Thau, new Director of the Dover Public Library.

Mr. Thau stated that he has been in the library field for approximately 25 years. He indicated that he has experience as a corporate, academic, and public librarian, most recently as the Library Director of the Pennsauken New Jersey Library. Mr. Thau noted that he also was an owner/operator of a commercial radio station. Mr. Thau is looking forward to bringing the City of Dover Library into the next phase of evolution and supports the concept of the library being a community/social center for all demographic groups.

Responding to Mr. Ruane, Mr. Thau indicated that he and the public library community are supportive of an alternative revenue enhancement, such as a $45.00 per household fee for a library card, as has been charged for those outside the municipality. He indicated that the fee is based on the size of the community, library, and the services that are offered.

Update - Puncheon Run Watershed Action Team Update

Mrs. Ann Marie Townshend, Director of Planning and Inspections, stated that the next Puncheon Run Watershed Action Team meeting will be held June 27, 2007 at 10:00 a.m. in the Caucus Room.

Mr. DePrima noted that an application to remove the riprap from the Puncheon Run stream bed had been submitted to DNREC. Once the required 30-day public notice indicating the work to be done is complete, the application will receive final approval. The notice, which begins this week, will be done by DNREC. He stated that the work, which will be done by City staff, should start by August or September of this year.

Update - John W. Pitts Recreation Center

Mr. Carter, Director of Parks and Recreation, advised members that a progress meeting was held earlier this morning and that the John W. Pitts Recreation Center Project is on schedule. The foundation should be completed, weather permitting, by the end of the week and the steel for the building has been ordered, with delivery in July. He stated that the last installment of the $100,000 contribution made by Dover Downs had been received.

Mr. McGlumphy suggested that an update on the funding for the John W. Pitts Recreation Center be provided during their next meeting.

Update - Planning and Funding for New Library

Mr. Carter advised members that Staff is providing information to the Kent County Administration regarding the reciprocal borrowing agreement. Responding to Mr. Ruane, Mr. Carter indicated that Delaware Code has been researched with regards to the possibility of the Library charging a fee to those located outside the municipality.

Mr. Carter stated that the vacancy notice for recruiting a project coordinator for the planning and funding efforts for a new library has been placed in the local newspaper and on the Website, with the vacancy being advertised to remain open until the position is filled.

Mr. DePrima reminded members that during the regular City Council meeting of February 12, 2007, Council approved staff's recommendations to develop a new Library Committee to assist in the development of a comprehensive building program, the solicitation and hiring of a project coordinator, and authorizing the allocation of funding in the amount of $180,000.

Update - CDBG Program

Members reviewed the status report provided on the FY 2005 and FY 2006 Program Funds Spent for the Community Development Block Grant (CDBG) Program, which included no changes since the June 29, 2007 meeting. Mrs. Townshend indicated that the original CDBG allocation, in the amount of $298,798, not including the program income, had been approved by the Federal Government.

Mrs. Russell requested that a training session on the guidelines for the CDBG program be given to members.

Discussion - Revisions to Animal Control Ordinance

During their meeting of May 29, 2007, members further reviewed Chapter 18 - Animals, of the Dover Code and recommended that a Draft Version #4 be presented for review by the committee.

Mr. Ruane stated that there should be future discussion regarding the City of Dover receiving funds from the State of Delaware to be used for animal control enforcement within the city limits.

Sgt. Daniel McKeown, Dover Police Department, provided members with a copy of Pennsylvania's Dog Laws. He indicated that the City of Wilmington spends approximately $300,000 to hire the SPCA on a yearly basis to handle the animal control issues within the city limits and that the Humane Society is only utilized for the storing of animals. Sgt. McKeown stated that the

Department of Health does not keep a computer database of the animals that have received a rabies vaccination and advised members that approximately 16,000 registrations were sold last year. Mr. Thomas Postell, Division of Public Health Rabies Division stated that, beginning September 1, 2007, registration information is forwarded to the Department of Agriculture - Spay and Neuter Program to be entered into an accessible database program on a monthly basis. This program is funded by a $3.00 surcharge per rabies vaccination required by Law. Responding to Mr. Ruane, Mr. Postell noted that dog licenses are available online through DNREC and are quite frequently issued to commercial enterprises such as the SPCA, Concord Pet Centers, Wal-Mart, and Pet Smart Stores. Proof of current rabies vaccination is required in order to obtain a dog license. He stated that the City of Wilmington requires all dogs to be issued with a City of Wilmington license, not a State license, and all breeds that are identified as one of the dangerous breeds are required to be registered separately as such. Mr. Ruane expressed a concern regarding what City of Dover Department would handle the issuing of dog licenses for the City of Dover.

Officer Mark Moore, Animal Control Officer, stated that Mary Moore of the Kent County SPCA is interested in handling and receiving the revenue for the licensing of dogs for the City. Mr. Ruane suggested that he, Mrs. Russell, and Sgt. McKeown meet with the Kent County SPCA to discuss the licensing of dogs and possible split of revenue from the licensing of dogs and an update will be provided during the next committee meeting.

Members reviewed the City Solicitor's opinion regarding an amendment to the City of Dover Code, Chapter 18 - Animals, Section 18-9 - Vicious Dogs and Animals - Generally, prohibiting convicted felons or citizens charged with a misdemeanor involving drugs from owning a dangerous dog, as listed on the dangerous breed list.

Responding to Mr. McGlumphy, Sgt. McKeown stated that Officer Moore has the tools to enforce that provision of the Code. He also suggested that the term "misdemeanor" be stricken from Section 18-9 Vicious Dogs and Animals - Generally.

Mr. McGlumphy indicated that it is easy to plea bargain to reduce a charge from a felony to a misdemeanor in the court system. Sgt. McKeown suggested that the term "drug" be stricken from Section 18-9 Vicious Dogs and Animals - Generally.

Sgt. McKeown suggested that the wording "person convicted of a felony crime of violence and/or a felony drug conviction" be used in Section 18-9 Vicious Dogs and Animals - Generally.

The committee recommended accepting Section 18-9, Vicious Dogs and Animals - Generally, as recommended by the City Solicitor, as amended to include the term "by person convicted of felony crime of violence and/or a felony drug conviction", for inclusion in the draft version of Chapter 18 - Animals.

By consent agenda, Mr. Salters moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Carey and carried by a unanimous roll call vote.

MONTHLY REPORTS - MAY 2007

By motion of Mr. Salters, seconded by Mr. Carey, the following monthly reports were accepted by consent agenda:

Budget Report
Chief of Police Report
City Manager's Report
Planning and Inspections Report
Dover Fire Department Report
CIP Report

EVALUATION OF BIDS - PURCHASE OF TASERS

The Police Department is seeking approval to purchase 94 Tasers™ and associated equipment. This purchase will provide officers with an additional, less lethal tool to be used during the apprehension of violent, noncompliant and/or resisting offenders. The Tasers™ will add an additional step in the force continuum currently available to the officers prior to utilizing/deploying deadly force.

The purchase of the Tasers™ will enable officers to utilize/deploy the devices from a safe distance when an offender is actively resisting an officer. The Tasers™ shoot less lethal probes into the offender followed by an electrical charge (shock) which renders the offender incapacitated, thus allowing officer(s) to take them into custody without physically fighting the offender. The Tasers™ also have the ability to be deployed as a stun gun when the probe cartridge is removed and the Tasers™ is placed directly on the offender and deploying the electric charge (shock). The use of the Tasers™ has statistically reduced the number of injuries officers and offenders alike receive during violent confrontations.

The department has acquired grant funding to pay for these Tasers™ and the associated equipment. The funding, which has been approved, will pay for the Tasers™, holsters, training probes, regular probes and also the extended four (4) year warranty for a total of 5 years of warranty. With the funding already secured, staff will be able to purchase Tasers™ without any immediate impact upon the budget. There will be equipment costs in the future for cartridges and associated equipment.

On April 23, 2007, the Legislative, Finance, and Administration Committee recommended approval of a sole source contract with Lawmen Police Supply for Tasers™ in the amount of $104,540.85 to be paid through SLEAF, SALLE/EDIE, and grant funds. On May 14, 2007, Council deferred action on the recommendation due to receipt of a bid protest.

Mr. DePrima advised members that, due to the bid protest, the Taser™ purchase was reopened for bids and only one (1) vendor, Lawmen Police Supply for Tasers™ responded. Staff recommended approval of the contract with Lawmen Police Supply for Tasers™ in the amount of $104,094.35 to be paid through SLEAF, SALLE/EDIE, and grant funds.

Responding to Mr. Ruane, Chief Horvath stated that there are two (2) officers certified in the use of the Taser™. Every officer on the police force will be trained, certified, and re-certified as necessary.

Mr. Carey moved for approval of staff's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote.

EVALUATION OF BIDS - ENGINEERING SERVICES AND PROJECT MANAGEMENT FOR WATER AND WASTEWATER UTILITIES

The Water and Wastewater Utilities are continuously working on various system upgrades and capacity improvements to the infrastructure of both utilities. These projects take numerous hours of engineering design and analysis, in addition to project management. In the past, contracts for engineering services were awarded to individual firms on a project by project basis. In order to find firms capable of performing engineering and project management services in the appropriate areas for each utility, staff developed a general Engineering Services and Project Management request for proposals for Water and Wastewater Utilities. The firms which submitted proposals included Braun Engineering & Surveying; KCI Technologies Inc.; Becker Morgan Group, Inc.; Davis, Bowen & Friedel, Inc.; and George, Miles & Buhr, LLC.

Due to the type and volume of work to be performed, the Department's review team felt that it would best serve the utilities to review the firms based upon two (2) primary functions: plan review/ general engineering services and project design/management services. Each firm was reviewed based upon the consideration of each function in the following areas: reputation and experience, organization and structure of firm, qualifications of staff assigned, responsiveness of written proposal and location of office performing the work. The end result was to find the firm most suitable for each function.

For the plan review/general engineering services function, it was determined that Braun Engineering & Surveying was most qualified to perform these services for the Water and Wastewater Utilities. This is primarily due to the reputation and experience of the firm, qualifications of the staff assigned, and location of the office performing the work.

For the project design/management services function, it was determined that KCI Technologies Inc. was most qualified to perform these services for the Water and Wastewater Utilities. This is primarily due to the organization and structure of the firm, the qualifications of the staff to be assigned, and the responsiveness of the written proposal (understanding of work to be performed).

Staff recommended that a two (2) year contract be awarded to Braun Engineering and Surveying for the plan review/general engineering services function with the option to extend for one additional year. Staff also recommended that a two (2) year contract be awarded to KCI Technologies Inc. for the project design/management services function with the option to extend for one additional year. Total cost over the term of each contract will exceed $25,000; however, costs will be reflected in the appropriate project budget.

Mr. Ruane questioned whether an analysis had been done on the cost effectiveness of contracting for these services instead of having in-house staff members capable of completing the work. Mr. DePrima stated that general engineering and review services are beneficial for subdivision and site plan work.

Mr. Ruane noted that staff is analyzing the true cost of development plan review and will propose development fees in the future.

Mr. Carey moved for approval of staff's recommendation, seconded by Mr. Slavin and carried by a unanimous roll call vote.

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) DIRECTOR AND ALTERNATE DIRECTOR

DEMEC is a public corporation constituted as a Joint Action Agency and a wholesale electric utility. DEMEC represents the nine municipal electric distribution utilities located in the State of Delaware. The goal and mission of DEMEC is to advance the principles of public power community ownership. While Dover does not procure power through the agency, we do receive benefits through government and regulatory relations.

In accordance with Article III of the By-Laws of Corporation, DEMEC is requesting each member confirm, in writing, to the Corporation the appointment of their Director and Alternate Director. Directors and Alternate Directors, in the absence of the first named Director, have the authority to vote and act with full authority; therefore, it is imperative that current designations are recorded and kept on file.

Staff recommended the appointment of the City Manager, Anthony J. DePrima, as the DEMEC Director and the Public Utilities Director, Ronald H. Lunt, as the DEMEC Alternate Director.

By consent agenda, Mr. Salters moved for approval of staff's recommendation, seconded by Mr. Carey and carried by a unanimous roll call vote.

REAPPOINTMENTS RECOMMENDED BY MAYOR SPEED - BOARD OF ADJUSTMENT - THREE (3) YEAR TERMS TO EXPIRE JULY 2010

Mayor Speed requested the reappointment of Mr. K.C. Sheth (Chairperson) and Mr. William Hufnal to the Board of Adjustment for three (3) year terms to expire July 2010.

By consent agenda, Mr. Salters moved for approval of the reappointments to the Board of Adjustment, as recommended by Mayor Speed, seconded by Mr. Carey and carried by a unanimous roll call vote.

REAPPOINTMENT RECOMMENDED BY MAYOR SPEED - ELECTION BOARD - GOLDIE LEGATES (THIRD DISTRICT REPRESENTATIVE) - THREE YEAR TERM TO EXPIRE 5/2010

Mayor Speed recommended the reappointment of Mrs. Goldie Legates to serve as the Third District Representative on the Election Board for a three (3) year term to expire May 2010.

By consent agenda, Mr. Salters moved for approval of the appointment of Mrs. Legates, as recommended by Mayor Speed. The motion was seconded by Mr. Carey and carried by a unanimous roll call vote.

REZONING REQUEST/FIRST READING - 118 AND 122 ROOSEVELT AVENUE, OWNED BY F L AND D, INC.

A request was received to rezone properties located at 118 and 122 Roosevelt Avenue, consisting of $0.576^{+/-}$ acres, owned by F L and D, Inc. The properties are currently zoned R-8 (One Family Residence) and the requested zoning is C-4 (Highway Commercial).

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

By motion of Mr. Salters, seconded by Mr. Slavin, Council unanimously referred the request to the Planning Commission on July 16, 2007 and set a public hearing for August 13, 2007 at 7:30 p.m.

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 118 AND 122 ROOSEVELT AVENUE

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of June 11, 2007.

Mr. Salters moved that the Final Reading of the proposed ordinances be acknowledged by title only, seconded by Mr. Slavin and unanimously carried.

Budget Ordinances - 2006/2007 Revised and 2007/2008 City of Dover Budget

Mr. Salters moved for adoption of the 2006/2007 Revised and 2007/2008 City of Dover Budget Ordinances. The motion was seconded by Mr. Carey.

Responding to Mr. McGlumphy, Mrs. Tieman stated that there were 14 new positions in the proposed budget. Mr. DePrima stated that there may be additional positions in the Tax Assessor's Office and an economic development position, if there are additional funds.

Mr. Ruane, noting that the budget will only provide $40,000 for the new library, suggested that Council consider a dedicated funding stream for this project.

The motion to adopt the 2006/2007 Revised and 2007/2008 City of Dover Budget Ordinances (*Exhibit #3*) was carried by roll call vote of seven (7) yes and two (2) no (Mr. Hogan and Mr. McGlumphy).

DOWNTOWN DOVER BUSINESS IMPROVEMENT DISTRICT - CASH RECEIPTS/BUDGET FY 2007-2008

Mr. Salters moved for adoption of the following ordinance, seconded by Mr. Carey and carried by a unanimous roll call vote.

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

The amount hereinafter named aggregating Fifty-three thousand, two hundred and sixty-four dollars ($53,264) or so much thereof as may be necessary are hereby appropriated from current revenues and

other funds for the use by the City of Dover/Main Street, Inc. for the fiscal year beginning July 1, 2007, and ending June 30, 2008:

DOWNTOWN DOVER BUSINESS IMPROVEMENT DISTRICT
CASH RECEIPTS BUDGET FOR 2007-08
BID TAX REVENUE AND EXPENSES CHARGED AGAINST THIS
REVENUE ADMINISTERED THROUGH MAIN STREET, INC.

REVENUE	PROPOSED
Tax Revenue	$53,264
EXPENSES	
Personnel & Administration Expenses	$53,264

SECTION 2-201 - COMPENSATION AND EXPENSES FOR MAYOR, COUNCIL, EMPLOYEES AND OTHER ELECTED OR APPOINTED OFFICIALS

Mr. Slavin moved for adoption of the following ordinance, seconded by Mr. Carey and carried by a unanimous roll call vote.

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

That Section 2-201 - Compensation and expenses for mayor, council, employees and other elected or appointed officials, of the Dover Code be amended by deleting Paragraph (8) it in its entirety and inserting in lieu thereof the following to read as follows:

(8) Planning commission. Each appointed member of the planning commission shall receive $100.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the planning commission.

(9) Board of Adjustments. Each appointed member of the board of adjustments shall receive $75.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the board of adjustments, to become effective July 1, 2007.

ADOPTED: JUNE 25, 2007

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Williams read a letter received from Mrs. Lillie Mae Johnson thanking Council members for reappointing the Services to Seniors Committee for an additional year *(Exhibit #4)*.

Council President Williams and Mr. Hogan thanked members of Council, staff, and the Budget team for all of their work on the budget.

Mr. Salters thanked the City of Dover and its citizens for supporting and attending the African American Festival.

Chaplain Dixon thanked members for his recent reappointment as City Chaplain.

Mr. Salters moved for adjournment, seconded by Mr. Carey and unanimously carried.

Meeting Adjourned at 8:20 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of June 25, 2007, are hereby approved.

STEPHEN R. SPEED
MAYOR

/TM
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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Petition to Annex and Zone Property - 1086 S. State Street, owned by Investments Together, LLC
Exhibit #2 - Petition to Annex and Zone Property - Property Located on the South Side of Forrest Avenue, approximately 1,495.5 feet west of Mifflin Road, owned by Edwin B. Baker, III, Donald M. Carey, and Ruth Carey
Exhibit #3 - Budget Ordinances - 2006/2007 Revised and 2007/2008 City of Dover Budget
Exhibit #4 - Correspondence - Lillie Mae Johnson

PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
July 9, 2007

Applicants/Owners:	Downtown Dover Development Corporation PO Box 475 Dover, DE 19903
Location:	East side of South West Street and south of West of Division Street
Property Addresses:	17, 21, 29, 33, 35, and 39 South West Street Dover, DE 19901
Tax Parcels ID #:	ED-05-076.08-06-02-00.000, ED-05-076.08-06-03-00.000, ED-05-076.08-06-04.00-000, ED-05-076.08-06-05.00-000, ED-05-076.08-06-006.00-000, ED-05-076.08-06-07.00-000 and ED-05-076.08-06-58.00-000
Size:	1.4601± acres
Present Zoning:	C-3 (Service Commercial Zone)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	Vacant/former scrap yard
Comprehensive Plan Designation:	Mixed Use
Proposed Use:	Unknown
File Number:	Z-07-07

This zoning change is being requested by the Downtown Dover Development Corporation. The subject parcels are currently zoned C-3 (Service Commercial Zone). The applicant is requesting C-2A (Limited Central Commercial Zone) zoning. Tax Parcels: ED-05-076.08-06-02-00.000, ED-05-076.08-06-03-00.000, ED-05-076.08-06-04.00-000, ED-05-076.08-06-05.00-000, ED-05-076.08-06-006.00-000, ED-05-076.08-06-07.00-000 and ED-05-076.08-06-58.00-000

Existing Property:
The site is the former Capital Scrap Yard. The subject parcel is currently vacant and under environmental remediation. The Downtown Dover Development Corporation is working with the City of Dover and DNREC to remediate the site.

Surrounding Land Uses:
The land adjacent to the site to the north and south consists of old commercial and industrial sites zoned C-3 (Service Commercial Zone). To the east, there is land zoned RG-1 (General Residence Zone) in the City of Dover consisting of a series of vacant lots and a few single family houses. The land to the west across West Street and across the Railroad Corridor is zoned M (Manufacturing Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, as amended May 2005, September 2006 and February 2007 the Land Development Plan recommends that this property be used for Mixed Use. The requested C-2A (Limited Central Commercial Zone) is consistent with this category of uses.

Request for C-2A (Limited Central Commercial Zone)
The types of permitted uses in the C-2A (Limited Central Commercial Zone) are the following: business, professional or governmental offices; banks, theaters and restaurants; dwellings for two or more families with conditions; residences conforming to the regulation set forth in article 3, section 2; hotels, clubs, and places of worship; convenience retail stores such as drug stores, grocery stores, luncheonettes, variety stores or combinations thereof; personal service stores such as but not limited to, barbershops, beauty parlors, and tailors with conditions; service establishments furnishing services other than of a personal nature but excluding gasoline filling stations and motor vehicle storage, repair or service; other retail and service establishments **excluding** wholesaling, warehousing or storage; the manufacturing, printing, assembling, converting, altering, finishing, cleaning or any other processing of goods on the premise except as permitted in the C-1 zone; excessive traffic generating uses, such as theatres, drive-ins, bowling alleys and other commercial, recreation , restaurants, etc. Article 4, Section 4.14 of the *Zoning Ordinance* address bulk standards for the Limited Central Commercial Zone.

Sections 4.14. and 4.15 [C-2A, C-3 zones.]

Bulk and parking regulations for neighborhood commercial limited commercial (C-2A) zones [is as follows]: Section 4.14. Bulk and parking regulations for service commercial (C-3), [is as follows]: Section 4.15

TABLE INSET:

			For Buildings In:	
			C-3	C-2A
Minimum required:				

	Lot area (sq. ft.)		
	Lot width (ft.)	100	50
	Lot depth (ft.)	100	100
	Front yard (ft.)	25	25
	Side yard (ft.)	20	None required, but 10ft. minimum if provided.
	Rear yard (ft.)	10	20 above ground floor. At ground floor, none required, but 10 ft. min. if provided
	side or rear yards which adjoin a residence zone (ft.)	30	25
	Off-street parking		
	Per 300 sq. ft. floor area or	1	1
	Per employee (whichever is greater)	1	1
Maximum permitted:			
	Building height		
	Stories	2	6
	Feet	30	60
	Floor area ratio	0.5	4.0
	Lot coverage	0.5	

Recommendation of the Planning Staff:

This request is to rezone land from C-3 (Service Commercial Zone) to C-2A (Limited Central Commercial Zone). The primary difference between the current zone and requested zone is the permitted uses. C-2A allows for residential development, offices, theaters, restaurants, and other various retail and personal service uses while C-3 allows for services establishments, wholesale, storage and motor vehicle sales or service uses. Additionally C-2A (Limited Central Commercial Zone) has different bulk standards.

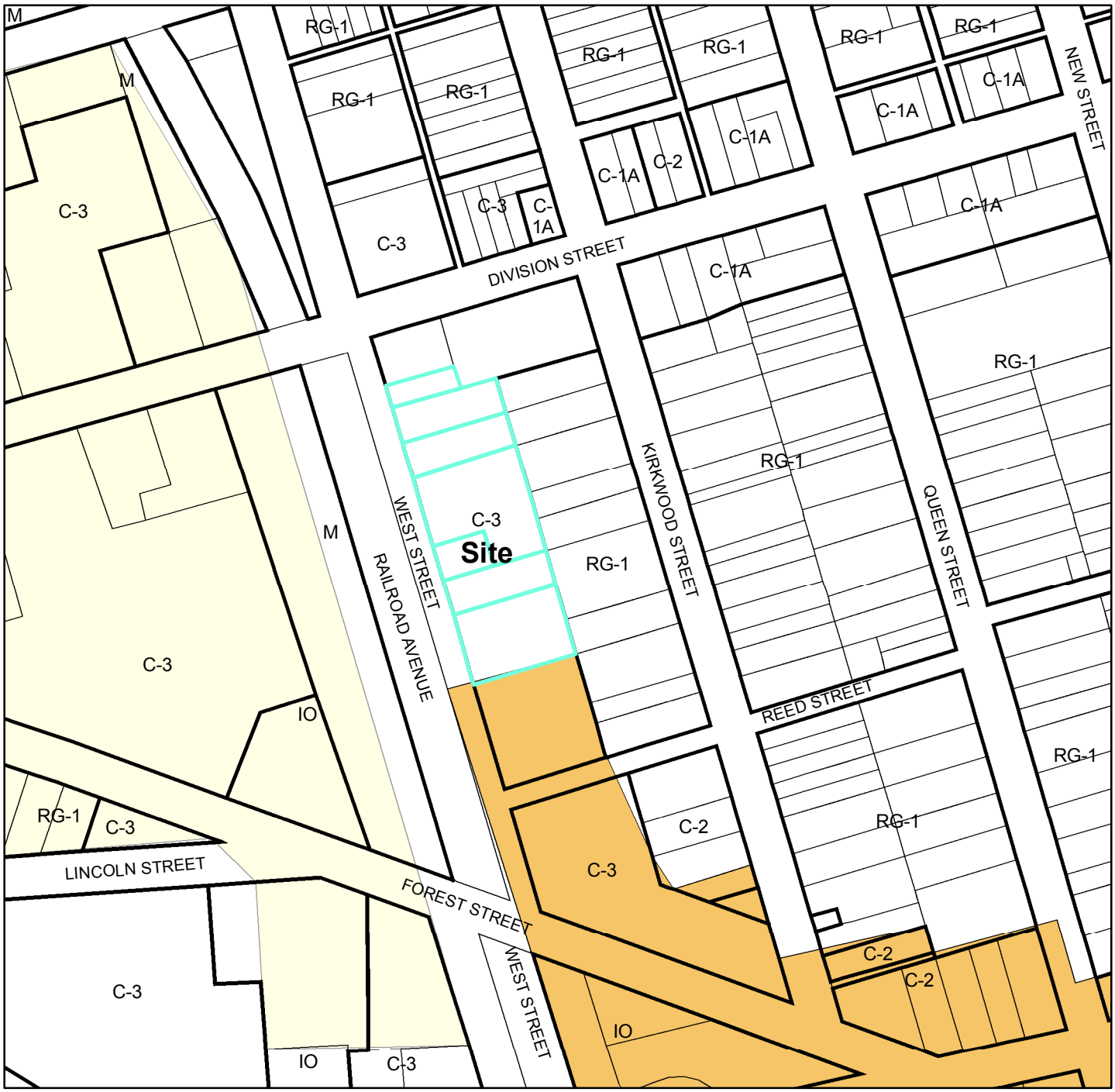
While staff has some concerns about the maximum height allowed the C-2A (Limited Central Commercial Zone), the floor area ratio should preclude a structure from being erected that would be so large as to be out of character with the surrounding area. The requested zoning is consistent with the Comprehensive Plan. Staff views the proposed rezoning as a transition between the residential zone and the more intense C-3 (Service Commercial Zone).

The staff recommendation was made prior to public hearing. Following a public hearing before the Planning Commission on June 18, 2007, the Planning Commission recommended in favor of the requested C-2A zoning classification.

City of Dover

Department of Planning & Inspections

Application No.: Z-07-07



Plan Title: Lands of Downtown Dover Development Corporation
Location: South West Street (Capitol Scrap Yard)
Plan Type: Rezoning
Tax Parcels: ED-05-076.08-06-02.00-000, ED-05-076.08-06-03.00-000, ED-05-076.08-06-04.00-000, ED-05-076.08-06.05-00.000, ED-05-076.08-06-05.00-000, ED-05-076.08-06-06.00-000, ED-05-076.08-06-07.00-000, and ED-05-076.08-06-58.00-000
Current Zoning: C-3
Proposed Zoning: C-2A
Owners: Downtown Dover Development Corporation
Date: 5-23-07

Legend

- Dover Parcels
- Dover Boundary
- Zoning
- Historic District
- Corridor Overlay Zone

0 150 300 600 Feet

FINAL READING

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE EAST SIDE OF SOUTH WEST STREET, SOUTH OF WEST DIVISION STREET.

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 property described below from C-3 (Service Commercial) to C-2A (Limited Central Commercial).

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 C-3 (Service Commercial) to C-2A (Limited Central Commercial) on that property located on the east side of South West Street, south of West Division Street, consisting of eight (8) parcels totaling 1.4601 +/- acres, owned by the Downtown Dover Development Corporation.

ADOPTED: *

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M E M O R A N D U M

TO: City Council



FROM: Traci A. McDowell, City Clerk

DATE: July 9, 2007

SUBJECT: Final Draft - Recommendations of the 2005 Charter Review Committee

The attached documents were sent to the 2005 Charter Review Committee for final review. Although, as you will note, there are still some decisions to be made regarding a few items, it was the consensus of members that the documents should be forwarded to City Council at this time.

The memo of May 21, 2007, explains the documents and the additional action necessary to complete the Final Draft. If there are **ANY** questions regarding the documents or the above information, please do not hesitate to contact the City Clerk's Office at 736-7008 or email at Tmcdowell@dover.de.us.

/tm

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M E M O R A N D U M

TO: Members of the 2005 Charter Review Committee



FROM: Traci A. McDowell, City Clerk

DATE: May 21, 2007

SUBJECT: 2nd Draft Review - Recommendations of the 2005 Charter Review Committee

During the last 2005 Charter Review Committee meeting, held on May 10, 2007 *(minutes are enclosed and should be included in your 1st Draft Review Notebook - Tab 4)*, members noted that sections of the Dover City Charter were repeated throughout the 1st Draft Recommendation. The reason for the "duplication" was due to there being several topics included in only one section of the Dover City Charter that are separate topics in the *Model City Charter*. So that members could more easily review the wording of the Dover City Charter as compared to the *Model City Charter*, it was necessary to "repeat" those sections of the Dover City Charter in certain locations. As a reminder, members initially directed for the *Model City Charter* to be used as the framework (so that entire Charter was first in place), then the appropriate sections of the Dover City Charter was matched. As an example, Section 5 of the Dover City Charter includes seven (7) paragraphs, each one of these paragraphs is a **separate** topic in the *Model City Charter*. For reference purposes, staff included the entire Section of the Dover City Charter rather than simply including the paragraph that is associated with that same topic covered in the *Model City Charter*. In addition, when applicable, staff included Sections of the Dover Code that were mentioned in the *Model City Charter* for reference purposes.

As we approach a Final Recommendation, staff has developed four (4) documents, as follows:

1) Staff has developed a "Comparative Table" for the Articles, Dover Charter Revisions, and the Dover Code Revisions ***(Exhibit #1 - should be included in your 1st Draft Review Notebook - Tab 3)***. Included in this table are the Sections of the *Model City Charter* that members have recommended be included in their Final Recommendation, the Sections of the Dover City Charter that members have recommended be included in their Final Recommendation, and Sections from the *Model City Charter* as well as the Dover City Charter that members have recommended be included in the Dover Code.

For your convenience, staff has maintained the original color code references (i.e. Sections of the Dover City Charter moved to the Dover Code are noted in purple text; Sections of the *Model City Charter* moved to the Dover Code are noted in brown text, etc.).

The last column in this table indicates the previous action taken by the committee and notes any additional action required of the committee which is reflected in *italics* (this corresponds with the highlights throughout the 2nd Draft Recommendation document mentioned below).

2) A 2nd Draft Recommendation ***(Exhibit #2 - should be included in your 1st Draft Review Notebook - Tab 1)***, which includes those sections of the *Model City Charter* and of the Dover City Charter that members recommended be retained. It should be noted that unless the committee had recommended using the text of either the Dover City Charter or *Model City Charter*, both text remains in the 2nd Draft.

> As an example, Section 2.01 of the *Model City Charter*, corresponds to Section 4 of the Dover City Charter. The committee had recommended that the topic remain in their Recommendation; however, members did not specify which "Charter" text should be used. Therefore, it will be necessary for members to provide direction for staff in this regard: to use the *Model City Charter* text, Dover City Charter text, a combination, or new wording.

For your convenience, there are highlighted areas throughout this document which reflect additional action required of the committee prior to developing their Final Recommendation to submit to City Council. Once this action has been taken, this is the document that will be corrected and presented to Council as the **2005 Charter Review Committee Final Recommended Charter** for the City of Dover

All duplicate Charter sections and any references to the Dover Code have been eliminated from this Draft in order to present a better reflection of a final document; however, staff has maintained the original "working document" which includes all of these items (see item #4 below).

3) Amendments to the Dover Code ***(Exhibit #3 - should be included in your 1st Draft Review Notebook - Tab 5)***. This includes Sections that members recommended be moved from either the Dover City Charter or the *Model City Charter* to the Dover Code. For reference purposes, the original color codes have been maintained (i.e. Sections of the Dover City Charter moved to

the Dover Code are noted in purple text; Sections of the *Model City Charter* moved to the Dover Code are noted in brown text, etc.). These may also include additional text amendments. For reference purposes, this document includes those Sections of the *Model City Charter* that already appear in the Dover Code; however, the committee has recommended that the wording of the Dover Code be maintained.

4) As mentioned, staff has maintained the original "working document" which includes the *Model City Charter* with the Dover City Charter incorporated and references of the Dover Code with recommendations of the 2005 Charter Review Committee updated through their meeting of May 10, 2007. ***(This document is on file in the Office of the City Clerk).***

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Recommendations Not Included in Charter (to be forwarded to City Council)

As a result of this Charter Review, there have been additional recommendations developed by the committee that are not a part of the Charter; however, they will be forwarded to City Council along with the Recommended Charter, as follows:

1) City would need to consider changing the number of voting districts in the future (after the 2010 Census) - *see 6-26-2006 Minutes*

2) Creation of a Compensation Commission (***Exhibit #4***) - *see 7-20-2006 Minutes*.

3) Thorough examination of the election date to provide new members time to review the budget prior to adoption and to increase voter participation, if and when the Consent Decree is negotiated.

4) Upon its completion, the final editing of the recommendation should be reviewed by an editor with experience in contemporary terminology for issues such as gender (AP Manual).

If there are **ANY** questions regarding the documents or the above information, please do not hesitate to contact the City Clerk's Office at 736-7008 or email at Tmcdowell@dover.de.us.

/jg

COMPARATIVE TABLE - MODEL CHARTER W/DOVER CHARTER - RE-ARRANGED AS 2005 CHARTER REVIEW COMMITTEE RECOMMENDED - AS OF MAY 10, 2007

ARTICLES

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Preamble		
Article I - Powers of the City	Article I - General Provisions	*Selection of Title Preference.*
Article II - City Council	Article II - Mayor and Council	*Change title from "City Council" to "Mayor and Council"*
Article III - City Manager	Article III - City Manager	
Article IV - Departments, Offices, and Agencies		*Keep Article? If not, need to select Article to move Sections to.*
Article V - Financial Management	Article IV - Financial Affairs	*Selection of Title Preference*
Article VI - Elections		*Keep Article? If not, need to select Article to move Sections to.*
Article VII - General Provisions	Article V - Miscellaneous Provisions	Article Eliminated.
Article VIII - Charter Amendment		Article Eliminated.
Article IX - Transition and Severability		*Keep Article? If not, need to select Article to move Sections to.*

DOVER CHARTER REVISIONS

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Article I - Powers of the City	*Article 1 - General Provisions*	
Section 1.01 - Powers of the City		
	Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers; ~~Employee Pension, Benefit and Retirement Systems Authorized~~ (LAST PARAGRAPH moved to Section 4.01)	*Last paragraph of Section 3 moved to Section 4.01 of the Model City Charter. OK? Will need title.*
	Section 3 - ~~Enumeration of Power not Exclusive; Manner of Exercise of Powers;~~ Employee Pension, Benefit and Retirement Systems Authorized	2nd and 3rd Paragraphs moved to Dover Code.
Section 1.02 - Construction		
Section 1.03 - Intergovernmental Relations		
	Section 1 - Municipal Corporation Continued; Boundaries.	

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
	Section 1A - Procedure to Extend Boundaries	*1) City Clerk and Planner to review concept of annexation agreement for developing a recommendation for further consideration (see Milford and Harrington Charters)* *2) 4th paragraph - Provision to be included to allow for absentee ballots*
	Section 2 - Status, General Corporate Powers, Specific Provisions for Condemnation of Property	*Review current provisions of condemnation of properties in light of the recent eminent domain decision; Any act included in Section 2 should require 3/4 vote of Council.*
Article II - City Council	*Article II - Mayor and Council*	
Section 2.01 - General Powers and Duties	Section 4 - Government Vested in Mayor and City Council	*Determine the text to be included.*
	Section 5 - Council to be Legislative Body; ~~Size; Districts; Terms of Mayor and Councilmen; Qualifications~~	*Also see Section 6.02 (a). DELETE FROM HERE?*
Section 2.02 - Eligibility, Terms, and Composition (a) Eligibility	Section 5 - ~~Council to be Legislative Body; Size; Districts; Terms of Mayor and Councilmen;~~ Qualifications	*Determine the text to be included.*
Section 2.02 - Eligibility, Terms, and Composition (b) Terms	Section 5 - ~~Council to be Legislative Body; Size; Districts;~~ Terms of Mayor and Councilmen~~; Qualifications~~	*Determine the text to be included*. Committee recommended recall provisions be included in this section. There is a Section dedicated to Recall in the *Model City Charter* - SEE SECTION 6.04

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 2.02 - Eligibility, Terms, and Composition (c) Composition Single-Member District System	Section 5 - ~~Council to be Legislative Body;~~ Size; Districts; ~~Terms of Mayor and Councilmen; Qualifications~~	*Also see Section 6.02(f). DELETE FROM HERE? If not, determine the text to be included.*
	Section 7 - Nomination Petitions for Candidates for Council and Mayor	Moved to Dover Code - Includes amendments
Section 2.03 - Mayor (a) Powers and Duties	Section 14 - Duties of Mayor ~~~ Section 53 - Police; Mayor to be Conservator of Peace	*Determine the text to be included.*
Section 2.03 - Mayor (b) Election - Mayor Elected At-Large	Section 15 - Council President/Vice-Mayor, Duties of	*Determine the text to be included.*
Section 2.04 - Compensation; Expenses	Section 12 - Compensation and Expenses–Mayor and Council and Other Elected or Appointed Officials	*Determine the text to be included.* Also, separate recommendation being forwarded to Council for the Establishment of a Compensation Commission.
Section 2.05 - Prohibitions (a) Holding Other Office	Section 5 - ~~Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications~~ LAST PARAGRAPH	*Determine the text to be included.* *If Dover Charter text is selected, title is needed.*
(b) Appointments and Removals	Section 35 - Removal of Employees by Manager	*Determine the text to be included.*

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
(c) Interference with Administration	Section 36 - Council Not to Interfere with Appointments or Removals of Manager; Giving Orders to Subordinates of Manager Prohibited; Penalty for Same	*Determine the text to be included.*
Section 2.06 - Vacancies; Forfeiture of Office; Filling Vacancies (a) Vacancies (b) Forfeiture of Office	Section 13 - Filling Vacancies for Council or Mayor (1ST SENTENCE ONLY *remainder moved to Section 2.06(c)*)	*Determine the text to be included.*
Section 2.06 - Vacancies; Forfeiture of Office; Filling Vacancies (c) Filling of Vacancies	Section 13 - Filling Vacancies for Council or Mayor (EXCLUDING 1ST SENTENCE *moved to Section 2.06(a) and b)*)	*Determine the text to be included.*
Section 2.07 - Judge of Qualifications	Section 11 - Council to be Judge of Election Results and Qualification of Members; ~~Power to Fix Procedure~~	*Determine the text to be included.* Last Sentence Moved to Dover Code - possible split (see Section 2.11(b))
Section 2.08 - City Clerk	Section 16 - Clerk of Council	*Determine the text to be included.*
	Section 17 - City Treasurer	
Section 2.09 - Investigations	Section 39 - Investigations by Council	*Determine the text to be included.*
Section 2.10 - Independent Audit	Section 46 - Annual audit	*Determine the text to be included. Section 46 also appears in Section 5.11. DELETE FROM HERE?*

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 2.11 - Procedure (a) Meetings	Section 9 - Meetings of Mayor and Council--Generally (EXCLUDING 1ST SENTENCE *moved to Section 6.01(e)*)	*Determine the text to be included.*
Section 2.11 - Procedure (b) Rules and Journal (c) Voting	Section 10 - Meetings of Mayor and Council--Procedure.	*Determine the text to be included.*
Section 2.12 - Action Requiring an Ordinance		
Section 2.13 - Ordinances in General (a) Form (b) Procedure (c) Effective Date (d) "Publish" Defined	Section 18 - Ordinances authorized; maximum penalty for violation.	Moved to Dover Code. Moved to Dover Code.
	Section 19 - Power of Council to Define and Abate Nuisances ~~~ Section 21 - Power of Council to Adopt Zoning Ordinance.	Moved to Dover Code.
~~Section 2.14 -Emergency Ordinances~~		Keep wording of current Dover Code (see Section 1-9)
Section 2.15 - Codes of Technical Regulations		

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 2.16 - Authentication and Recording; Codification; Printing of Ordinances and Resolutions. (a) Authentication and Recording (b) Codification (c) Printing of Ordinances and Resolutions		Keep wording of current Dover Code (see Section 1-16)
Article III - City Manager	*Article III - City Manager*	
Section 3.01 - Appointment; Qualifications; Compensation	Section 33 - The City Manager Generally (FIRST 2 SENTENCES AND PART OF 3RD SENTENCE ONLY *moved to Section 3.02*)	*Determine the text to be included.*
Section 3.02 - Removal	Section 33 - The City Manager Generally (EXCLUDING LAST FIRST 2 SENTENCES AND PART OF 3RD SENTENCE *moved to Section 3.01*)	*Determine the text to be included.*
Section 3.03 - Acting City Manager		Moved to Dover Code.

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 3.04 - Powers and Duties of the City Manager	Section 34 - Responsibility of manager; powers of appointment and removal. ~~~ Section 35 - Removal of Employees by Manager ~~~ Section 37 - Duties of the Manager ~~~ Section 40 - Other Functions of City Manager.	*Determine the text to be included, compared to all Sections: 34, 35, 37, and 40.*
	Section 38 - Right of Manager to Sit in Council Meetings	Moved text to Dover Code.
Article IV - Departments, Offices, and Agencies		*Keep Article? If not, need to select Article to move Sections to.*
Section 4.01 - General Provisions (a) Creation of Departments (b) Direction by City Manager		

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
	Section 3 - (LAST PARAGRAPH OF SECTION 3 ONLY) ~~~ Section 20 - Power of council to provide for fire protection measures. ~~~ Section 22 - Power of Council to Regulate Construction of Buildings and Require Permits; Building Inspector Authorized ~~~ Section 23 - Power of Council to Create City Planning Commission; Members Generally ~~~ Section 24 - Power of Council to Franchise or License Public Utilities and Common Carriers ~~~ Section 25 - Power of Council to Operate Light, Power or Water Plant	*Determine the text to be included.* *If City Charter selected, needs title?: "Power of Council to Impose and Collect Transfer Tax"* *Revisit with Regard to Who Provides Fire Protection for Annexed Properties (see also Section 46-41 of the Dover Code)* *Recommend Adding "and Other Enterprise Funds"*

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
	Section 26 - Power of Council with Reference to Sewers ~~~ Section 27 - Power of Council to Layout, Locate, Abandon, Etc., Streets, Sidewalks, Etc. ~~~ Section 28 - Power of Council to Pave Streets, Sidewalks, Etc. and Levy Assessment for Public Improvements; Municipal Lien Docket. ~~~ Section 29 - Streets, Sidewalks, Etc. to Be under Control of Council; Power of Council to Prescribe Grades Thereon and Regulate ~~~ Section 30 - Power of Council to Provide for Disposal of Garbage and Sewage ~~~ Section 31 - Power of council to regulate parking and provide parking lots	

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 4.02 - Personnel System (a) Merit Principle (b) Merit System	Section 32 - Council to determine salaries of city appointees and employees.	*Determine the text to be included.*
Section 4.03 - Legal Officer (a) Appointments (b) Role	Section 54. City solicitor.	*Determine the text to be included.*
~~Section 4.04 - Land Use, Development, and Environmental Planning~~		Deleted. Keep wording of current Zoning Code, Appendix B of the Dover Code (See Section 1-9)
Article V - Financial Management	*Article IV - Financial Affairs*	*Selection of Title Preference*
	Section 50. Debit Limit	*Location of this Section OK here?*
	Section 42 - Signing of Warrants	Moved to Dover Code.
Section 5.01 - Fiscal Year	Section 43 - Fiscal Year	Moved to Dover Code. *Determine the text to be included.*

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 5.02 - Submission of Budget and Budget Message ~~~ Section 5.03 - Budget Message ~~~ Section 5.04 - Budget ~~~ Section 5.05 - City Council Action on Budget (a) Notice and Hearing (b) Amendment Before Adoption (c) Adoption (d) "Publish" defined	Section 44. Annual budget	*Determine the text to be included - Compared to all Sections: 5.02, 5.03, 5.04, and 5.05.*
	Section 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.	Moved to Dover Code.
	Section 47. General Assessment; Levy on Utility Property	Moved to Dover Code (with amendments).
Section 5.06 - Appropriation and Revenue Ordinances		Moved to Dover Code.

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
	Section 48. Maximum budget. ~~~ Section 49A. Assessment, payment, and collection of taxes for new construction. ~~~ Section 49. Payment and Collection of Taxes; Errors and Delinquents in Assessments	Moved to Dover Code.
Section 5.07 - Amendments After Adoption (a) Supplemental Appropriations (b) Emergency Appropriations (c) Reduction of Appropriations (d) Transfer of Appropriations (e) Limitation; Effective Date		
Section 5.08 - Administration and Fiduciary Oversight of the Budget		
Section 5.09 - Capital Program (a) Submission to City Council (b) Contents		
Section 5.10 - City Council Action on Capital Program (a) Notice and Hearing (b) Adoption		

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 5.11 - Independent Audit	Section 46 - Annual Audit	*Determine the text to be included.* *This section also appears in Section 2.10 - DELETE FROM HERE?*
~~Section 5.12 - Public Records~~		Deleted. Governed by State Laws.
	Article V - Miscellaneous Provisions	
	Section 51 - Trees	Moved to Dover Code.
	Section 55 - Printed Copies of Ordinances and Resolutions to be Proper Evidence	Moved to Dover Code.
	~~Section 56 - Repeal of Prior Acts~~	Deleted.
Article VI - Elections		*Keep Article? If not, need to select Article to move Sections to.*
Section 6.01 - City Elections (a) Regular Elections	Section 6 - Municipal Election Dates	*Determine the text to be included.*
Section 6.01 - City Elections (b) Registered Voter Defined (c) Conduct of Elections	Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots	*Determine the text to be included.*

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
(d) Proportional Representation		*Deletion of this Section?*
(e) Beginning of Term	Section 9 - Meetings of Mayor and Council--generally (FIRST 2 SENTENCES OF 1ST PARAGRAPH ONLY; remainder of Section moved to Section 2.11)	*Determine the text to be included.*
Section 6.02- Council Districts; Adjustment of Districts (for use with Alternatives II, III and IV of § 6.03) (a) Number of Districts	Section 5 - Council to Be Legislative Body; Size; ~~Districts; Terms of Mayor and Councilmen; Qualifications~~ (1ST PARAGRAPH ONLY)	*Determine the text to be included.* *See also Section 2.01 - DELETE FROM HERE?*
(b) Council to Redistrict (c) Procedures (d) Failure to Enact Ordinance (e) Districting Plan; Criteria (f) Effect of Enactment	Section 5 - ~~Council to Be Legislative Body;~~ Size; Districts; ~~Terms of Mayor and Councilmen; Qualifications~~ (2ND PARAGRAPH ONLY)	*Also see Section 2.02(c). DELETE FROM HERE?* *If not, determine the text to be included.*
~~Section 6.03 - Methods of Electing Council Members: Single Member District System~~		*Committee did NOT recommend deletion; however, after further review, staff questions the necessity to maintain this Section. Should it be deleted?*

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 6.04 - ~~Initiative, Citizen Referendum,~~ Recall (a) General Authority for ~~Initiative, Citizen Referendum, and~~ Recall ~~(1) Initiative~~ ~~(2) Citizen Referendum~~ (3) Recall (b) Commencement of Proceeding; Petitioners' Committee; Affidavit (c) Petitions (1) Number of Signatures (2) Form and Content (3) Affidavit of Circulator (4) Time for Filing Recall Petitions (d) Procedure after Filing (1) Certificate of Clerk; Amendment (2) Council Review (3) Court Review; New Petition ~~(e) Referendum Petitions; Suspension of Effect of Ordinance~~ ~~(f) Action of Petitions~~ ~~(1) Action by Council~~ ~~(2) Submission of Voters of Proposed or Referred Ordinances~~ (3) Withdrawal of Petitions (g) Results of Election ~~(1) Initiative~~ ~~(2) Referendum~~ (3) Recall		Deleted Initiative and Citizen Referendum throughout Section 6.04. Only Recall provisions have been maintained and as a result, renumbering and lettering has occurred.

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Article VII - General Provisions	*Article V - Miscellaneous Provisions*	*Article Eliminated.*
~~Section 7.01 - Conflicts of Interest; Board of Ethics~~		Deleted. Keep wording of current Dover Code (See Section 30)
~~Section 7.02 - Prohibitions~~		Deleted. Keep wording of current Dover Code (See Section 30)
~~Section 7.03 - Campaign Finance~~		Deleted. Governed by State Laws.
Article VIII - Charter Amendment		*Article Eliminated.*
Article IX - Transition and Severability		*Article Eliminated.*
Section 9.01 - Officers and Employees (a) Rights and Privileges Preserved (b) Continuance of Office or Employment (c) Personnel System		
Section 9.02 - Departments, Offices, and Agencies		Moved to Dover Code.
Section 9.03 - Pending Matters		Moved to Dover Code.
Section 9.04 - State and Municipal Laws (a) In General (b) Specific Provisions		

MODEL CITY CHARTER	DOVER CITY CHARTER	*ADDITIONAL ACTION REQUIRED* PREVIOUS ACTION TAKEN
Section 9.05 - Schedule (a) First Election (b) time of Taking Full Effect (c) First Council Meeting (d) Temporary Ordinances (e) Initial Expenses (f) Initial Salary of Mayor and Council Members		
Section 9.06 - Severability	Section 57 - Severability	*Determine the text to be included.*

DOVER CODE REVISIONS

MODEL CITY CHARTER	DOVER CITY CHARTER	DOVER CODE
	Section 3 - ~~Enumeration of Power not Exclusive; Manner of Exercise of Powers;~~ Employee Pension, Benefit and Retirement Systems Authorized (2ND AND 3RD PARAGRAPHS ONLY moved to Dover Code)	2nd and 3rd Paragraphs moved to Dover Code.
	Section 7 - Nomination Petitions for Candidates for Council and Mayor	Includes amendments

Section 2.07 - Judge of Qualifications	Section 11 - Council to be Judge of Election Results and Qualification of Members; ~~Power to Fix Procedure~~	*Determine the text to be included.* Last Sentence Moved to Dover Code - possible split (see Section 2.11(b))
Section 2.13 - Ordinances in General (a) Form (b) Procedure (c) Effective Date (d) "Publish" Defined	Section 18 - Ordinances authorized; maximum penalty for violation.	Moved to Dover Code. Moved to Dover Code.
	Section 19 - Power of Council to Define and Abate Nuisances ~~~ Section 21 - Power of Council to Adopt Zoning Ordinance.	Moved to Dover Code.
Section 3.03 - Acting City Manager		Moved to Dover Code.
	Section 38 - Right of Manager to Sit in Council Meetings	Moved text to Dover Code.
	Section 42 - Signing of Warrants	Moved to Dover Code.
Section 5.01 - Fiscal Year	Section 43 - Fiscal Year	Moved to Dover Code. *Determine the text to be included.*
	Section 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.	Moved to Dover Code.

	Section 47. General Assessment; Levy on Utility Property	Moved to Dover Code (with amendments).
Section 5.06 - Appropriation and Revenue Ordinances		Moved to Dover Code.
	Section 48. Maximum budget. ~~~ Section 49A. Assessment, payment, and collection of taxes for new construction. ~~~ Section 49. Payment and Collection of Taxes; Errors and Delinquents in Assessments	Moved to Dover Code.
	Section 51 - Trees	Moved to Dover Code.
	Section 55 - Printed Copies of Ordinances and Resolutions to be Proper Evidence	Moved to Dover Code.
Section 9.02 - Departments, Offices, and Agencies		Moved to Dover Code.
Section 9.03 - Pending Matters		Moved to Dover Code.

MODEL CHARTER WITH DOVER CHARTER INCORPORATED WITH RECOMMENDATIONS OF CHARTER REVIEW COMMITTEE

(UPDATED THROUGH THEIR MEETING OF MAY 10, 2007)

KEY TO RECOMMENDATIONS OF CHARTER REVIEW COMMITTEE

☞ **Black Text** - The Model City Charter.

✍ ***Black Bold Italics - Text to be inserted (amending Model City Charter)***

☞ **Green Text -** Dover City Charter.

✍ ***Green Bold Italics - Text to be inserted (amending current Dover Charter)***

✶ ***Blue Italics*** *- Information note or may require additional action.*

✶ ***Highlighted Text*** *- Important Information; May or May Not require further action.*

① Committee needs to determine the text to be included; either the *Model City Charter*, Dover City Charter, or a combination of the text.

PREAMBLE

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self-government and to provide for an honest and accountable mayor-council government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

Article I. In General

①

Article I
POWERS OF THE CITY

Section 1.01. Powers of the City.

The city shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

(Article I - In General) Sec. 3. Enumeration of power not exclusive; manner of exercise of powers;

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that The City of Dover shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein then in the manner provided by ordinance or resolution of the council.

Moved to Section4.01 - ~~Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax.~~ ***(This last paragraph appears to be displaced and should be repositioned to a more appropriate Section within the Charter)*** Moved to Section 2.15?

Section 1.02. Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

Section 1.03. Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or any other state or states of the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Sec. 1. Municipal corporation continued; boundaries.

The municipal corporation of the State of Delaware, known as "The City of Dover" shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County and State of Delaware as presently existing and as hereinafter amended.

Sec. 1A. Procedure to extend boundaries. ***(City Clerk and Planner to review concept of annexation agreement for developing a recommendation for further consideration - see Milford and Harrington Charters)***

In order to extend the boundaries of The City of Dover the council shall adopt a resolution proposing the inclusion of territory or territories within the limits of The City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code insofar as applicable. Said resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election, which shall be not less than thirty (30) nor more than sixty (60) days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two (2) issues of a newspaper of general circulation within the City of Dover ***and on the City's Website*** at least two (2) weeks prior to the day of said election.

Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.

Any such election shall be held by the election officers of the election district or districts of Kent County which shall include the territory proposed to be annexed. Every person eighteen (18) years of age or upwards who is duly registered upon the books of registered voters for said election district, or districts, who is a resident of the territory proposed to be included within the limits of the City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed; and every person who is the owner of real estate within a territory proposed to be included assessed to them on the assessment records of Kent County, shall be entitled to one vote. Owners of real estate in common shall be entitled to one vote each. Life tenants shall be entitled to one vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one vote, the same as private persons.

The Council of the City of Dover shall provide the ballots for any such election and shall bear the cost of holding such election. The ballots shall briefly indicate the territory proposed to be included and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within The City of Dover," and "AGAINST inclusion within The City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference. ***(Provision to be included to allow for absentee ballots)***

At any such election the polls shall be open from ***8:30 a.m. to 5:00 p.m.*** ~~**11:00 a.m. to 8:00 p.m.**~~ When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the council may thereupon adopt a resolution annexing said territory and including same within the limits of The City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the clerk of council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of The City of Dover.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of The City of Dover, the proposed annexation of said territory shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal of annexation to the voters of said territory, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

Sec. 2. Status, general corporate powers, specific provisions for condemnation of property. ***(Review current provisions of condemnation of properties in light of the recent eminent domain decision; Any act included in Section 2 should require 3/4 vote of Council)***

The inhabitants of the City of Dover within the boundaries defined in Section 1 of this Charter, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "The City of Dover," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the Council must follow applicable State Law.

Article II
CITY COUNCIL (should be "MAYOR AND"?)

Section 2.01. General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

①

(Article II - Mayor and Council) Sec. 4. Government vested in mayor and city council.

The government of the said city and the exercise of all the powers conferred by this Charter (except as otherwise provided herein) shall be vested in a mayor and city council.

Sec. 5. Council to be legislative body;

The council shall be the legislative body of the city and composed of nine (9) members nominated and elected as herein provided. (***Also, see Section 6.02(a)) - delete from here?***

Section 2.02. Eligibility, Terms, and Composition.

(a) **Eligibility.** Only registered voters of the city shall be eligible to hold the office of council member or mayor.

①

Sec. 5. Qualifications.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

(1) A citizen of the United States and of the State of Delaware;

(2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two (2) years next preceding the day of the election;

(3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large councilman or mayor;

(4) Twenty-one (21) years of age or older; and

(5) Nominated therefore, as hereinafter provided.

(b) **Terms.** The term of office of ***the Mayor*** shall be four years ***and of members of City Council shall be two years*** elected in accordance with Article VI.

①

Section 5. Terms of mayor and councilmen;

The term of mayor shall be for a period of ***four (4)*** years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision - See Section 6.04)***

The term of the councilmen shall be for two (2) years. In each regular municipal election held in an odd numbered year, five (5) councilmen shall be elected, four (4) by district voting being from the districts and one at-large as stated herein. In each regular municipal election held in an even numbered year, four (4) councilmen shall be elected by district voting from each of the districts of the city.

(c) Composition. There shall be a city council composed of [nine (9)] members.

Single-Member District System

The council shall be composed of an even number of members each of whom shall be elected by district by the voters in that district. The mayor shall be elected in accordance with the provisions of Section 2.03(b), Alternative II.

①

Section 5. Size; Districts;

In order that the members of council shall be distributed over the city, the city shall be divided into four (4) election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times. ***(See also Section 6.02(f))***

(Article II - Mayor and Council) ~~**Sec. 5. Council to be legislative body;**~~ ***(moved to above Section 2.01)*** ~~**size; districts;**~~ ***(moved to above Section 2.02(c))*** ~~**terms of mayor and councilmen;**~~ ***(moved to above Section 2.02(b))*** ~~**qualifications.**~~ ***(moved to above Section 2.02(a))*** ***(Last paragraph - See also Section 2.05(a) - Prohibitions - Holding Other Office)***

~~The council shall be the legislative body of the city and composed of nine (9) members nominated and elected as herein provided.~~ ***(moved to above Section 2.01)***

~~In order that the members of council shall be distributed over the city, the city shall be divided into four (4) election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time~~

~~council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.~~ ***(moved to above Section 2.02(c))***

~~The term of mayor shall be for a period of **four (4)** years commencing on the second Monday in May following their election and continuing for a term of **four (4)** years until the second Monday in May or until their successor has been duly elected and qualified.~~ ***(moved to above Section 2.02(b))***

~~The term of the councilmen shall be for two (2) years. In each regular municipal election held in an odd numbered year, five (5) councilmen shall be elected, four (4) by district voting being from the districts and one at-large as stated herein. In each regular municipal election held in an even numbered year, four (4) councilmen shall be elected by district voting from each of the districts of the city.~~ ***(moved to above Section 2.02(b))***

~~In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:~~

~~(1) A citizen of the United States and of the State of Delaware;~~
~~(2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two (2) years next preceding the day of the election;~~
~~(3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large councilman or mayor;~~
~~(4) Twenty-one (21) years of age or older; and~~
~~(5) Nominated therefore, as hereinafter provided.~~ ***(moved to above Section 2.02(a))***

~~If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.~~ ***(moved to Section 2.05(a) below)***

Section 2.03. Mayor.

(a) **Powers and Duties.** The mayor shall attend meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commission, present an annual state of the city message, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

①

(Article II - Mayor and Council) Sec. 14. Duties of mayor.

The mayor shall be the executive and chief official of the city. The Mayor shall have the powers and perform the duties conferred and imposed by this Charter and ordinances of the city. The mayor shall preside at the annual meeting of the council and at all quarterly town meetings. The council president shall preside at all other meetings of the council. The mayor shall have no vote on council matters of any nature whatsoever. The mayor is an ex officio member of all committees, but shall have no vote.

(Article V – Miscellaneous Provisions) Sec. 53. Police; mayor to be conservator of peace.

There shall be a city police force, the number thereof and their salaries shall be determined by the council, but they shall be chosen and appointed by the mayor. The mayor is hereby vested with all the powers of a conservator of the peace within the city limits. The Mayor shall appoint a Chief of Police subject to removal at any time by the Mayor in accordance with applicable laws. The members of the police force shall be subject to his/her direction and orders delivered through the proper chain of command and in accordance with applicable laws and ordinances. They shall preserve peace and order, and compel obedience within the city limits to the ordinances of the city and the laws of the state. They shall have such other duties as the council and the mayor shall prescribe by ordinance.

Each member of the police force shall be vested with all the power and authority within the city limits and within one mile outside of said limits, (and, in the case of the pursuit of an offender, without limit) of a constable of Kent County.

(b) Election - Mayor Elected At-Large. At each regular election the voters of the city shall elect a mayor at large for a term of ***four (4)*** years. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term.

①

(Article II - Mayor and Council) Sec. 15. Council President/Vice-mayor, duties of.

At each annual meeting, the council shall elect one of their number as council president who shall also serve as vice-mayor. During a vacancy in the office of mayor or during the absence or disability of the mayor, the vice-mayor shall have all the powers and duties of the mayor, except as hereinafter provided. The council president and vice-mayor shall retain his/her right to vote as councilman at all times although he/she may be acting as the mayor, unless the mayor's absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties, which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as councilman until further action is taken by council.

Section 2.04. Compensation; Expenses.

The city council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. ***(Recommended establishment of Compensation Commission - See Minutes of 7/20/2006) - Separate recommendation***

①

(Article II - Mayor and Council)
Sec. 12. Compensation and expenses --Mayor and council and other elected or appointed officials.

The council shall determine the annual salary and emoluments of the mayor and council and other elected or appointed officials by ordinance. Members of the council, the 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.

Section 2.05. Prohibitions.

(a) **Holding Other Office.** Except where authorized by law, no council members shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

Section 5. ***Councilman filing and running for Mayor. (Creation of Title?)***

If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

(b) **Appointments and Removals.** Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

①

(Article III - City Manager) Sec. 35. Removal of employees by manager.

Employees appointed by the city manager, or under his/her authorization, may be removed by him/her at any time. The decision of the manager in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever.

(c) **Interference with Administration.** Except for the purpose of inquiries, and investigations under § 2.09, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

①

(Article III - City Manager) Sec. 36. Council not to interfere with appointments or removals of manager; giving orders to subordinates of manager prohibited; penalty for same.

Neither the council nor any of its committees or members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of his/her subordinates, or in any manner take part in the appointment or removal of employees in the administrative service of the affairs of the city under the charge of the manager. Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the city under the city manager either publicly or privately. Any violation of the provisions of this section by a member of the council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,
(2) Violates any express prohibition of this charter,
(3) Is convicted of a crime involving moral turpitude, or
(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

①

Sec. 13. Filling vacancies for council or mayor. The loss of residence in the city, the loss of residence in the state, the removal from the district where the member resided at the time of the member's election, in the case of a councilman, or the conviction of any crime involving moral turpitude during the term for which the member was elected, shall create a vacancy in the office either of mayor or councilman. ~~In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six (6) months in duration, the council shall fill such vacancy. If such vacancy should be in excess of six (6) months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than thirty (30) days from the date of the vacancy, but said special election to be held no later than sixty (60) days after the date of the vacancy.~~ ***(moved to Section 2.06(c) below***

(c) Filling of Vacancies. A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than ninety days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding the requirement in § 2.11(c), if at any time the membership of the council is reduced to less than *, the remaining members may by majority action appoint additional members to raise the membership to *.

①

(Article II - Mayor and Council) Sec. 13. Filling vacancies for council or mayor.

~~The loss of residence in the city, the loss of residence in the state, the removal from the district where the member resided at the time of the member's election, in the case of a councilman, or the conviction of any crime involving moral turpitude during the term for which the member was elected, shall create a vacancy in the office either of mayor or councilman.~~ ***(moved to above Section 2.06(a) and (b))*** In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six (6) months in duration, the council shall fill such vacancy. If such vacancy should be in excess of six (6) months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than thirty (30) days from the date of the vacancy, but said special election to be held no later than sixty (60) days after the date of the vacancy. ***(Request that the City Solicitor provide new language to better clarify the intended meaning of "moral turpitude").*** City Solicitor recommended NO CHANGE.

Section 2.07. Judge of Qualifications.

The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

①

(Article II - Mayor and Council) Sec. 11. Council to be judge of election results and qualification of members;

The council shall be the judge of the election results and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The holding over members shall constitute the council for the purpose of determining election contests.

Section 2.08. City Clerk.

The city council or the city manager shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law.

①

Article II - Mayor and Council, Sec. 16. Clerk of council.

The council shall choose a clerk, who shall keep a record of the proceedings of the council and perform such other duties and have such powers as may be prescribed by ordinance.

Sec. 17. City treasurer

At the annual meeting the council shall elect a city treasurer to hold office until the next annual meeting of the council, or until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The city treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.

Section 2.09. Investigations.

The city council may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than $_____, or by imprisonment for not more than _____ or both.

①

(Article III - City Manager) Sec. 39. Investigations by council.

The council shall have power to inquire into the conduct of any office, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

Section 2.10. Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with ~~§ 5.12~~ § 5.11 *(correction due to apparent typographical error in the Model City Charter)*.

①

Article IV. Financial Affairs, Sec. 46. Annual audit. (This section also appears in Section 5.11 - Independent Audit) - delete from here?

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the city treasurer audited by a certified accountant.

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year.

Section 2.11. Procedure.

(a) **Meetings.** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of _____ Or more members and, whenever practicable, upon no less than twelve hours' notice to each members. Except as allowed by state law, all meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, if the general subject matter for consideration is expressed in the motion calling for such session and final action on such motion is not taken by the council until the matter is placed on the agenda.

①

(Article II - Mayor and Council) Sec. 9. Meetings of mayor and council--Generally.

~~At 7:30 p.m. on the second Monday in May following a regular municipal election, the mayor and council shall meet at the usual place for holding council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting.~~ ***Moved to Section 6.01(e).*** ~~Thereafter,~~ the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except scheduled executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. Council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval.

In the event of absence of the council president, then the senior member of council in terms of length of service as a councilman shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a councilman, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his/her period of unavailability or absence.

State Law reference: Open Meetings Required, 29 Del. C. § 10004.

(b) **Rules and Journal.** The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) **Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. _____members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in § 2.06 (c), shall be valid or binding unless adopted by the affirmative vote of _____or more members of council.

①

(Article II - Mayor and Council) Sec. 10. Meetings of Mayor and Council--Procedure.

Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A councilman ***shall*** ~~**may**~~ abstain from voting on a matter that he/she feels would involve the consideration of his/her own official conduct, on a matter in which he/she has a financial interest, in a matter in which he has a conflict of interest or in accordance with a policy adopted by council.

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud.

Section 2.12. Action Requiring an Ordinance.

In addition to other act required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;
(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
(3) Levy taxes;
(4) Grant, renew, or extend a franchise;
(5) Regulate the rate charged for its services by a public utility;
(6) Authorize the borrowing of money;
(7) Convey or lease or authorize the conveyance or lease of any lands of the city;
(8) Regulate land use and development;
(9) Amend or repeal any ordinance previously adopted; or
(10) Adopt, with or without amendment, ordinances proposed under the initiative power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 2.15. Codes of Technical Regulations.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of § 2.13 *(Section 2.13 moved to Dover Code)* for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to § 2.16(a) *(Section 2.16(a) moved to Dover Code; however, committee recommended wording of current Code for Section 1-16 be maintained)*.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

Article III
CITY MANAGER

Section 3.01. Appointment; Qualifications; Compensation.

The city council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city of state at the time of appointment, but may reside outside the city while in office only with the approval of the council.

①

(Article III - City Manager) Sec. 33. The city manager generally. ***(Consider Changing Title)***

The council shall appoint a city manager who shall be the chief administrative officer of the city. The City Manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be ***professionally accredited and*** appointed for an indefinite term ~~but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.~~ ***(Moved to Section 3.02 below)***

Section 3.02. Removal.

If the city manager declines to resign at the request of the city council, the city council may suspend the manager by a resolution approved by the majority of the total membership of the city council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the city council by a majority vote of its total membership may adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.

①

(Article III - City Manager) Sec. 33. The city manager generally. ***(Consider Changing Title)***

~~The council shall appoint a city manager who shall be the chief administrative officer of the city. The City Manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term~~ ***(Moved to Section 3.01 above)*** but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the

council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

Section 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

(1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
(2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
(3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
(4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
(5) Prepare and submit the annual budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;
(6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
(7) Make such other reports as the city council may require concerning operations;
(8) Keep the city council fully advised as to the financial condition and future needs of the city;
(9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
(10) Provide staff support services for the mayor and council members;
(11) Assist the council to develop long term goals for the city and strategies to implement these goals;
(12) Encourage and provide staff support for regional and intergovernmental cooperation;
(13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
(14) Perform such other duties as are specified in this charter or may be required by the city council.

① Sections 34, 35, 37 and 40 below - compared to above listing

Sec. 34. Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his/her charge, and to that end, except as otherwise provided herein, he/she shall have the power to appoint and remove all employees in the administrative service of the affairs of the city under his/her charge. All such appointment shall be without definite term.

Sec. 35. Removal of employees by manager.

Employees appointed by the city manager, or under his/her authorization, may be removed by him/her at any time. The decision of the manager in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever.

Sec. 37. Duties of the manager.

It shall be the duty of the city manager to supervise the administration of the affairs of the city under his/her charge; to make such recommendations to the council concerning the affairs of the city as may seem to him/her desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the council.

Sec. 40. Other functions of city manager.

The city manager shall have charge of the light and water plant operated by the city, and of the light and water and sewer systems of the city. The City Manager shall have charge of the supervision of the streets, gutters, curbs and sidewalks of the city and of all work relating thereto. The City Manager shall have charge of the administration of all provisions of this Charter and ordinances and regulations of the council relating to affairs of the city, when not otherwise provided for by this Charter or by any ordinance or resolution of the council. The City Manager shall ex officio be the collector of taxes for the city. It shall be his/her duty to collect all water rents and fees for the tapping of water mains and sewers, all charges for electric current and all city revenue from any source whatsoever. The City Manager shall pay over to the city treasurer at least monthly, and oftener if required by council, all moneys received or collected by him/her and by any employee under him/her.

The City Manager shall keep a full and strict account of all moneys received and all transfers made by him/her to the City Treasurer and such accounts shall be at all times open to inspection by the council. The City Manager shall make such reports and at such times as the council shall direct.

Article IV
DEPARTMENTS, OFFICES, AND AGENCIES

Section 4.01. General Provisions.

(a) Creation of Departments. The city council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices,

and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by City Manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

Sec. ? Power of council to impose and collect transfer tax. ***(Moved from Section 3 (last paragraph) - (new Section # and Title?):*** Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax.

(Article II - Mayor and Council)
Sec. 20. Power of council to provide for fire protection measures. ***(Revisit with Regard to Who Provides Fire Protection for Annexed Properties - see also Section 46-41 of the Dover Code)***

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.

Sec. 22. Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe his/her powers and duties.

Sec. 23. Power of council to create city planning commission; members generally.

The council may create a city planning commission for the development, improvement, and beautification of the city, and prescribe its powers and duties. No member of the planning commission may hold at the same time, any elected city office.

Members of any planning commission created by the city shall consist of two (2) members from each council district and one member serving at large.

All members of the planning commission must be residents of the City of Dover.

Each appointed member of the commission shall receive per diem reimbursement for expenses to be paid quarterly for preparation and attendance at each meeting of the planning commission attended in an amount to be set by council.

Sec. 24. Power of council to franchise or license public utilities and common carriers.

The council shall have the right to grant or refuse franchises or licenses to public utilities and common carriers and fix the terms and conditions thereof and to regulate their use of the streets, lanes, alleys, rights-of-way, and air space or airways of the city.

Sec. 25. Power of council to operate light, power or water plant.

The council shall have power to operate a light, power and water plant for the city, and to do all things necessary for its maintenance and operation. The council may at their option transmit electric current and or water from its said plant to places or properties outside of the city limits upon such terms, charges and conditions as they shall determine.

The council shall have power to adopt ordinances, rules and regulations in regard to the use for public or private purposes of electric current distributed and or water furnished by the city and the amount to be paid by the users thereof, and fix fines and penalties for any willful or negligent injury or damage to its water and light plant, and to any objectionable use in connection with its light and water system, and to any interference with or obstruction of the said system.

Sec. 26. Power of council with reference to sewers.

The council shall have superintendence and supervision of the sewers and the sewer system of the city. They shall have power to install any or additional sewers in the city. The council may by condemnation proceedings take for sewer purposes, private land, or the right to use private land under the surface thereof, for the laying of sewer mains. The proceedings by condemnation under this section shall be the same as prescribed by Section 27 of this Charter with regard to the laying out of new streets, and the resolutions referred to in said section shall be modified to cover the case contemplated by this present section.

The council shall have power to make all ordinances, rules and regulations regarding the sewers and sewer system of the city and the use thereof, and may fix fines and penalties for the violation of the provisions of such ordinances. The council may require any property in the city to be connected with the

water and sewer mains and to compel the owner of such property to pay the cost of such connection and the tapping fee or charge therefore. The connecting with the water or sewer mains and the tapping thereof shall be under the regulation and control of the council.

The council may extend the sewer system of the city to places outside of the city limits upon such terms, charges and conditions as it shall determine.

The council is hereby authorized to impose a charge or rent for the use of the sewer system of the city, both within and without the limits of the city, and in addition to the connection or tapping charges.

Sec. 27. Power of council to layout, locate, abandon, etc., streets, sidewalks, etc.

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.

The word 'street' shall be deemed and held to comprehend and include sidewalks, lanes and alleys.

Sec. 28. Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket.

The council shall have power to pave or repave, or to cause to be paved, or repaved, the streets and sidewalks of the city, or any part or portion thereof, with such material or materials as it shall determine.

The power hereby conferred shall be exercised in the following manner, to wit:

SPECIAL ASSESSMENTS

A. ∈. The city shall have the authority to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement, and to provide for the payment of all, or any part of, the cost of the work, service or improvement out of the proceeds of such special assessments.

When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

The council shall also have the authority to enact ordinances which provide for the levy and collection of assessments against property owners for the cost of installation of sanitary sewers, storm sewers, water mains, streets, sidewalks, street lights, curbs, gutters and other public improvements.

Such ordinances shall prescribe:

(1) The basis to determine the amount which shall be assessed upon the properties abutting the public work or improvement;

(2) What portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage;

(3) Payment provisions providing for payment in installments, except that assessments for current services or service connections shall be payable within one year; and

(4) Rules under which individual appeals shall be heard.

All special assessments and all water and sewer service charges shall be liens and shall be entered in the municipal lien docket as liens.

The council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and, assessments for current services shall be payable within one year.

MUNICIPAL LIEN DOCKET

B. ~~D.~~ A docket known as the "City of Dover Municipal Lien Docket" shall be prepared and maintained by the city manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and the words "satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del. section 2901, et seq.

Sec. 29. Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate traffic.

The streets, sidewalks, lanes and alleys in the city shall be under the supervision, management and control of the council, and the council may prescribe the grades thereof and adopt ordinances regulating the use thereof and the traffic thereon.

Sec. 30. Power of council to provide for disposal of garbage and sewage.

The council shall have power to provide for the incineration or other sanitary disposal of litter, debris, refuse, garbage and sewage.

Sec. 31. Power of council to regulate parking and provide parking lots.

The council shall have power to adopt ordinances regulating the parking of automobiles and motor vehicles within the city, and may lease or purchase land to be used for parking purposes.

Section 4.02. Personnel System.

(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Merit System. Consistent with all applicable federal and state laws the city council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

①

Sec. 32. Council to determine salaries of city appointees and employees

The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and Collective Bargaining Agreements as amended.

Section 4.03. Legal Officer.

(a) Appointment.

There shall be a legal officer of the city appointed by the city manager as provided in § 4.01(b).

(b) Role. The legal officer shall serve as chief legal adviser to the council, the manager and all city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

①

(Article V - Miscellaneous Provisions)
Sec. 54. City solicitor.

At the annual meeting the council shall elect a city solicitor for the term of one year or until his/her successor has been duly chosen and qualified.

The city solicitor may be removed during his/her term by a vote of three-fourths of the members elected to the council.

The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five (5) years. The City solicitor shall be the chief legal adviser of and attorney for the city. It shall be his/her duty, either personally or by such assistants as they may designate, to attend meetings of the

council; to give advice in writing, when so requested, to the council or the city manager; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him/her by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his/her approval of the form and correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition to the duties imposed upon the solicitor by this Charter or required of him/her by ordinance or resolution of the council he/she shall perform any duties imposed upon the chief legal officers of municipalities by law.

At the annual meeting the council shall elect a deputy city solicitor for the term of one year or until his/her successor has been duly chosen and qualified. The deputy city solicitor shall be an attorney-at-law entitled to practice law in the State of Delaware, and shall serve in such manner as shall be determined by the city solicitor to be necessary and proper.

Article V
FINANCIAL MANAGEMENT

Sec. 50. Debt limit. ***(Location of this Section?)***

(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 (1) 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 "The 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 (5)*** 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 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 public storm sewers, streets and appurtenances provided that no more than ***1/4 of 1% of total assessed value of real property of*** aggregate principal amount of bonds may be issued at any one time pursuant to this clause (i) and any new bonds issued pursuant to this clause (i) may not cause the total aggregate principal amount of bonds outstanding at any one time pursuant to this clause (i) to exceed one (1) 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

obligations 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.

(d) Except for bonds issued pursuant to subsection (c) hereof, all bonds issued under the provisions of subsection (b) shall first be approved by a referendum vote of the qualified voters (as herein defined) of The City of Dover.

Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three (3) consecutive weeks in at least one newspaper circulated in The City of Dover, Delaware. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election "qualified voter" shall mean every natural person who is a resident or a nonresident taxable of the city, of the age of eighteen (18) years or upwards. Each qualified voter shall be eligible to vote and shall have one vote.

The City Assessor or his/her designee shall attend the election with the last city assessment and tax payment records for the inspection of the election officers. The referendum election shall be held at such date as the mayor and council shall designate. The referendum election shall be held at such suitable place in said city as the mayor and council shall designate in said published notice. The polls shall be open from 7:00 a.m. (local time), and shall close at 8:00 p.m. (local time). The judge of the election shall, in the case of a tie vote on the bond issue cast the deciding vote, otherwise judge of the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two (2) of the election officers and delivered to the mayor, or to the clerk of council immediately after the total vote count has been certified.

The mayor and council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were for the bond issue bonds herein provided for may be issued and sold as provided in subsection (b), but if at such referendum election the majority of the votes cast were against the bond issue, then no bonds shall be issued nor shall any money be borrowed pursuant to the resolution submitted to the referendum.

(e) In addition to the power otherwise granted in this section, the mayor and council may issue special assessment revenue bonds to finance those public projects for which the city may levy and collect special assessments pursuant to Section 28 of this Charter. Such bonds shall not obligate the faith and credit of the city, but shall be payable solely from the proceeds of the special assessments which are pledged to the payment thereof. Such bonds shall be authorized 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.

(f) After authorization of the sale of bonds as provided in this section and in anticipation of the sale and issuance of said bonds, the mayor and council may borrow money and issue notes of the city for the purpose and to the extent of the amount of bonds authorized to be sold, less the amount of any bonds

theretofore issued under such authority. The said borrowing shall be authorized 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, and the note or notes thereby authorized shall be signed by the mayor and treasurer of the city. When issued and signed in accordance with this subsection (f), the faith and credit of the city shall be deemed to be pledged for the repayment of all said notes, except those issued pursuant to subsection (e) hereof.

The note or notes issued in anticipation of a bond issue may be renewed from time to time, but the proceeds of the sale of such bonds shall, to the extent necessary, be first used to pay and retire such notes. Said notes may be redeemed at par and accrued interest at any time prior to their maturity if the right so to do shall have been reserved.

(g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant to subsection (c)(ii) shall be treated as no longer outstanding; and (ii) bonded indebtedness, principal amount of bonds and bonds outstanding shall be determined without regard to original issue discount.

Section 5.02. Submission of Budget and Budget Message.

On or before the _____ day of _____ of each year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message.

Section 5.03. Budget Message.

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the city manager deems desireable.

Section 5.04. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require for effective management and an understanding of the relationship between the budget and the city's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;

(2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditures, and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expenses, profits and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

Section 5.05. City Council Action of Budget.

(a) Notice and Hearing. The city council shall publish the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and
(2) The time and place, not less than two weeks after such publication, for a public hearing(s) on the budget.

(b) Amendment Before Adoption. After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

(c) Adoption. The city council shall adopt the budget on or before the _____ day of the _____ _____ month of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the city manager shall go into effect.

(d) "Publish" defined. As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site.

① Sections 5.02 through 5.05 above - compared to below

Sec. 44. Annual budget. *Members of the CRC had no objections to the request of the Treasurer/Finance Director for Section 44 to be moved to Article III, under the City Manager; however, using the Model City Charter, this Section would be listed within the "Financial Management" Article.*

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Section 5.07. Amendments after Adoption.

(a) Supplemental Appropriations. If during or before the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To address a public emergency affecting life, health, property or the public peace, the city council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 2.14. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the city manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate one or more appropriations.

(d) Transfer of Appropriations. At any time during or before the fiscal year, the city council may be resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The manager may transfer funds among programs within a department, fund, service, strategy or organizational unit and shall report such transfers to the council in writing in a timely manner.

(e) Limitation; Effective Date. No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.08. Administration and Fiduciary Oversight of the Budget.

The city council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

Section 5.09. Capital Program.

(a) Submission to City Council. The city manager shall prepare and submit to the city council a multi-year capital program no later than three months before the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;
(2) Identification of the long-term goals of the community;
(3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
(4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
(5) Method of financing upon which each capital expenditure is to be reliant;
(6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
(7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
(8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.10. City Council Action on Capital Program.

(a) Notice and Hearing. The city council shall publish the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and
(2) The time and place, not less than two weeks after such publication, for a public hearing(s) on the capital program.

(b) Adoption. The city council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the _____ day of the _____ month of the current fiscal year.

Section 5.11. Independent Audit.

The city council shall provide for an independent annual audit *in accordance with §2.10* of all city accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS).

The Council shall designate no fewer than three of its members to serve as an Audit Committee. This Committee shall:

(1) Lead the process of selecting an independent auditor;
(2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
(3) Receive the report of the internal auditor and present that report to the council with any recommendations from the Committee.

The council shall, using competitive bidding, designate such accountant or firm annually, or for a period not exceeding five years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgement on all issues encompassed within the audit engagement. No accountant or firm may provide any other services to the city during the time it is retained to provide independent audits to the city. The city council may waive this requirement by a majority vote at a public hearing. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

Article IV. Financial Affairs, Sec. 46. Annual audit. ***(This section also appears in Section 2.10 - Independent Audit)*** - delete from here?

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the city treasurer audited by a certified accountant.

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year.

Article VI
ELECTIONS

Section 6.01. City Elections.

(a) Regular Elections. The regular city election shall be held [at the time established by state law] on the first _____ [day of week], in _____ [fall or spring month of odd- or even-numbered year], and every 2 years thereafter.

①

Sec. 6. Municipal election dates.

Regular municipal elections shall be held each year on the third Tuesday in April and shall be known as regular municipal elections. All other municipal elections that may be held shall be known as special municipal elections. At the regular municipal election held on the third Tuesday in April of any odd numbered year, five (5) councilmen shall be elected for a term of two (2) years, four (4) of whom shall be elected by district voting from each of the districts as designated by council and one of whom shall be elected by at-large voting by all voters of the city, as provided in Section 5 of this Charter. At the regular municipal election held on the third Tuesday in April of any even numbered year, four (4) councilmen shall be elected by district voting from each of the districts as designated by council for a term of two (2) years, and a mayor shall be elected by the voters of the city for a term of two (2) years, as provided in Section 5 of this Charter.

(b) Registered Voter Defined. All citizens legally registered under the constitution and laws of the State of Delaware to vote in the city shall be registered voters of the city within the meaning of this charter.

(c) Conduct of Elections. The provisions of the general election laws of the State of Delaware shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the city council shall adopt ordinances consistent with law and this charter, and the election authorities may adopt further regulations consistent with law and this charter and the ordinances of the council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of city ordinances generally.

~~**(d) Proportional Representation.** The council may be elected by proportional representation by the method of the single transferable vote.~~ ***(Ranking of votes has not been approved - this subsection should be eliminated)***

① Sections 6.01 (b) through (c) above - compared to below. Also deletion of (d)?

Sec. 8. Time and place of elections; election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

The regular municipal election shall be held annually on the third Tuesday of April. At each such regular municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may

designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large councilman who receives the highest number of votes cast for that office shall be declared to be elected at-large councilman; and the candidates for the offices of councilmen from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for councilmen of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(e) Beginning of term. The terms of council members shall begin the _____ day of _____ _____ after their election.

(Article II - Mayor and Council) Sec. 9. Meetings of mayor and council--Generally.

At 7:30 p.m. on the second Monday in May following a regular municipal election, the mayor and council shall meet at the usual place for holding council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. ~~Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except scheduled executive sessions.~~ ***(Moved to Section 2.11)***

~~At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. Council president shall preside over regular and special council meetings.~~ ***(Moved to Section 2.11)***

~~The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval.~~ ***(Moved to Section 2.11)***

~~In the event of absence of the council president, then the senior member of council in terms of length of service as a councilman shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a councilman, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his/her period of unavailability or absence.~~ ***(Moved to Section 2.11)***

Section 6.02. Council Districts; Adjustment of Districts (for use with Alternatives II, III and IV of Section 6.03).

(a) Number of Districts. There shall be _____ city council districts.

①

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.

The council shall be the legislative body of the city and composed of nine (9) members nominated and elected as herein provided. ***Also, see Section 2.01 (delete from here?)***

(b) Council to Redistrict. Following each decennial census, the city council shall, by ordinance, adjust the boundaries of the city council districts using the criteria set forth in Section 6.02(e).

(c) Procedures.

(1) The city council shall hold one or more public hearings prior to bringing any proposed plan to a vote. Proposed plans must be available to the public for inspection and comment not less than one month before the first public hearing on said plan. The plan shall include a map and description of the districts recommended.

(2) The city council shall approve a districting plan no later than 10 months (300 days) prior to the first regular city election following the decennial census.

(d) Failure to Enact Ordinance. If the city council fails to enact a redistricting plan within the required time, the city attorney shall, the following business day, inform the _____ Court, ____ _____ County, and ask that a special master be appointed to do the redistricting. The special master shall, within sixty days, provide the Court with a plan drawn in accordance with the criteria set forth in § 6.02(e). That plan shall have the force of law unless the court finds it does not comply with said criteria. The court shall cause an approved plan to go into effect no later than 210 days prior to the first regular city election after the decennial census. The city shall be liable for all reasonable costs incurred by the special master in preparing the plan for the court.

(e) Districting Plan; Criteria. In preparation of its plan for dividing the city into districts for the election of council members, the city council shall apply the following criteria which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

(1) Districts shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five percent of the average population for all city council districts according to the figures available from the most recent census.

(2) Districts shall consist of contiguous territory; but land areas separated by waterways shall not be included in the same district unless said waterways are traversed by highway bridges, tunnels or regularly scheduled ferry services both termini of which are within the district, except that, population permitting, islands not connected to the mainland or to other islands by bridge, tunnel or regular ferry services shall be included in the same district as the nearest land area within the city and, where such subdivisions exist, within the same ward or equivalent subdivision as described in paragraph (5) below.

(3) In cities whose territory encompasses more than one county or portions of more than one county, the number of districts, which include territory in more than one county, shall be as small as possible.

(4) in the establishment of districts within cities whose territory is divided into wards or equivalent subdivisions whose boundaries have remained substantially unaltered for at least fifteen years, the number of such wards or equivalent subdivisions whose territory is divided among more than one district shall be as small as possible.

(5) Consistent with the foregoing provisions, the aggregate length of all district boundaries shall be as short as possible.

(f) Effect of Enactment. The new city council districts and boundaries as of the date of enactment shall supersede previous council districts and boundaries for all purposes of the next regular city election, including nominations. The new districts and boundaries shall supercede previous districts and boundaries for all other purposes as of the date on which all council members elected at that regular city election take office.

①

(Article II - Mayor and Council) Sec. 5. ~~Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.~~

In order that the members of council shall be distributed over the city, the city shall be divided into four (4) election districts, the district boundaries of which shall be established by council so that the districts

are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times. (See also Section 2.02(c)) - delete from here?

Section 6.03. Methods of Electing Council Members.

The text in this section complements the information on the composition of the council found in Article II, §2.02(c). (Committee did NOT recommend deletion; however, after further review, staff questions the necessity to maintain this Section. DELETE?)

Single-Member District System

At the first election under this charter _____ Council members shall be elected; council members from odd-numbered districts shall serve for terms of ***one year*** ~~**two years**~~, and council members from even-numbered districts shall serve for terms of ***two*** ~~**four**~~ years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for ***two*** ~~**four**~~-year terms. (Committee did NOT recommend deletion; however, after further review, staff questions the necessity to maintain this Section. DELETE?)

Section 6.04. Recall.

(a) General Authority for Recall.

> The registered voters of the city shall have power to recall elected officials of the city, but no recall petition shall be filed against any official within six months after the official takes office, nor, in case of a member subjected to a recall election and not removed, until at least six months after the election.

(b) Commencement of Proceeding; Petitioners' Committee; Affidavit. Any five registered voters may commence recall proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and stating the name and title of the officer sought to be recalled accompanied by a statement, not to exceed 200 words, of the reasons for the recall. Grounds for recall should relate to and affect the administration of the official's office, and be of a substantial nature directly affecting the rights and interests of the public. Promptly after receipt of a recall petition, the clerk shall serve, personally or by certified mail, a copy of the affidavit on the elected officer sought to be recalled. Within 10 days of service of the affidavit, the elected officer sought to be recalled may file a statement with the city clerk, not to exceed 200 words, in response. Promptly after the affidavit of the petitioners' committee is filed, and the response, if any, of the elected official sought to be recalled is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

(c) Petitions.

(1) Number of Signatures. Recall petitions must be signed by registered voters of the city equal in number to at least [10 to 20] percent of the total number of registered voters to vote at the last regular election.

(2) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Recall petitions shall contain the name and title of the official sought to be recalled, the statement of grounds for the recall, and the response of the official sought to be recalled, if any. If no response was filed, the petition shall so state.

(3) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be.

(4) Time for Filing ~~Referendum and~~ Recall Petitions. Recall petitions must be filed within [40 to 160] days of the filing of the petitioners' affidavit initiating the recall procedure.

(d) Procedure after Filing.

(1) Certificate of Clerk; Amendment. Within twenty days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if its is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of §6.04(c), and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under paragraph (2) of this subsection within the time required, the clerk shall promptly present his or her certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) Council Review. If a petition has been certified insufficient and the petitioners committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's

determination shall then be a final determination as to the sufficiency of the petition. A council member who is the subject of a recall petition shall not be eligible to act in the determination of sufficiency or insufficiency of the petition.

(3) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(e) Action of Petitions.

(1) Action by Council. The council shall promptly order a recall election to occur within __ ___ [30 to 90] days of the date the recall petition was finally determined sufficient.

(2) Withdrawal of Petitions. A recall petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) Results of Election.

(1) Recall. Ballots used at recall elections shall read: "Shall [name] be recalled (removed) from the office of _____?" If a majority of the registered voters voting on a proposed recall vote in its favor, the official is removed and the winning candidate for successor, if any, shall be elected as a replacement for the duration of the unexpired term. Otherwise the vacancy shall be filled in accordance with § 2.06(c).

Article VII
GENERAL PROVISIONS - *deleted in its entirety*

Article VIII
CHARTER AMENDMENT - *deleted in its entirety*

Article IX
TRANSITION AND SEVERABILITY

Section 9.01. Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.

(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in §4.02.

Section 9.04. State and Municipal Laws.

(a) In General. All city ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the State of_____ Permit, all laws relating to or affecting this city or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

(b) Specific Provisions. Without limitation of the general operation of subsection (a) or of the number of nature of the provisions to which it applies:

(1) The following laws and parts of laws generally affecting counties or city agencies, officers or employees are inapplicable to the City of _____ Or its agencies, officers or employees: [enumeration]
(2) The following public local laws relating to the City of _____ Are superseded: [enumeration]
(3) The following ordinances, resolutions, orders, and regulations of _____ [former city governing body] are repealed: [enumeration]

Section 9.05. Schedule.

(a) First Election. At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the city council may be conducted in accordance with the provisions of this charter. The first election shall be held on the _____ of _____. The [city officials to be designated] shall prepare and adopt temporary regulations that are applicable only to the first election and designed to insure its property conduct and to prevent fraud and provide for recount of ballots in cases of doubt or fraud.

(b) Time of Taking Full Effect. The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council provided in §9.05(c).

(c) First Council Meeting. On the _____ of _____ following the first election of city council members under this charter, the newly elected members of the council shall meet at _____ [time] at _ _____ [place]:

(1) For the purpose of electing the [mayor and] deputy mayor, or appointing or considering the appointment of a city manager or acting city manager, and choosing, if it so desires, one of its members to act as temporary clerk pending appointment of a city clerk pursuant to §2.08; and ***Note: Omit bracketed words if §2.03, Alternative II is used.***

(2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under the charter and to maintain effective city government during that transition.

(d) Temporary Ordinances. In adopting ordinances as provided in §9.05(c), the city council shall follow the procedures prescribed in §2.12, except that at its first meeting or any meeting held within sixty days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, renewed, or otherwise continued except by adoption in the manner prescribed in §2.12 or ordinances of the kind concerned.

(e) Initial Expenses. The initial expenses of the city council, including the expense of recruiting a city manager, shall be paid by the city on vouchers signed by the council chairman.

(f) Initial Salary of Mayor and Council Members. The mayor shall receive an annual salary in the amount of $_____ and each other council member in the amount of $_____, until such amount is changed by the council in accordance with the provisions of this charter.

Section 9.06. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

①

Sec. 57. Severability.

If any part of this Charter, as it may from time to time be amended, are held to be unconstitutional, such holding shall not be deemed to invalidate the remaining portions of this Charter or amendments thereto."

/jg

CODE AMENDMENTS
RECOMMENDATIONS OF 2005 CHARTER REVIEW COMMITTEE

Section 3 (2nd and 3rd paragraphs only). employee pension, benefit and retirement systems authorized.

The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "The City of Dover." The said "The City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an ordinance or resolution duly adopted by the Council of The City of Dover as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the treasury of the said "The City of Dover," or by requiring contributions payable from time to time by the employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of employment and continuing employment.

The city council shall have power to enact ordinances for a pension or retirement system for the police of the City of Dover, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances made and provided in that behalf and the laws of the State of Delaware.

Sec. 7. Nomination petitions for candidates for council and mayor.

The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than *25/100* ten (10) nor more than *50/150* twenty-five (25) electors of the city, filed with the clerk of council on or before 4:00 p.m. on the second Friday of February of each year for candidates for council and on or before 4:00 p.m. on the last working day in January for candidates for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:00 p.m. on the next working day thereafter which is not a legal holiday. *(Council by District = 25 and 50; Council At-Large and Mayor = 100 and 150)*

Whenever a petition nominating a person for the office of mayor or councilman shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular municipal election as a candidate for the office for which they were nominated, provided they possess the qualifications prescribed by this Charter for a candidate for such office.

No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.

The signers of a nominating petition for a member of the council must be electors of the city residing in the city election district in which the nominee resides; but the signers to the nominating petition for the mayor and for the at-large councilman may be city electors residing in the city at-large.

There must be attached to each nominating petition an affidavit of the circulator thereof, stating the number of signers and that each signature appended thereto was made in their presence, and is the genuine signature of the person whose name it purports to be, and that all of said signers are entitled to vote at the regular municipal election referred to; and, in the case of a petition nominating a candidate for councilman running from a particular district and to be elected by district voting, that the circulator of the petition verily believes that each signer of said petition is a resident of the same city election district in which the nominee resides.

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nominating petition shall be substantially as follows:

We, the undersigned, electors of The City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of Councilman (or for the office of Mayor as the case may be) to be voted for at the regular municipal election to be held in the said City, on the _____ day of _____ in the year _____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.

Name _____

Street and Number _____

(Space for Signatures)

STATE OF DELAWARE

KENT COUNTY

SS.

_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence, and are the signatures of the persons whose names they purport to be, and that they verily believes the residence of each

signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for councilman to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.

(Signed) _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____

_____Justice of the Peace (or Notary Public)

Last sentence of Section 11 Power to fix procedure. ***(Possible Split - Move "Power to fix procedure" to Dover Code)***

The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior.

~~**power to fix procedure.**~~

~~**The council shall determine its own rules and order of business and keep a journal of its proceedings.**~~

Section 2.13 - Ordinances in General.

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enaction clause shall be "The city of Dover hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. Any member at any regular or special meeting of the council may introduce an ordinance. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the city manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may

designate, and sahll publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduce ordinance. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

Sec. 18. Ordinances authorized; maximum penalty for violation. ***(Also in Section 2.12 - Action Requiring an Ordinance)***

The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of, fines and penalties for the violation of any such ordinance; provided that no fine or penalty shall exceed the sum of one thousand dollars ($1,000.00); and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated.

Sec. 19. Power of council to define and abate nuisances.

The council shall have power to define nuisances and cause their abatement. The operation of any instrument, device, or machine of any kind whatsoever, that shall cause electrical interference with radio or television reception within the limits of the city shall, at the option of the council, be deemed to be a nuisance.

Sec. 21. Power of council to adopt zoning ordinances.

The council may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein, buildings and structures according to their construction and the nature and extent of their use.

Section 2.14. Emergency Ordinances. (Keep wording of current Dover Code - See Section 1-9 below)

~~To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in § 5.07 (b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least _____ Members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 5.07 (b) shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.~~

~~**Section 2.16. Authentication and Recording; Codification; Printing of Ordinances and Resolutions.**~~ **(Keep wording of current Dover Code - See Section 1-16 below)**

~~**(a) Authentication and Recording.** The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.~~

~~**(b) Codification.** Within three years after adoption of this charter and at least every ten years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of Delaware, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Dover city code. Copies of the code shall be furnished to city officers, placed in~~

~~libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the council.~~

~~**(c) Printing of Ordinances and Resolutions.** The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Dover city code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state of Delaware, or the codes of technical regulations and other rules and regulations included in the code.~~

Section 3.03. Acting City Manager.

By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.

Sec. 38. Right of manager to sit in council meetings.

The city manager and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council, but shall have no vote therein.

~~**Section 4.04. Land Use, Development and Environmental Planning.**~~ **(Keep wording of current Zoning Code, Appendix B of the Dover Code - See Section 1-9 below)**

~~Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the city council shall:~~

~~(1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;~~
~~(2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;~~

~~(3) Determine to what extent the comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and~~
~~(4) Adopt development regulations, to be specified by ordinance, to implement the plan.~~

~~The designated agency, the city manager, and the mayor and council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.~~

Sec. 42. Signing of warrants.

The City treasurer shall pay out no money except upon warrant signed by the city manager and countersigned by the mayor.

The mayor and the city manager shall sign no warrants on the city treasurer except pursuant to appropriations or resolutions theretofore made by the council.

The City treasurer shall keep a true and detailed account of all moneys received and of all moneys paid out by him/her. The City treasurer shall preserve all vouchers for moneys paid by him/her. His/her books and accounts shall at all times be open to inspection by the council or the mayor or the city manager.

The City treasurer shall make such reports and at such times as the council may direct.

The city treasurer shall be required to give bond in such amount and in such form and with such surety as the council shall determine or approve.

Section 5.01. Fiscal Year.

The fiscal year of the city shall begin on the first day of July and end on the last day of June.

① *committee needs to determine the text to be included (using Model City Charter or Dover City Charter wording.*

Sec. 43. Fiscal year.

The fiscal year of the city shall begin the first day of July and shall end with the next succeeding thirtieth day of June.

Sec. 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.

No claim against the city shall be paid except on an order on the treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall issue no warrant for payment, unless he/she finds that the claim is proper and in proper form and correctly computed.

Sec. 47. General assessment; levy on utility property.

The City shall cause to be made a true, just, and impartial valuation and assessment of all real property within the city, locating each parcel of real property by street and number or other description. The valuation and assessment shall be made every three years by an assessor or assessors who shall be elected by the Council at its annual meeting by majority vote thereof. An assessor must be a freeholder within the corporate limits of the city. Before entering upon the duties of office, an assessor shall be sworn or affirmed by the Mayor to perform the duties of the assessor's office with fidelity and without favor or partiality.

Whenever Council shall direct, all real property in the City of Dover shall be assessed by a certified independent outside appraiser chosen by Council. This assessment shall be in lieu of the valuation and assessment made by a freeholder assessor elected by Council as described hereinabove and in lieu of the assessor's duties described hereinabove.

In addition to an assessment every three years, the assessor or assessors shall include supplemental assessments made annually for the purposes of (1) adding property not included in the last assessment ***(shall be included with the supplemental quarterly billing)*** or (2) increasing or decreasing the assessment value of property which was included in the last general assessment.

The assessment made every three years and any supplemental assessments made annually shall be made prior to the first day of May in any given year and shall be known as the general assessment.

The general assessment shall be set down by the assessor or assessors in ***three (3)*** ~~**two (2)**~~ or more copies, as the Council shall direct, and shall be delivered to the Council as soon as made. The Council shall, prior to the fifteenth day of May of each year, cause a copy of the general assessment to be posted in ***three (3)*** ~~**two (2)**~~ public places in the city for ten (10) days.

The Council may direct that appeals from any general assessment be heard by a committee of not less than three (3) Council members appointed by the Council president. The committee of Council members shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings and recommendations to a meeting of the full Council. At the meeting of the full Council the recommendations of the committee shall be received, together with such other information as the Council shall permit or require, and the appeal of each dissatisfied taxpayer shall be heard. The Council shall have full power to correct, revise, alter, add to, deduct, and take from the general assessment. The decision of a majority of the Council members elected shall be final and conclusive. A Council member may not vote on his or her own appeal.

Notice of the place and time that a committee of Council members will sit to hear appeals and of the place and time that the full Council will sit to act on such appeals shall be posted with the general assessment in ***three (3)*** ~~two (2)~~ public places for a period of ten (10) days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the committee of Council members and of the full Council to hear appeals shall be published in at least one issue of a newspaper published in the city.

The assessment as revised and adjusted by the Council shall be the basis for the levy and collection of taxes for the city.

The Council shall have the right to levy and collect taxes on gas mains, telephone, telegraph, communications systems, or trolley poles or other erection of like character within the limits of the city, together with the wires thereon strung; and to this end the Council may at any time direct the same to be included in or added to the general assessment.

Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder.

Section 5.06. Appropriation and Revenue Ordinances.

To implement the adopted budget, the city council shall adopt, prior to the beginning of the fiscal year:

(a) an appropriation ordinance making appropriations by department, fund, service, strategy or other organizational unit and authorizing an allocation for each program or activity;

(b) a tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and

(c) any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

Sec. 48. Maximum budget.

The council shall in the month of June of each year determine the amount of money to be raised for the city for general purposes for the next fiscal year not exceeding two (2) percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by the city for interest, sinking fund and redemption of the bonds of the city. A reasonable sum for delinquencies, discounts and costs of collection may be added by the council to the amounts aforesaid. The amounts determined as aforesaid together with any additional sum or sums authorized to be levied and collected, as in this section hereinafter provided, shall be levied and collected by the council on the property and persons assessed as aforesaid and in accordance with such assessment and according to a rate established by the council.

Sec. 49A. Assessment, payment, and collection of taxes for new construction.

In the event that the mayor and council of the City of Dover desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so provided that: At the beginning of each quarter of each year, there shall be a true, just, and impartial valuation and assessment of all newly constructed real property within the city, locating each parcel of real property by street and number or other description. Property shall be deemed to be newly constructed when the city permits occupancy and use. The said valuation and assessment shall be made by an assessor or assessors who shall be elected by council in accordance with the provisions set forth in Section 47 of this Charter.

The aforementioned assessment shall be during the months of January, April, July, and October of each year.

The aforementioned assessment shall be deemed a general assessment for all property with new construction.

The council may direct appeals from any general assessment for new construction in accordance with Section 47 of this Charter.

Nothing in this section contained shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this section or any tax levied thereunder.

All taxes shall be paid to the collector of taxes. Said taxes shall be paid within thirty (30) days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half (1½) percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of 9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter.

Sec. 49. Payment and collection of taxes; errors and delinquents in assessments.

All taxes shall be paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a one and one-half percent (1.5% (18% per annum) for every month or fraction of a month after the 31st day of July that said taxes remain unpaid.

It shall be the duty of the collector of taxes to proceed forthwith to collect all taxes unpaid by the first day of October in the calendar year that they were assessed and in the collection of said taxes he/she shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of §8705, Title 9 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter.

Sec. 51. Trees.

Trees being among the chief beauties of the city, and their preservation requiring that they be treated with special care and intelligence, the city manager is empowered to appropriate annually an amount of money adequate for their care and preservation. The City Manager may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts provided that they do not exceed the appropriation made by the council.

Sec. 55. Printed copies of ordinances and resolutions to be proper evidence.

Printed copies of the ordinances and resolutions of the City Council of Dover, published by authority of the council, shall be admitted as evidence thereof in all courts, and in pleading it shall not be necessary to recite or draw them out at large.

~~**Section 7.01. Conflicts of Interest; Board of Ethics.**~~ **(Keep wording of current Dover Code - See Chapter 30 below)**

~~**(a) Conflicts of Interest.** The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.~~

~~**(b) Board of Ethics.** The city council shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint from officials or citizens, subpoena witnesses and documents, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it and to provide annual training and education of city officials and employees, including candidates for public office, regarding the ethics code.~~

~~**Section 7.02. Prohibitions.**~~ **(Keep wording of current Dover Code - See Chapter 30 below)**

~~**(a) Activities Prohibited.**~~

~~(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin, or political affiliation.~~

~~(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.~~

~~(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.~~

~~(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city officer or city employee.~~

~~(5) No city officer or city employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support of or opposition to any candidate for election to city office or city ballot issue. Further, no city employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for city office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.~~

~~**(b) Penalties.** Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his or her office or position. The city council shall establish by ordinance such further penalties as it may deem appropriate.~~

Section 9.02. Departments, Offices, and Agencies.

(a) Transfer of Powers. If a city department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or, if the charter makes no provision, designated by the city council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the city council in accordance with this charter.

Section 9.03. Pending Matters.

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continued except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.

WHEREAS, the 2005 Charter Review Committee has determined that the establishment of a Compensation Commission could prove to be very useful to the citizens of Dover; and

WHEREAS, a Compensation Commission would have the objective of making recommendations regarding salaries for the Mayor, City Council, and paid members of City committees and commissions; and

WHEREAS, Section 2-201 of the Dover Code authorizes the council to establish compensation and expenses for the Mayor and Council, city employees and other elected or appointed officials.

NOW, THEREFORE, BE IT RESOLVED BY THE 2005 CHARTER REVIEW COMMITTEE FOR THE CITY OF DOVER, DELAWARE, that the Mayor and Council of the City of Dover establish a Compensation Commission to consider compensation for the Mayor, City Council, and paid members of City committees and commissions. This committee:

1. Shall consist of five (5) members, one (1) to be appointed by the Mayor, one (1) by the Council President, three (3) by Council. Members shall be City residents who are registered to vote in City elections. That the Finance Director and Human Resources Director shall serve as ex-officio, non-voting members;

2. The appointments shall be made during the Annual Meeting, with meetings to be held as needed, with a report due to Council six (6) months prior to the election, with one (1) public hearing held prior to their submission of the report to Council;

3. Members shall serve two (2) year terms and cannot be re-appointed within the next two (2) years;

4. That Section 2-201 of the Dover Code be amended by including the following paragraph: *"Upon receiving the resolution of the commission, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three (3) months prior to the elections of the next succeeding Mayor and Council, and shall take effect only for the next succeeding terms of office of the Mayor and Council".*

ADOPTED: *

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on June 26, 2007, at 6:00 p.m. with Chairman Hogan presiding. Members present were Mr. Carey, Mr. Lakeman, Mr. Link, and Mr. Slavin. Mayor Speed, Mr. DePrima, Councilman Ruane, and Councilman Salters were also present.

AGENDA ADDITIONS/DELETIONS

Mr. Carey moved for approval of the agenda, seconded by Mr. Lakeman and unanimously carried.

Proposed Resolution - Maintenance and Safety Procedures for Rail Transport of Hazardous Materials

During their regular meeting of January 11, 2007, Mr. DePrima stated that Congressman Castle introduced House of Representatives Bill 4106 (HB 4106), Railroad Security and Public Awareness Act, which would increase funding for security on subway systems, commuter lines, freight rail cars, and Amtrak trains. This legislation would authorize funding for more canine units, communications systems, security technology, and more police officers. It would also authorize mandatory rail worker security training programs to prepare front-line employees for potential threat conditions. Mr. DePrima indicated that the committee may want to support this bill and suggested that it be reviewed by members and noted that the City of Wilmington has also developed a resolution expressing their concerns regarding hazardous materials being transported through the City.

Members reviewed the draft Maintenance and Safety Procedures for Rail Transport of Hazardous Materials Resolution. Mr. Carey suggested that members also review the HB 4106, "Railroad Security and Public Awareness Act". He requested that an update on that bill be given during their next meeting. Mr. Ruane stated that it is imperative to invite Mr. Michael Kirkpatrick, DelDOT Representative, to attend their next meeting due to their on-going discussions with Norfolk Southern Corporation regarding the storage of railcars.

Mr. Hogan suggested that this item be deferred until the next meeting so that HB 4106 can be further researched.

Briefing on MPO Projects - *Juanita Wieczoreck*

Ms. Wieczoreck, Director of the Dover/Kent County Metropolitan Planning Organization (MPO), stated that DelDOT's Transportation Program was approved by the Bond Bill Committee and will be fully funded; however, she noted that it appears that the FY2010 Transportation Program will be $100 million short in funding.

Mrs. Wieczoreck indicated that a public workshop was held on June 20, 2007 at the Delaware Technical & Community College to discuss transportation on US Route 13 in North Dover. Most of the attendees were from DuPont Manor. The next Project Advisory Committee Meeting for the Route 8 Study will be held on June 28, 2007. Mrs. Wieczoreck stated that she contacted DelDOT regarding the timing of the signal lights along Division Street; however, she has not yet received a response.

Briefing on DelDOT Projects

Due to the absence of Mr. Gary Laing, Municipal Liaisan for DelDOT, Mrs. Wieczoreck provided the following updates:

Traffic Signal at Greenway Lane and Kenton Road

The traffic signal at Greenway Lane and Kenton Road is not funded and further discussion of this project will be included in the Kenton Road Study.

DelDOT Mega Traffic Study (SR1/Route 8 and East Dover Housing Development Projects)

The DelDOT Mega Traffic Study (SR1/Route 8 and East Dover Housing Development Projects) has been completed and the Lexington Glen project has moved forward with the developer being tapped to make the improvements to the intersection of Route 8 and Route 13. The status of the other two (2) projects that are also a part of the TIS are unknown at this time. Responding to Mr. Link, Mrs. Wieczoreck stated that the analysis of the Route 8 area is also taking into consideration the new Dover High School.

West Dover Connector

Nothing new to report on this issue.

South Governor's Avenue Improvements

Mr. DePrima indicated that the South Governor's Avenue Improvements project construction is expected to begin the Spring of 2008.

Wyoming Road Project

Mr. DePrima indicated that a meeting has been scheduled between DelDOT and the City of Dover regarding this project.

Responding to Mr. Hogan, Mrs. Wieczoreck stated that the Transit Hub Concept on Water Street is slowly moving forward and that the design has been revised. The new revision is to be presented to the Dover/Kent County Metropolitan Planning Organization Council in August or September of this year.

Mr. DePrima stated that Trailways Bus Service and Greyhound Lines have relocated to the City Cab, Inc. location on South Governors Avenue and that no complaints have been received. He also indicated that City Cab, Inc. would also like to be included in the new Transit Hub facility.

Mr. Carey requested that all the turn lanes and through lanes be marked along Division Street.

Mr. Link moved for adjournment, seconded by Mr. Carey and unanimously carried.

Meeting Adjourned at 6:20 P.M.

Respectfully submitted,

Kenneth L. Hogan
Chairman

KLH/jcr
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ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.: 07-09-2007**
DEPARTMENT OF ORIGIN: Public Utilities – Electric Engineering	**DATE SUBMITTED**: July 3, 2007
PREPARED BY: Stephen A. Enss	
SUBJECT: Evaluation of Bids - Purchase of Pad-Mounted Distribution Capacitors	
REFERENCE: Project #EE0810	
RELATED PROJECT: Project #EE0805	
APPROVALS: City Manager, Finance Director	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: **$79,226**	**AMOUNT BUDGETED**: $225,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Public Utilities/Electric Draft 2007-2008 Capital Investment Plan, Page 145 – Distribution Capacitors.	
TIMETABLE: Capacitors will be ordered upon Council approval and have a scheduled delivery of 12 weeks after receipt of a purchase order.	
RECOMMENDED ACTION: Staff recommends awarding the purchase of the Pad-Mounted Distribution Capacitors bid to the low bidder, Mid-Atlantic Power Equipment Sales, in the amount of $79,226.	

BACKGROUND AND ANALYSIS

The City of Dover has an obligation through the Delmarva Power Interconnection Agreement to maintain a 98.5% power factor. We are currently not complying with this requirement. In early 2005 staff began studying the electric system to develop a plan to comply with this issue. The department first planned on installing transmission capacitors at the College Road Substation; however, after studying the causes of the poor power factor it was decided that the most effective placement of the capacitors would be within the distribution system. After researching the power factor on all our distribution circuits a plan was developed to install these six pad-mounted capacitor banks, which is the first phase of a multiyear project. City staff will install the capacitor banks on the electric system.

Bids were solicited and advertised according to City Policy under bid number 07-0063DPU and three (3) bids were received. Staffs recommendation is to award the bid to the lowest bidder, Mid-Atlantic Power Equipment Sales, in the amount of $79,226.

The following is a list of the responsive bidders; the prices ranged from $155,319 to $79,226.

Mid-Atlantic Power Equipment Sales	**$79,226**
HD Supply Utilities - GE	$102,528
HD Supply Utilities - Cooper	$155,319

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.: 07-09-2007**
DEPARTMENT OF ORIGIN: Public Utilities – Electric Engineering	**DATE SUBMITTED**: July 3, 2007
PREPARED BY: Stephen A. Enss	
SUBJECT: Evaluation of Bids - Purchase of Overhead Distribution Capacitors	
REFERENCE: Project #EE0805	
RELATED PROJECT: Project #EE0810	
APPROVALS: City Manager, Finance Director	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: **$45,304**	**AMOUNT BUDGETED**: $225,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Public Utilities/Electric Draft 2007-2008 Capital Investment Plan, Page 145 – Distribution Capacitors.	
TIMETABLE: Capacitors will be ordered upon council approval and have a scheduled delivery of 21 weeks after receipt of a purchase order.	
RECOMMENDED ACTION: Staff recommends awarding the purchase of the Overhead Distribution Capacitor bid to the low bidder, Wesco Distribution Inc., in the amount of $45,304. .	

BACKGROUND AND ANALYSIS

The City of Dover has an obligation through the Delmarva Power Interconnection Agreement to maintain a 98.5% power factor. We are currently not complying with this requirement. In early 2005 staff began studying the electric system to develop a plan to comply with this issue. The department first planned on installing transmission capacitors at the College Road Substation; however, after studying the causes of the poor power factor it was decided that the most effective placement of the capacitors would be within the distribution system. After researching the power factor of all our distribution circuits a plan was developed to install these eleven overhead capacitor banks, which is the first phase of a multiyear project. City staff will install the capacitor banks on the electric system.

Bids were solicited and advertised according to City Policy under bid number 07-0062DPU and three (3) bids were received. Staffs recommendation is to award the bid to the lowest bidder, Wesco Distribution Inc., in the amount of $45,304.

The following is a list of the responsive bidders; the prices ranged from $64,470 to $45,304.

Wesco Distribution	**$45,304**
HD Supply Utilities GE energy	$52,686
HD Supply Utilities Cooper	$64,470

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.: 07-09-2007**
DEPARTMENT OF ORIGIN: Public Utilities – Water	**DATE SUBMITTED**: 6-28-07
PREPARED BY: Sharon J. Duca, P.E. – Water / Wastewater Manager	
SUBJECT: Evaluation of Bids – Cheswold Well Number 8 Replacement Bid	
REFERENCE: Project #WS0705	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Finance Director	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $164,675.00 **AMOUNT BUDGETED**: $175,000	
FUNDING SOURCE (Dept./Page in CIP & Budget): 2007-2011 Capital Investments Plan page 202 – Public Utilities / Water-Wastewater. Project expense to date = $5,283.	
TIME TABLE: Work is to be completed within 120 days of receipt of notice to proceed.	
RECOMMENDED ACTION: Award the bid to the lowest bidder, A.C. Shultes of Delaware, Inc., in response to City of Dover Bid #07-0059DPU, for the amount of $164,675.00.	

BACKGROUND AND ANALYSIS

The replacement of Cheswold Well #8 has been approved in the 2006-2007 budget and funding is rolled forward into the 2007-2008 budget year. The condition of this well had deteriorated to a point of keeping the well off-line despite previous efforts to rehabilitate the well.

Bids were advertised according to City Policy by the City's Purchasing Agent. Three (3) bids were received. The tabulation of the bids received is as follows:

Bidder	Base Bid	Contingency Items (Estimated)				Estimated Total
		Pilot Hole +50'	*Casing +50'*	*Well Screen +25'*	*Pump Test +48 hrs*	
A.C. Shultes of Delaware, Inc.	**$154,995.00**	**$1,500.00**	**$1,500.00**	**$2,600.00**	**$4,080.00**	**$164,675.00**
Zober Contracting Services, Inc.	$177,700.00	$1,000.00	$5,500.00	$5,500.00	$7,680.00	$197,380.00
American Water Well Systems, Inc.	$187,428.00	$1,250.00	$4,000.00	$3,000.00	$6,240.00	$201,918.00

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM:** 07-09-2007
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 06-29-2007
PREPARED BY: Scott D. Koenig, P.E., Public Services Manager	
SUBJECT: Evaluation of Bids – FY-2008 Miscellaneous Concrete Repair Program	
REFERENCE: Project #ST0802	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Finance Director	
EXHIBITS: Attachment A – Tabulation of Bids	
EXPENDITURE REQUIRED: Estimated **$ 29,738.45** **AMOUNT BUDGETED**: **$ 65,000.00** **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Streets Division Operating Budget (110-1800-554.40-31) - $ 65,000 (Concrete Construction & Replacement Program – Project # ST0802 (Page 68 & 225 of the 2008 Draft Operating Budget)	
TIMETABLE: This is a unit price contract starting with the date of award and ending within sixty (60) calendar days after the Notice to Proceed. The estimated completion date is Monday, October 1, 2007.	
RECOMMENDED ACTION: Award a unit price contract for the FY-2008 Miscellaneous Concrete Repair Program based on the unit prices for each work item to Bulls Eye Construction, Inc. in the estimated amount of $29,738.45 based on a tentative scope of work. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. The value of the contract may be increased or decrease based on the actual scope of work.	

BACKGROUND AND ANALYSIS

In conjunction with the City of Dover's Capital Investments Plan, it is proposed to use a contractor to remove and replace approximately 2,807 square feet of miscellaneous concrete work at various tentative locations throughout the City of Dover during Fiscal Year 2008. Staff has reviewed the locations and prepared a work plan for these repairs. Bids were opened on Thursday, June 14, 2007, Bid #07-0069DPS. Four (4) contractors submitted unit price bids for the work to be performed. The following three (3) met the bid specifications and are determined to be complete:

Bulls Eye Construction, Inc.	**Greenwood, Delaware**	**$ 29,738.45**
Gateway Construction, Inc.	**Dover, Delaware**	**$ 60,111.00**
Mike Davidson Excavating, LLC	**Goldsboro, Maryland**	**$ 34,767.00**

City of Dover Central Services Purchasing/Warehouse TABULATION OF BID NUMBER: 07-0069DPS DEPARTMENT: Public Services BID OPENING DATE: June 14, 2007, 2:00 pm AWARD TO:			VENDOR Bulls Eye Construction, Inc. 11584 Shawnee Rd. Greenwood, DE 19950 (302) 349-5325 Fax (302) 349-5952		VENDOR Gateway Construction Inc. Mark Kohout 3527 Forrest Ave Dover, DE 19904 (302) 672-7942 Fax (302) 672-9055		VENDOR Mike Davidson Excavating, LLC Michael P. Davidson PO Box 157 Goldsboro, MD 21636 (410) 482-7526 Fax (410) 482-7448		VENDOR Outstanding Concrete Design Nelson Figueroa 9828 Nanticoke Circle Seaford, DE 19973 (877) 735-3888 Fax (302) 628-8204	
Notes:					Qualifies for local vendor preference.				Did not use the bid form Provided. Bid as package. Qualifies for minority vendor preference.	
ITEM NO.	QUAN.	DESCRIPTION	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE
1	164 SF	Remove and replace 6" Concrete Flatwork	$13.00	$2,132.00	$22.00 ($21.34)	$3,608.00 ($3,499.76)	$15.50	$2,542.00		
2	2643 SF	Remove and replace 4" Concrete Flatwork	$10.15	$26,826.45	$21.00 ($20.37)	$55,503.00 ($53,837.91)	$12.00	$31,716.00		
3	10 CY	Type "C" Select Backfill	$38.00	$380.00	$45.00 ($43.65)	$450.00 ($436.50)	$18.90	$189.00		
4	10 CY	Graded Aggregate – Crusher Run	$40.00	$400.00	$55.00 ($53.35)	$550.00 ($533.50)	$32.00	$320.00		
		TOTAL:		$29,738.45		$60,111.00 ($58,307.67)		$34,767.00		$11,228.00 ($10,891.16)

ATTACHMENT

M E M O R A N D U M

TO: Members of City Council

FROM: Traci A. McDowell, City Clerk

DATE: July 9, 2007

SUBJECT: Special Election to Fill Vacancy in Mayor's Seat
(Term to Expire May 12, 2008)



In accordance with Section 13 of the City Charter, a Special Election must be held to fill the vacancy created by the resignation of Mayor Stephen R. Speed, since the vacancy created is in excess of six (6) months in duration. This position is for the Mayor's seat with a term that expires May 12, 2008.

The following dates are submitted for your approval relative to the Special Election:

Date of Election - Tuesday, September 18, 2007
The earliest the election can be held is August 22, 2007 and the latest it can be held is September 20, 2007.

Filing Petitions - Through July 27, 2007
This time frame allows more than two (2) weeks for the filing of petitions and seven (7) weeks for campaigning and absentee voting.

Voter Registration Close - August 24, 2007
Voter registration (for the Special Election) shall close on August 24, 2007 and reopen on October 1, 2007. The State will continue to accept voter registration applications, but will not forward them to the City of Dover until our registration period reopens.

The above schedule is only a suggestion for Council consideration; however, official action by Council is necessary.

The Elk's Lodge and Dover Park Recreation Center have been tentatively reserved as polling places for the Special Election and we are awaiting a call back from the Seventh Day Adventist Church. Newspaper notices for the filing petition dates will be prepared so that we can advertise immediately following the Council Meeting (upon Council approval of the dates).

If you have any questions or suggestions regarding the above, please do not hesitate to contact me at 736-7008 or TmcDowell@dover.de.us.

/tm
S:\ClerksOffice\CAFS\07-09-2007 Schedule Special Election.wpd