

# COUNCIL COMMITTEE OF THE WHOLE

## AGENDA



OCTOBER 24, 2017 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS  
15 LOOCKERMAN PLAZA  
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT [CITYCLERK@DOVER.DE.US](mailto:CITYCLERK@DOVER.DE.US)) SHOULD YOU WISH TO BE RECOGNIZED.

### SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

#### 1. AGENDA ADDITIONS/DELETIONS

#### 2. UPDATE - ALTERNATIVE TO SPEED BUMPS - ANN AVENUE (SUDLER)

(DURING THEIR MEETING OF JULY 24, 2017, CITY COUNCIL APPROVED THE COMMITTEE'S RECOMMENDATION TO: A) INSTALL A TRAFFIC ENFORCEMENT SIGN ON ANN AVENUE; B) INSTALL STRICTLY ENFORCED SPEED LIMIT SIGNS ON ANN AVENUE; AND C) PERFORM A TRAFFIC STUDY ON WALKER ROAD AND ANN AVENUE INDICATING THE TIMING OF THE LIGHTS AND THE COUNT, DATE, AND TIME OF TRAFFIC FLOW)

#### 3. ADJOURNMENT OF SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING

### UTILITY COMMITTEE

#### 1. AGENDA ADDITIONS/DELETIONS

#### 2. AMERICANS WITH DISABILITIES ACT SIDEWALK COMPLIANCE - LINCOLN STREET

(STAFF RECOMMENDS APPROVAL OF THE PROPOSED SIDEWALK ORIENTATION TO COMPLY WITH AMERICANS WITH DISABILITIES ACT)

#### 3. CONWELL STREET DISCUSSION

(DURING THEIR MEETING OF AUGUST 28, 2017, CITY COUNCIL APPROVED THE COMMITTEE'S RECOMMENDATION THAT A LEGAL OPINION REGARDING THE OWNERSHIP OF CONWELL STREET AND THE CITY'S LEGAL OPTIONS IN REGARD TO THIS MATTER BE PROVIDED AT THE NEXT UTILITY COMMITTEE MEETING)

#### 4. ADJOURNMENT OF UTILITY COMMITTEE MEETING

**LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE**

**1. AGENDA ADDITIONS/DELETIONS**

**2. PROPOSED ORDINANCES**

**A. #2017-14 AMENDING CHAPTER 30 - CODE OF CONDUCT AND ETHICS COMMISSION (CITY OF DOVER ETHICS INITIATIVE) (SPONSORS: LINDELL, POLCE, AND SLAVIN)**

(DEFERRED DURING THE COMMITTEE MEETING OF OCTOBER 10, 2017)

**B. #2017-15 AMENDING CHAPTER 34 - ELECTIONS, ARTICLE III - ABSENTEE VOTING (SPONSORS: ANDERSON AND LINDELL)**

(STAFF RECOMMENDS ADOPTION OF ORDINANCE #2017-15)

**3. UPDATE - RESOLUTION NO. 2017-10 - ESTABLISHING THE “MAKING DOVER PROSPER” INITIATIVE**

**4. DISCUSSION - DEVELOPMENT OF POLICIES/PROCEDURES**

**A. LEGAL OPINIONS**

**B. EXCUSED ABSENCES**

**5. ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING**

**ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING**

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## **COUNCIL MINUTES HISTORY**

### **ALTERNATIVE TO SPEED BUMPS - ANN AVENUE**

#### ***An Excerpt from the Minutes of the Regular City Council Meeting of July 24, 2017:***

The Regular Council Meeting was held on July 24, 2017 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Polce, Mr. Hare, and Mr. Lindell. Mr. Cole was absent.

#### **COUNCIL COMMITTEE OF THE WHOLE REPORT - JUNE 27, 2017**

The Council Committee of the Whole met on June 27, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:07 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce (departed at 6:42 p.m. and returned at 6:44 p.m.), Mr. Hare, and Mr. Lindell. Mayor Christiansen was also present (arrived at 6:11 p.m., departed at 6:47 p.m. and returned at 6:50 p.m.). Civilian members present for their Committee meetings were Mr. Garfinkel and Mr. Shelton (*Safety Advisory and Transportation*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

#### **SAFETY ADVISORY AND TRANSPORTATION COMMITTEE**

The Safety Advisory and Transportation Committee met with Chairman Lewis presiding.

#### **Alternative to Speed Bumps - Ann Avenue (Sudler)**

Mr. Sudler advised that he had received correspondence from and spoken with Mr. Francis Bethel regarding a possible speed reduction method for Ann Avenue.

Mr. Francis Bethel, 207 Ann Avenue, advised that he had lived in northwest Dover Heights all his life, having bought a home in 1990 down the street from where he grew up. He noted that people are in more of a hurry than they were in the 1960s and 1970s and cars speed through the area. Mr. Bethel informed members that there were many children in the area, and he expressed concern that a child would get hit by a car. He stated that he knew that there were issues regarding speed bumps due to ambulances that may come through. Mr. Bethel asked if a radar sign like the signs that are on State Street could be placed on Ann Avenue to show people that they are speeding.

Mr. Lewis noted that he had previously explained to Mr. Bethel that speed bumps are not allowed in the City of Dover because they slow down emergency vehicles and apparatus. Responding, Mr. Bethel stated that he understood that speed bumps were not allowed and asked if there were other alternatives.

Mr. Sudler asked if Mr. Bethel, as a constituent of the Fourth District, had any other speed concerns that were causing him alarm. Mr. Bethel indicated that he had a traffic issue that would be better served when addressing transportation matters.

Mr. Sudler noted that he had received some concerns regarding ATVs, four-wheelers, and off road vehicles and asked Mr. Bethel if he had heard any of these vehicles. In response, Mr. Bethel advised that he had heard motorbikes late at night before, which were annoying.

Mr. Neil stated that the radar signs that Mr. Bethel had referred to had been funded by State senators and representatives, and it was unknown if funding would be available after the State budget is finalized. He expressed his belief that a study would have to be done to find out what the conditions are, as had been done with other communities and streets, such as North State Street and Independence Boulevard. Mr. Neil noted that there are other traffic calming measures.

Police Chief Marvin Mailey stated that he was very familiar with the situation on Ann Avenue, having been a police officer in the City for several years. He noted that he was aware that speed bumps could not be used but suggested that a traffic enforcement sign would be ideal for the situation. Chief Mailey explained that this sign would flash, make people aware of their speed, and provide awareness to those outside or traveling along that same road that the person is speeding, which would apply peer pressure. In addition, he stated that a marked police car could be placed in the area for traffic enforcement, and enforcement action could be taken via a traffic ticket if speeding is observed. Chief Mailey stated that this approach would be a deterrent; however, it usually only works when an officer is in the area. He noted that the Police Department's focus in the last several months had been on reducing violent crime, which was taking officers elsewhere in the City. Chief Mailey stated that the Department receives speeding complaints from people throughout the City, noting that Mr. Hare had raised concern regarding a similar speeding situation on Wyoming Avenue.

Chief Mailey offered to bring Ann Avenue to the attention of the Special Enforcement Unit to make it part of their rotation for traffic enforcement. He indicated that this would be the easiest solution for the problem, noting that he did not think that other methods were feasible for the City. Chief Mailey stated that another method he was aware of was the use of traffic humps, which are similar to traffic bumps but elongated so that the increase in the height of the roadway is not sudden, so vehicles do not bottom out. He advised that there could also be raised crosswalks at the end of the streets and wherever crosswalks are designated; however, he was not sure that this would fit within the City's of Dover's economic plan, and he had no knowledge of and could not speak to the engineering. Chief Mailey noted that traffic circles also slow traffic down; however, Ann Avenue was not large enough to accommodate a traffic circle. He informed members that some major cities use chicanes, which force cars to slow down to steer right or left through erected safety poles in a road, similar to slalom skiing, but was unsure if this would work within the City of Dover. He stated that, from a cost aspect, the best solution to the problem would be traffic enforcement and, after that, traffic signs.

In response to Mr. Sudler, Chief Mailey clarified that chicanes involve several poles in the road that guide vehicles along, similar to a Division of Motor Vehicles (DMV) driving course, noting that they are sometimes used at approaches to large government buildings or events where traffic is forced to change directions. He stated that chicanes slow cars down; however, he expressed his opinion that a larger roadway than Ann Avenue provides would be needed for installation, noting that he is not an engineer.

Mr. Sudler asked, in Chief Mailey's professional opinion and experience, which of Chief Mailey's four (4) recommendations he thought would be the most desirable. Responding, Chief Mailey stated his belief that traffic enforcement was the way to go. He advised that the Police Department already has officers working who could not be in the area constantly but could be a presence and deterrent. Chief Mailey noted that traffic tickets usually translate to people talking, and when they know the police are in the neighborhood, they slow down. He indicated that traffic enforcement would be a quick but temporary fix, noting that as soon as another complaint is received from elsewhere in the City, officers have to move to accommodate that need. Chief Mailey stated that a radar traffic enforcement sign would be a more permanent solution.

Mr. Slavin stated that, in dealing with this issue a couple of times over the past few years, his approach was to physically fix areas with traffic calming devices to slow speeds. He noted that members had not explored the idea of restricting traffic financially by making it more expensive for people to speed in certain areas. Mr. Slavin advised that he had talked about this briefly with former Police Chief Paul Bernat, who thought it might be possible to look at the City's ordinances, develop an overlay in special enforcement zones, and install appropriate signage. Mr. Slavin suggested that it could be indicated that there would be an additional fine for speeding in areas such as Independence Boulevard, North State Street, or Ann Avenue. He explained that speeders would receive a ticket per the State Code and an additional fine.

Responding to Chief Mailey, Mr. Slavin stated that the additional fine would be for the City rather than the State. Mr. Slavin stated that he would review his notes; however, he recalled that an avenue had been looked at for getting this done. Mr. Slavin expressed his belief that if people feel a financial impact, they will remember a particular area where they do not want to get caught again. For example, he noted that he had received a \$75 ticket going through a red light at Route 13 and Loockerman Street and is not going to let that happen again. Chief Mailey stated that he agreed with the concept Mr. Slavin proposed; however, he advised that this change would have to be handled at the State level and had not been approved by the legislature. Mr. Slavin stated that he would ask legal counsel, stating his belief that the City could make a special enforcement zone.

Chief Mailey stated his concern that issuing both a State ticket and a City ticket would be double jeopardy for one (1) violation; however, he would defer to the City Solicitor. He stated that the Police Department would be willing to issue such tickets if this could be done within the confines of the law. Chief Mailey advised members that Maryland uses electronic speed signs, and tickets are mailed. He noted that he thought this would also be a useful deterrent.

Mr. Neil noted that the public serves as reporters and informs Council what is happening, and he expressed his hope that Mr. Bethel would return and advise members whether any measures used are working. He also asked Mr. Bethel to get the word out regarding any measures, but not to be one (1) of those who receives a ticket as a result. Chief Mailey noted that it often happens that the reporting parties are among the first to get tickets when officers are placed in a neighborhood.

Responding to Mr. Lewis, Chief Mailey advised that he could explore the possibility of extra funding or grants through the Office of Highway Safety. He stated that he had sent an email regarding funding to Mr. Larry Windley, Senior Director for Projects and Economic Development, Senator Tom Carper's Office, earlier in the day, and would contact Mr. Windley to see what could be done and report back.

Mr. Anderson agreed with Chief Mailey that signs and enforcement should be tried first but noted that there may be a need to consider other speed calming measures. Responding to Mr. Anderson, Chief Mailey advised that there were currently no speed humps in the City. Mr. Anderson indicated his understanding that speed humps would qualify under the City's code because they would not be so much of a problem. Chief Mailey indicated that he thought speed humps would qualify, but he would have to check the Code. He noted that speed humps were quickly replacing speed bumps because, even when hit at a high speed, they do not cause any damage to vehicles. In addition, Chief Mailey explained that the City's police officers know where the traffic hazards are around the City and when officers need to slow down. He noted that he could not speak for the ambulance company because he does not supervise them.

Mayor Christiansen stated that he thought it possible to remedy the situation on Ann Avenue by installing strict enforcement signs. He noted that signs could be installed in other areas of the City as well to give warning that speeding will be strictly enforced and, if this did not work, another measure could be taken. Mayor Christiansen stated that he agreed with Mr. Neil, explaining that often when these concerns are raised at homeowners' association meetings and police officers are sent to an area, it is the people within the neighborhood who receive tickets. Mayor Christiansen advised that he had visited Ann Avenue found it to be like a race track, similar to other streets in the City lately. He noted that there were a lot of children and senior citizens in the area and he thought that, with strict enforcement and warnings from neighbors who received tickets, everyone will slow down.

Chief Mailey noted that a message could be placed on the Department's Facebook page and Twitter feed to let people know there would be intense enforcement in these areas, which may act as a deterrent.

In response to Mr. Shelton, Mr. Bethel stated that he had observed that those speeding throughout his neighborhood were mostly outsiders rather than his neighbors. Mr. Shelton noted that the Mayor had commented that neighbors' speeding may be deterred when they find out about enforcement there; however, Mr. Slavin indicated that this may not be the same for people outside the neighborhood.

Mr. Timothy Sybils, Milford/ Harrington, Delaware, stated that he went to Milford High School and was kicked out of high school during the first semester of his senior year and went into the military, noting that a high school diploma was not required to go into the military at that time. He indicated that he was in the United States Army Reserves. Mr. Sybils advised that there were identity thieves. Mr. Lewis explained that the agenda item being discussed was speeding on Ann Avenue and asked if Mr. Sybils had any comments regarding this item. Responding, Mr. Sybils advised that his concern was not related to speeding on Ann Avenue.

Mr. Sudler moved to recommend implementing and installing a traffic enforcement sign on Ann Avenue, as suggested by Police Chief Marvin Mailey, seconded by Mr. Neil.

Mr. Anderson moved to amend the motion to add the strictly enforced signs that the Mayor suggested because, by State law, they allow the City to enforce strictly if it so chooses, seconded by Mr. Sudler.

Mayor Christiansen asked to add an understanding that a traffic study would be done of Walker Road and Ann Avenue. He noted that a lot of people coming from Edgewell/Energizer cut through the area, and people coming out of the shopping center come down Ann Avenue to make a quick exit onto Walker Road. Mayor Christiansen suggested obtaining a traffic study and a counter that would indicate the date and time when people are cutting through Ann Avenue. He noted that he had observed a number of cars from Maryland using Ann Avenue.

Mr. Neil moved to amend the motion to add a traffic study.

At the suggestion of Mr. Slavin, all motions on the floor were withdrawn so that one (1) comprehensive motion could be made.

Mr. Sudler moved to recommend: a) installing a traffic enforcement sign on Ann Avenue; b) installing strictly enforced speed limit signs on Ann Avenue; and c) performing a traffic study on Walker Road and Ann Avenue indicating the timing

of the lights and the count, date, and time of traffic flow. The motion was seconded by Mr. Neil.

Mr. Polce questioned who would fund the sign and signage, whether this would come from the discretionary funds of the Council member who made the motion, and the general cost of the signs to be put up. Responding, Mr. Slavin stated that the City usually asks the legislative delegation if they will allocate funding for speed detection signs from their Community Transportation Funds (CTF), and they had been very good about doing that. He noted that the City used to have a couple of speed detection devices at the ready for installation and asked if the City currently had any. Responding, Mrs. Donna Mitchell, Acting City Manager, stated her understanding that the City had one (1) device; and it had been requested to be placed on Crawford Avenue earlier in the day for a study. She stated that she was unsure if the City had more than one (1) device, and she would have to check to see what could be done, noting that the legislators could be asked for another sign. Mr. Slavin advised that he thought the City could obtain a device either way.

At the request of Mr. Lewis, Mrs. Traci McDowell, City Clerk restated the motion.

The Committee recommended: a) installing a traffic enforcement sign on Ann Avenue; b) installing strictly enforced speed limit signs on Ann Avenue; and c) performing a traffic study on Walker Road and Ann Avenue indicating the timing of the lights and the count, date, and time of traffic flow.

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

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## **ACTION FORM**

<b>PROCEEDING:</b> Utility Committee	<b>AGENDA ITEM NO.:</b>
<b>DEPARTMENT OF ORIGIN:</b> Public Works	<b>DATE SUBMITTED:</b> 10/13/17
<b>PREPARED BY:</b> Sharon Duca, P.E., Public Works Director/City Engineer	
<b>SUBJECT:</b> Americans with Disabilities Act Sidewalk Compliance – Lincoln Street	
<b>REFERENCE:</b> CIP- Street, Concrete and Alley Program	
<b>RELATED PROJECT:</b> N/A	
<b>APPROVALS:</b> City Manager, Controller	
<b>EXHIBITS:</b> Exhibit A – Aerial Map	
<b>EXPENDITURE REQUIRED:</b> N/A	<b>FY 2018 BUDGET:</b> N/A
<b>FUNDING SOURCE (Dept./Page in CIP &amp; Budget):</b> Costs associated with this proposed sidewalk is inclusive to the approved FY-2017 Street & Alley Program, project number ST1701, account number 147-1800-554.40-31	
<b>TIME TABLE:</b> Notice to proceed to be issued within thirty (30) days of Council approval. Project anticipated to be completed in thirty (30) calendar days.	
<b>RECOMMENDED ACTION:</b> Approve the proposed sidewalk orientation to comply with Americans with Disabilities Act.	

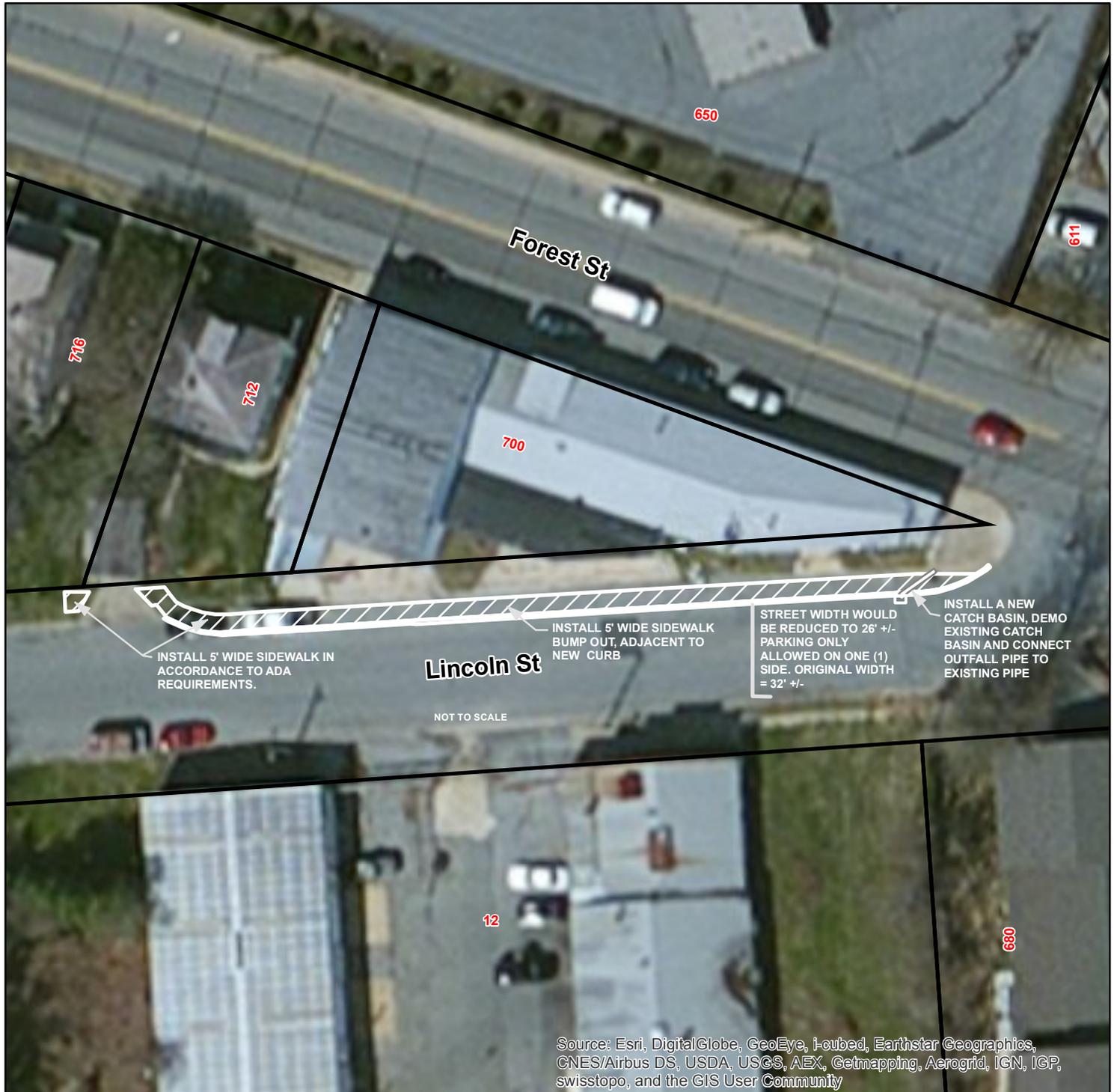
### **BACKGROUND AND ANALYSIS**

The Fiscal Year 2017 Street & Alley Program includes Lincoln Street as a street that is scheduled to be reconstructed. Staff identified that the northern side of Lincoln Street, near the intersection with Forest Street has sidewalk that is not compliant with the American with Disabilities Act (ADA) as the cross slope does not meet the standards. It would be impossible to regrade the driveways to meet this requirement. Our recommendation is to bump out the sidewalk into the road (an example of which exists at Washington Street) to install new sidewalks. Please refer to the exhibit for the proposed solution. An adjustment to the adjacent catch basin would be required as well. The road width would be reduced to twenty-six feet (26'). As a result, parking will only be allowed on one (1) side of the street.

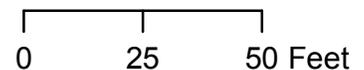
City staff recommends that this proposed sidewalk alignment be approved to comply with ADA regulations.

# Exhibit A

## ADA Sidewalk Compliance Lincoln Street



Date Printed: October 11, 2017  
File: m:\gis\_data\projects\tech\_mxds  
jason\_lyon\_maps\caf\_maps  
caf\_william\_st\_water\_replacement  
Department: Public Works GIS  
City of Dover, Delaware



## **COUNCIL MINUTES HISTORY**

### **CONWELL STREET DISCUSSION**

#### ***An Excerpt from the Minutes of the Regular City Council Meeting of August 28, 2017:***

The Regular Council Meeting was held on August 28, 2017 at 7:31 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Polce, and Mr. Lindell. Mr. Hare and Mr. Lewis were absent.

#### **COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 15, 2017**

The Council Committee of the Whole met on August 15, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:23 p.m.), Mr. Sudler (departed at 6:34 p.m. and returned at 6:40 p.m.), Mr. Neil, Mr. Cole, Mr. Polce (departed at 6:34 p.m. and returned at 6:35 p.m.), and Mr. Hare. Mr. Lewis and Mr. Lindell were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Ms. Arndt (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

#### **Conwell Street Discussion**

Mrs. Sharon Duca, P.E., Public Works Director/City Engineer, reviewed her memo dated July 28, 2017 regarding Conwell Street Evaluation. She explained that the Department of Public Works was charged with evaluating Conwell Street in conjunction with researching the development history, current status, and upgrade options.

Mr. Sudler asked if there would be another option that would be less complex and timing consuming, such as a paved alley, or something another level down from a street with walkways and curb appeal, and drainage. Responding, Mrs. Duca explained that if Council wanted to pursue the enhancements of this road, technically deeming it an alley and making the appropriate authentication in that manner would create the smaller pavement because it would not require the concrete addition. She stated that it would also give more room within the right-of-way for more natural swales, etc. to handle the drainage, noting that the concrete sections on a regular road would make it very difficult and definitely require storm sewer.

In response to Mr. Hare, Mrs. Duca stated that there were a couple of houses on the front of the street. Mr. Hare noted that this was not a City street. He asked if the residents wanted to bring it into the City and for the City to take it over. Responding, Mrs. Duca stated that this was her understanding.

Mr. Hare asked if this would be any different than, for example, if the contractor for Nottingham Meadows was building houses, did not want to finish the street, and wanted the City to take it over and finish it. He asked if the City would do that. In response, Mrs. Duca advised that Conwell Street would be more similar to Cannon Mill, explaining that the City did have to deal with the roads in that development because the developer went bankrupt. Mr. Hare asked if there was a developer for

Conwell Street and Mrs. Duca advised that there was not. Mr. Hare asked who owns the land. Responding, Mrs. Duca stated that it could be considered no man's land at this point, explaining that it was never transferred to the City; therefore, it would be more likely to still be in Kent County. She explained that technically the land owner would be the original developer of the College Road Settlement from 1899 because they never deeded it over to any municipal entity. Mr. Hare asked how staff was going to determine who owns the land. In response, Mrs. Duca, referring to page 2 of her memo dated July 28, 2017 regarding Conwell Street Evaluation, noted that other sections of roads that wound up being vacated went through the Superior Court.

Responding to Mr. Slavin, Mrs. Duca stated that it would be difficult to trace the underlying owner of the road at this point, which, she believed, was the reason it became a matter of the courts. Mr. Slavin asked if the City had any history regarding who originally paved the road or who paid to have it paved originally. In response, Mrs. Duca advised that information regarding the original paving was not part of any of the research or the plans that staff could find. Responding to Mr. Slavin, Mrs. Duca informed members that Conwell Street was not a publicly identified road in terms of Municipal Street Aid (MSA); however, it was in regard to Google and that type of thing. Mr. Slavin stated his understanding that if the road was not owned by the City, then it would be a State road. In response, Mrs. Duca indicated that it would be a State or County road. Mr. Slavin stated that typically in a development, a developer will build out a development, build out the roads, and then dedicate them over to the City when they are up to the City's standards, so that the City does not inherit those costs. He noted, however, that in the case where the developer went bankrupt and left the roads sub-standard, the City was forced to take action out of public safety. Responding, Mrs. Duca stated that those subdivisions were legitimately within City of Dover limits.

Mr. Neil stated that he thought that this matter was very perplexing and he did not think that it would get a high priority over existing problems. He advised that his suggestion would be for the City to send all of the people who signed the petition a letter basically stating that this is not City land. Mr. Neil noted that there are many issues dealing with the ownership and the deeding to the City, and that while the City will look at the process to see what the City can do, he did not think the individuals should expect it to be done quickly because they signed a petition. He explained that the City should be gentle, but should educate the people who have asked for help that this is not an easy question to answer and is not simply moving them up in a priority. Mr. Neil indicated that a significant amount of work would be going on before getting to the point of moving this matter up in priority, and he stated that he did not know how fast the City should be getting to that point.

Mr. Hare, referring to the map entitled "Conwell Street Exhibit," noted that the houses on State College Road were labeled "property not annexed into the City," and asked if these properties were not in the City. Responding, Mrs. Duca stated that he was correct. Mr. Hare stated that he did not understand why individuals who live in the County would request the City to pave the roads for them.

Mr. Sudler stated that he thought that the owners felt that because it said Conwell Street, it was a City road, and the main objective was to assess whether or not it is a City or County road, which had been done. He thanked Mrs. Duca, noting that she had done a great job. Mr. Sudler stated that there were a few homes on Conwell Street, but that he wanted to hear from Ms. Ryder, a resident of Conwell Street who he believed could speak regarding some of the challenges and difficulties.

Mr. Sudler asked if Mr. Hare or anyone else had been on Conwell Street to look at it, or had rode their vehicle down it and seen the stumps. Responding, Mr. Hare stated that he had. Mayor Christiansen stated that he had also been out there and had seen the condition of the street. He advised members that approximately 20 years ago the City went through this same process and it was determined that the street was difficult to bring to City standards because it was mostly in the County. Mayor Christiansen noted that, while he has empathy for the people who live there, there are streets in the City that are really under duress as well. He stated that he did not know if a private individual or a consortium of people could get together and have the street paved as they do in other communities.

Mr. Cole thanked Mrs. Duca for the research and the work that she did regarding this matter.

Ms. Sandra Ryder, 291 College Road, informed members that her property abuts Conwell Street and she was under the assumption that because it was named, it was a road. She stated that the road had never been paved and explained that, with the problems with the road, people tear their cars up driving on the street. Ms. Ryder noted that she would accept an alley, a few stones, or anything; however, after listening to the discussion, she understood that it was a problem. She asked how much it would be if everyone in the community got together and decided to pave it themselves and what that would run up against. Responding, Mr. Cole advised Ms. Ryder that it was not a City road. Ms. Ryder stated that she still felt that while they are paying taxes something should be done. Mr. Hare stated that Ms. Ryder might have to check with the County to make sure they do not have a problem with it, noting that the City would not be giving the permits or anything.

Ms. Ryder stated her understanding that members were basically saying that it is too big a problem to be addressed at the moment because there are too many legalities. Responding, Mr. Cole explained that he did not think that members were saying it was too big of a problem, but that there were legalities and the control of the right-of-way and the road.

In response to Mr. Hare's question regarding who owns the property, Ms. Ryder stated that she owns the property from the front to 100 feet in the back; however, she noted that she did not have any idea who owned the street. She explained that she thought that the City or the County owned the street and, since it was named, she thought it had to be a street.

Mr. Sudler asked if it was standard procedure for the City to put a street sign name on streets that it does not own. Responding, Mr. Slavin explained that if there was a street sign on Conwell Street, the City does not know the origin of the street sign and, if the City did inadvertently place the street sign, it does not transfer legal ownership of the street to the City. He indicated that he thought that the underlying question was if someone could do the deed research to figure out who the underlying owner of the street is, noting that if it is a County street, the City could go to the County and ask them to improve it, and if it is a City street, the City would have responsibilities.

Mr. Neil stated that he did not know how much Ms. Ryder pays, but that he pays more in County taxes than he does in City taxes, so he thought that the County should take this one over.

Mr. Anderson, referring to the map entitled “Conwell Street Exhibit,” asked if he was correct in his understanding that half of the properties surrounding Conwell Street were in the City, half were not, and the City did not know the ownership of the street. Responding, Mr. Cole stated that this was correct. Mr. Anderson asked if it would be appropriate to make a motion for the City to do the research to find out who owns it.

Mrs. Duca clarified that the City had done the plan and deed research. She informed members that deeds are not developed for street right-of-ways; however, there is the original plot plan for the development. She reiterated that the best example would be similar to a defunct subdivision where the owner has gone bankrupt. Mrs. Duca advised members that this matter would involve some movement of the County or the City to take the street over because the ownership of it basically left with the original developer.

Mr. Cole stated, for clarification, that the City is not looking to take this street over, and asked if going through the County would be residents’ best avenue to find out what they need to do if they wanted to take it upon themselves to pave it. Responding, Mrs. Duca stated that the County and the Delaware Department of Transportation (DelDOT) would be the next steps.

Mr. Sudler asked, as a point of clarity, if Mrs. Duca was saying that the City did not want to take the street over, explaining that he thought that she was saying that if the City were to do it, these would be the steps that the City would have to take. In response, Mrs. Duca stated that she was not saying that the City did not want to do it, she was just trying to clarify that there are no actual deeds for the right-of-way.

Mr. Anderson moved to recommend referring the matter to staff to find more information on the ownership of the street, seconded by Mr. Sudler.

Mr. Hare noted that this was not City property and the people who live around it are not in the City. He indicated that he was at a loss as to why the City would proceed,

explaining that he could find a lot of properties that are outside of the City that the City could also research and possibly work on. Mr. Hare asked if the people who live around the property wanted to be annexed into the City and pay City taxes, etc., if the City proceeds. He stated that he felt that the County should be doing something, not the City, since it is not City property.

Mr. Sudler stated that he thought the motion was just a point on information so that members would be able to make an educated decision, explaining that it was his understanding that the City did not currently know who owns the property. He noted that although it appeared that the City does not own the property or have any responsibility, he thought that out of a genuine consideration for their Dover constituent, members could at least find out who owns it and possibly even send a letter, or partner with the constituent to send a letter, to the County or State asking for financial assistance or for them to make the proper repairs to bring the street up to code. Mr. Sudler stated that this was the same street that a lady was recently killed on, noting that it is dark and a safety issue. He expressed his opinion that this matter was beyond just dollars and was about public safety in the community and for the constituents of Dover.

Mr. Slavin indicated that he thought that staff had done due diligence in collecting the information and that, based on that research, a legal opinion was now needed to advise members regarding ownership and what the City's legal options are in regard to this matter. He stated that he thought that it was time to escalate this matter and send it to legal counsel for an opinion.

Mr. Anderson, referring to his motion to recommend referring the matter to staff to find more information on the ownership of the street, advised members that he meant staff in the broadest sense and most appropriate level, which would include the City's legal counsel. He indicated that referring it to legal counsel may be the next step; however, he would leave that decision to staff's professional discretion.

Mr. Neil asked that a fiscal note be provided regarding what it will cost to do this research, explaining that he thought members owed it to the taxpayers to find out. Responding, Mrs. Donna Mitchell, Acting City Manager, stated that she would have to find out how long it would take to do the research to be able to explain how much it would cost. Mr. Neil stated his understanding that it would not only take normal staff time, but professional time to complete this research. In response, Mrs. Mitchell stated that Mr. Neil was correct and that staff would have to talk to Deputy City Solicitor William Pepper to determine whether he would have to have staff research it as well. She explained that City staff had done some research but might need his help.

Mr. Cole asked Mr. Anderson and Mr. Sudler if they would be amenable to withdrawing the motion to recommend referring the matter to staff to find more information on the ownership of the street, and instead ask for a legal opinion to be provided at the next Utility Committee meeting. Responding, Mr. Sudler stated that

he would be willing to rescind his second to the motion because he was in agreement with getting a legal opinion, as recommended by Mr. Cole. Mr. Anderson stated that he did not really think that the motion was being changed; however, if members wanted to change the wording, he was okay with it because the result of the motions would be the same.

The motion to recommend referring the matter to staff to find more information on the ownership of the street was withdrawn.

The Committee recommended that a legal opinion regarding the ownership of Conwell Street and the City's legal options in regard to this matter be provided at the next Utility Committee meeting.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

/dd

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CITY OF DOVER PROPOSED ORDINANCE #2017-14

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

3  
4 That Chapter 30, Code of Conduct and Ethic Commission, be amended by inserting the text indicated in  
5 blue font, deleting the text indicated in red strikethrough, and moving the text indicated in green font, as  
6 follows:

7  
8 Chapter 30 - ~~CODE OF CONDUCT~~ **STANDARDS OF ETHICAL CONDUCT** AND ETHICS  
9 COMMISSION

10 ~~ARTICLE I. - IN GENERAL~~

11 ~~Secs. 30-1 - 30-30. - Reserved.~~

12 ~~ARTICLE II. - CODE OF CONDUCT~~

13  
14 **ARTICLE I. - IN GENERAL**

15  
16 ~~Sec. 30-31. - Applicability; statement of policy.~~

17  
18 ~~(a) - Applicability.~~ This ~~article~~ **chapter** shall be applicable to all elected and appointed officials and all  
19 employees of the city.

20 **Sec. 30-2. - Statement of intent and purpose.**

21 ~~(ba) Statement of policy~~ **Intent.** The proper operation of democratic government requires that public  
22 officials and employees be independent, impartial, and responsible to the people; that  
23 governmental decisions and policies be made in the proper channels of the governmental structure;  
24 that public office not be used for personal gain; and that the public has confidence in the integrity  
25 of its government. ~~In recognition of these goals, there is hereby established a code of conduct for~~  
26 ~~all city employees and officials. The purpose of this code of conduct is to establish ethical~~  
27 ~~standards of conduct for all such officials and employees by setting forth those acts or actions that~~  
28 ~~are incompatible with the best interests of the city and by directing disclosure by such officials and~~  
29 ~~employees of private financial or other interests in matters affecting the city.~~ **It is the intent of**  
30 **the city that all elected and appointed officials and all employees of the city adhere to high**  
31 **levels of ethical conduct, honesty, integrity and accountability to assure that the public has**  
32 **confidence in all aspects of city government and the city officials that exercise discretionary**  
33 **powers. These standards of ethical conduct are intended to uphold the public trust in the**  
34 **persons in positions of public responsibility who are acting for the benefit of the public. All**  
35 **elected and appointed officials and all employees of the city shall comply with both the letter**  
36 **and the spirit of the standards of ethical conduct and strive to avoid situations that create**  
37 **impropriety or the appearance of impropriety. The standards define and discourage certain**  
38 **actions that may create impropriety or the appearance of impropriety that undermine public**  
39 **trust in elected and appointed public officials and employees.**

40 **(b) Purpose.** The standards of ethical conduct should promote public confidence in the  
41 integrity of city officials; state principles of conduct and ethics which are to be applied in  
42 public service; inform the public of the standards to which their city officials are expected to  
43 adhere; and help motivate city officials and public employees to pursue productive conduct  
44 and ethical ideals which exceed minimum standards. The city council finds and declares as  
45 matters of public policy goals and objectives for all city employees and elected and appointed  
46 officials, the following:

- 47 (1) *Public trust.* In our democratic form of government, the conduct of officials and  
48 employees of the city must hold the respect and confidence of the people. They must,  
49 therefore, avoid conduct which is in violation of their public trust or which creates a justifiable  
50 impression among the public that such trust is being violated.
- 51 (2) *Standards.* To ensure propriety and to preserve public confidence, officials and employees of the  
52 city must have the benefit of specific standards to guide their conduct and disciplinary  
53 mechanisms to guarantee uniform maintenance of those standards. Some standards of this type  
54 are so vital to government that violation thereof should subject the violator to criminal  
55 penalties.
- 56 (3) *Public service.* In our democratic form of government, it is both necessary and desirable that all  
57 citizens should be encouraged to assume public office and employment, and that, therefore, the  
58 activities of ~~officers~~officials and employees of the city should not be unduly circumscribed.
- 59 (4) *Performance of duty.* Elected city officials are obligated to uphold the fundamental legal  
60 principles of our system of government, as set forth in the United States Constitution, the state  
61 constitution, and the city Charter, as well as all applicable provisions of federal, state and local  
62 law and court decisions. They are bound to do so, and the failure to so act shall constitute  
63 malfeasance in office.
- 64 (5) *Fairness.* City officials and employees shall strive for the highest standard of fairness in all of  
65 their activities and shall not grant any special consideration, treatment, or advantage to any  
66 citizen beyond that which is available to every other citizen.
- 67 (6) *Use of private information.* In the course of their official responsibilities, city officials and  
68 employees are often privy to categories of information which are of a private nature and are  
69 legally protected from public disclosure. City officials and employees shall maintain the  
70 privacy of such information, and they shall not take advantage of such information for personal  
71 gain, or the personal gain of friends or family.

72 (Code 1981, § 2-8; Ord. of 7-13-1998)

73 **Sec. 30-3. – Acknowledgment of policies; required disclosures, and required annual training.**

74 **In order for the mayor, councilmembers, mayoral and council appointees, and city employees to**  
75 **better serve the constituents of the City of Dover in an open, transparent fashion and to further be**  
76 **held accountable, the following actions shall be taken by each of the designated persons:**

- 77
- 78 (a) ***Acknowledgment of policies.* Each elected and appointed official and all city employees**  
79 **shall be furnished copies of Chapter 30 – Standards of Ethical Conduct and Ethics**  
80 **Commission, either electronically or, if requested, in hard copy, before entering upon the**  
81 **duties of their office or employment and shall sign a written acknowledgment of receipt of**  
82 **the copy. The documents shall be read, reviewed, and signed by all appointees by the time**  
83 **of their appointment or re-appointment.**
- 84
- 85 (b) **~~Disclosure statement~~*Financial disclosure report.* Any city employee or elected or appointed**  
86 **official who has a financial interest in any private enterprise which is subject to the**  
87 **regulatory jurisdiction of, or does business with, any city agency (and any city official who**  
88 **has a financial interest in any private enterprise which is subject to the regulatory**

89 jurisdiction of, or does business with, the city agency on which he serves as an appointee)  
90 shall file a financial disclosure report with the ethics commission ~~a written statement~~ fully  
91 disclosing the same. Such disclosure shall be confidential and the ethics commission shall  
92 not release such disclosed information, except as may be necessary for the enforcement of  
93 this ~~article~~chapter. The filing of such financial disclosure ~~statement~~report shall be a  
94 condition of commencing and continuing employment or appointed status with the city.  
95 The financial disclosure report shall be submitted by August 1<sup>st</sup> of each calendar year.  
96 [Moved from Sec. 30-34-Established, (d) Disclosure statement]  
97

98 (c) Disclosure of interest in legislation.  
99

- 100 (1) A councilman who has a financial or other private interest in any legislation shall  
101 disclose on the records of the council or other appropriate authority the nature and  
102 extent of such interest. This provision shall not apply if the councilman disqualifies  
103 himself from voting on such legislation.  
104 (2) Any other city official or employee who has a financial or other private interest in  
105 any legislation and who participates in discussion with or gives an official opinion to  
106 the council shall disclose on the records of the council or other appropriate  
107 authority the nature and extent of such interest.  
108 (3) Any city employee or city officer who has a financial interest in any private  
109 enterprise which is subject to the regulatory jurisdiction of, or does business with,  
110 any city agency, shall file with the ethics commission a written statement fully  
111 disclosing the same. Such disclosure shall be confidential and the ethics commission  
112 shall not release such disclosed information, except as may be necessary for the  
113 enforcement of this subchapter. The filing of such disclosure statement shall be a  
114 condition of commencing and continuing employment or appointed status with the  
115 city.  
116

- 117 (4) *Required annual training.* All city employees and elected and appointed officials shall  
118 undergo and receive annual training on the City of Dover's ethics policies and procedures.  
119

120 Sec. 30-~~324~~. - Definitions.

121 The following words, terms and phrases, when used in this article, shall have the meanings ascribed  
122 to them in this section, except where the context clearly indicates a different meaning:

123 *Close relative* means a person's parents, spouse, children (natural or adopted), and siblings of the  
124 whole and half-blood.

125 *Commission* and *ethics commission* mean the city ethics commission as established by this chapter.

126 *Compensation* means any money, thing of value, or any other economic benefit of any kind or  
127 nature whatsoever conferred on or received by any person in return for services rendered or to be  
128 rendered by the official or employee, or by another.

129 *Employee* includes all persons who receive compensation as an employee of the city or a city  
130 agency, and shall not include persons that are elected or appointed to serve as mayor, city  
131 councilmember or a member of any city committee, commission or board, whether paid or unpaid.

132 *Financial interest.* A person has financial interest in a private enterprise if:

- 133 (1) He has a legal or equitable ownership interest in the enterprise of more than ten percent (one  
134 percent or more in the case of a corporation the stock of which is regularly traded on an  
135 established securities market);
- 136 (2) He is associated with the enterprise and received from the enterprise during the last calendar  
137 year, or might reasonably be expected to receive from the enterprise during the current or the  
138 next calendar year, income in excess of \$5,000.00 for services as an employee, officer, director,  
139 trustee, or independent contractor; or
- 140 (3) He is a creditor of a private enterprise in an amount equal to ten percent or more of the debt of  
141 that enterprise (one percent or more in the case of a corporation the securities of which are  
142 regularly traded on an established securities market).

143 *Matter* means an application, petition, request, business dealing, contract, subcontract, or any other  
144 transaction of any sort with the city.

145 *Official* means any elected or appointed official of the city and all members of any committee,  
146 commission or board appointed by the mayor of the city or appointed by the city council.

147 *Official responsibility* means any direct administrative or operating authority at any level, either  
148 exercisable alone or with others, either personally or through subordinates, to approve, disapprove,  
149 recommend or otherwise direct action on behalf of the city.

150 *Personal or private interest* means an interest in a matter which tends to impair the independent  
151 judgment of an official or employee in the performance of his duties with respect to that matter.

152 *Private enterprise* means any activity conducted by any person, whether conducted for profit or not  
153 for profit, and includes the ownership of real or personal property. The term "private enterprise" does  
154 not include any activity of the city, of any political subdivision, or of any agency, authority, or  
155 instrumentality thereof.

156 ***Public official. All elected and appointed officials and all employees of the city.***

157 **Sec. 30-5 – 30-19. – Reserved.**

158 (Code 1981, § 2-9; Ord. of 7-13-1998)

159 **ARTICLE II. – STANDARDS OF ETHICAL CONDUCT.**

160 **Sec. 30-20. – *Established.* High ethical standards among public officials and employees are**  
161 **essential to gain and maintain the confidence of the people, because such confidence is essential to**  
162 **the conduct of free government. Public officials and employees are agents of the people and hold**  
163 **office for the benefit of the public. They are bound to observe in their official acts the highest**  
164 **standards of morality and to discharge faithfully and impartially the duties of their offices,**  
165 **regardless of personal considerations, recognizing that the public interest must be their primary**  
166 **concern. Their conduct in both their official and private affairs should be above reproach. These**  
167 **standards of ethical conduct are adopted in order to secure this desired high level of public trust,**  
168 **ensure the impartiality of public officials and employees, and impose standards of accountability.**

169 (a) ***General responsibilities of officials and employees.***

- 170 (1) **Officials and employees have the common obligation of serving the public. In performing**  
171 **their duties, they shall treat the public and each other with respect, concern, and**

172           responsiveness, recognizing that their common goal of exceptional public service can only  
173           be achieved by working together. Disputes that arise among public servants shall be  
174           resolved at the lowest possible level; keeping in mind that public money spent on resolving  
175           these disputes is money not spent on important public needs.

176           (2) Officials and employees shall treat their position as a public trust, with a fiduciary duty to  
177           use the powers and resources of public office only to advance the public interest and not to  
178           obtain personal benefits or pursue private interests.

179           (3) Officials and employees shall conduct themselves in a manner that justifies the confidence  
180           placed in them by the people, at all times maintaining the integrity and discharging  
181           ethically the high responsibilities of public service.

182           (4) Full disclosure of real or potential conflicts of interest shall be a guiding principle for  
183           determining appropriate conduct. At all times, reasonable efforts shall be made to avoid  
184           undue influence and abuse of office in public service.

185           ~~(4)~~(5) No official or employee may request or receive, and no person may offer any money,  
186           thing of value or promise thereof, other than any city pay received, that is conditioned  
187           upon or given in exchange for promised performance of an official act.

188           [Moved from Sec. 30-34. – Established]

189           ~~(a)~~(b) *Appearance of violation.* Each city employee and official shall endeavor to pursue a course  
190           of conduct which will not raise suspicion among the public that he is engaging in acts which  
191           are in violation of his public trust and which will not reflect unfavorably upon the city and its  
192           government.

193           (c) *Private interest; gifts.* No city employee or official shall have any interest in any private  
194           enterprise, nor shall ~~be~~ he incur any obligation of any nature which is in substantial conflict  
195           with the proper performance of his duties in the public interest. No city employee or official  
196           shall accept other employment, any compensation, gift, payment of expenses or any other thing  
197           of monetary value under circumstances in which such acceptance may result in any of the  
198           following:

- 199           (1) Impairment of independence of judgment in the exercise of official duties;
- 200           (2) An undertaking to give preferential treatment to any person;
- 201           (3) The making of a governmental decision outside official channels; or
- 202           (4) Any adverse effect on the confidence of the public in the integrity of the government of  
203           the city.

204           (d) *Interest in private enterprise.* No city employee or official shall acquire a financial interest in  
205           any private enterprise which he has reason to believe may be directly involved in decisions to  
206           be made by him in an official capacity on behalf of the city.

207  
208           ~~Sec. 30-33.---~~

209           (e) *Prohibitions relating to conflicts of interest.* No councilman or other official or employee,  
210           whether paid or unpaid, shall engage in any business or transaction or shall have a financial or

211 other personal interest, direct or indirect, which is incompatible with the proper discharge of his  
212 official duties in the public interest or would tend to impair his independence of judgment or  
213 action in the performance of his official duties. Personal as distinguished from financial interest  
214 includes an interest arising from blood or marriage relationships or close business or political  
215 association

216 Provided, that upon request from any person with official responsibility with respect to the  
217 matter, any such person who has such a personal or private interest may nevertheless respond to  
218 questions concerning any such matter.

219 (a1) *Restrictions on exercise of official authority.*

220 (1)a. *Prohibited participation.* No city employee or official may participate on behalf of  
221 the city in the review or disposition of any matter pending before the city in which he has a  
222 personal or private interest, provided that, upon request from any person with official  
223 responsibility with respect to the matter, any such person who has such a personal or private  
224 interest may nevertheless respond to questions concerning any such matter. A personal or  
225 private interest in a matter is an interest which tends to impair a person's independence of  
226 judgment in the performance of his duties with respect to that matter.

227 (2)b. *Impairment of judgment.* A person has an interest which tends to impair his  
228 independence of judgment in the performance of his duties with respect to any matter when:

229 a.i. Any action or inaction with respect to the matter would result in a financial  
230 benefit or detriment to accrue to the person or a close relative to a greater extent than  
231 such benefit or detriment would accrue to others who are members of the same class  
232 or group of persons; or

233 b.ii. The person or a close relative has a financial interest in a private enterprise  
234 which enterprise or interest would be affected by any action or inaction on a matter to  
235 a lesser or greater extent than like enterprises or other interests in the same enterprise.

236 (3)c. *Statutory responsibility.* In any case where a person has a statutory responsibility with  
237 respect to action or inaction on any matter where he has a personal or private interest and there  
238 is no provision for the delegation of such responsibility to another person, the person may  
239 exercise responsibility with respect to such matter, provided that, promptly after becoming  
240 aware of such conflict of interest, he files a written statement with the ethics commission, fully  
241 disclosing the personal or private interest and explaining why it is not possible to delegate  
242 responsibility for the matter to another person.

243 (b2) *Restrictions on representing another's interest before the city.*

244 (1)a. *Prohibited.* No city employee or official may represent or otherwise assist any private  
245 enterprise with respect to any matter before the city.

246 (2)b. *Exception.* This subsection (b) shall not preclude any city employee or official from  
247 appearing before the city or otherwise assisting any private enterprise with respect to any  
248 matter in the exercise of his official duties.

249 (e3) *Restriction on contracting with the city.*

250 (1)a. *Prohibited.* No city employee or official shall benefit from any contract with the city, nor  
251 solicit any contract, and shall not enter into any contract with the city (other than an  
252 employment contract).

253 ~~(2)~~**b.** *Ownership of enterprise.* No private enterprise in which a city employee or official has a  
254 legal or equitable ownership of more than ten percent (more than one percent in the case of a  
255 corporation the stock of which is regularly traded on an established securities market) shall  
256 enter into any contract with the city (other than an employment contract) unless such contract  
257 was made or let after public notice and competitive bidding.

258 **(df)** *Postemployment restrictions.* No person who has served as a city employee or official shall  
259 represent or otherwise assist any private enterprise on any matter involving the city, for a period of  
260 two years after termination of his employment or elected or appointed status with the city, if he  
261 gave an opinion, conducted an investigation or otherwise was directly and materially responsible for  
262 such matter in the course of his official duties as a city employee or official, nor shall any former  
263 city employee or official disclose confidential information gained by reason of his public position,  
264 nor shall he otherwise use such information for personal gain or benefit.

265 **(eg)** *Unauthorized disclosure of confidential information.* No person shall disclose any information  
266 required to be maintained confidential by the ethics commission under section ~~30-34(d)~~**30-3(b)**, ~~30-~~  
267 ~~35(b)~~**30-73** or ~~30-73~~**30-74(b)**.

268 **(fh)** *Abuse of office.*

269 (1) *Political contributions.* No elected city official shall agree to sponsor legislation, or to  
270 influence in any manner the formulation or passage of legislation, in exchange for political  
271 contributions or promises thereof.

272 (2) *Substantial interest.* No elected city official shall vote for, or promote in any manner  
273 whatsoever, legislation affecting any subject matter in which he has a substantial interest. Any  
274 such interest shall be disclosed by said elected official prior to a vote on any such legislation,  
275 and said elected official shall vote "abstain" when called upon to vote.

276 (3) *Use of city property.* No city official or employee shall request or permit the use of city-  
277 owned vehicles, equipment, materials, or property for personal convenience or profit, except  
278 when such services are available to the public generally or are provided for the use of such  
279 official or employee in the conduct of official business as a matter of municipal policy.

280 (4) *Personal gain.* No city official or employee shall utilize the influence of his office or position  
281 for personal pecuniary gain, or to avoid the legal consequences of his personal conduct.

282 **(gi)** *Criminal sanctions.*

283 (1) *Penalties.* Any person who knowingly or willfully violates any provision of this section shall  
284 be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more  
285 than one year and by a fine as provided for in Appendix F—Fees and Fines.

286 (2) *Time limitations.* A prosecution for a violation of this section shall be subject to the time  
287 limitations of 11 Del. C. § 205.

288 **(hj)** *Contracts voidable by court action.* In addition to any other penalty provided by law, any contract  
289 entered into by any city agency in violation of this chapter shall be voidable by the city agency;  
290 provided that in determining whether any court action should be taken to void such a contract  
291 pursuant to this subsection, the city agency shall consider the interests of innocent third parties who  
292 may be damaged thereby. Any court action to void any transaction must be initiated within 30 days  
293 after the city agency involved has, or should have, knowledge of such violation.

- 294 ~~Sec. 30-34. Established.~~
- 295 ~~(a) Appearance of violation. Each city employee and official shall endeavor to pursue a course of~~
- 296 ~~conduct which will not raise suspicion among the public that he is engaging in acts which are in~~
- 297 ~~violation of his public trust and which will not reflect unfavorably upon the city and its government.~~
- 298 ~~(b) Private interest; gifts. No city employee or official shall have any interest in any private~~
- 299 ~~enterprise, nor shall be incur any obligation of any nature which is in substantial conflict with the~~
- 300 ~~proper performance of his duties in the public interest. No city employee or official shall accept~~
- 301 ~~other employment, any compensation, gift, payment of expenses or any other thing of monetary~~
- 302 ~~value under circumstances in which such acceptance may result in any of the following:~~
- 303 ~~(1) Impairment of independence of judgment in the exercise of official duties;~~
- 304 ~~(2) An undertaking to give preferential treatment to any person;~~
- 305 ~~(3) The making of a governmental decision outside official channels; or~~
- 306 ~~(4) Any adverse effect on the confidence of the public in the integrity of the government of the city.~~
- 307 ~~(c) Interest in private enterprise. No city employee or official shall acquire a financial interest in any~~
- 308 ~~private enterprise which he has reason to believe may be directly involved in decisions to be made~~
- 309 ~~by him in an official capacity on behalf of the city.~~
- 310 ~~(d) Disclosure statement. Any city employee or official who has a financial interest in any private~~
- 311 ~~enterprise which is subject to the regulatory jurisdiction of, or does business with, any city agency~~
- 312 ~~(and any city official who has a financial interest in any private enterprise which is subject to the~~
- 313 ~~regulatory jurisdiction of, or does business with, the city agency on which he serves as an~~
- 314 ~~appointee) shall file with the ethics commission a written statement fully disclosing the same. Such~~
- 315 ~~disclosure shall be confidential and the ethics commission shall not release such disclosed~~
- 316 ~~information, except as may be necessary for the enforcement of this article. The filing of such~~
- 317 ~~disclosure statement shall be a condition of commencing and continuing employment or appointed~~
- 318 ~~status with the city. [Moved to Sec. 30-3 – Acknowledgment of policies...(b) Financial~~
- 319 ~~disclosures]~~
- 320 ~~(ek) Private gain. No city employee or official shall use his public office to secure unwarranted~~
- 321 ~~privileges, private advancement or gain.~~
- 322 ~~(fl) Confidential information; prohibited activity. No city employee or official shall engage in any~~
- 323 ~~activity beyond the scope of his public position which might reasonably be expected to require or~~
- 324 ~~induce him to disclose confidential information acquired by him by reason of his public position.~~
- 325 ~~(gm) Disclosure of information. No city employee or official shall, beyond the scope of his public~~
- 326 ~~position, disclose confidential information gained by reason of his public position, nor shall he~~
- 327 ~~otherwise use such information for personal gain or benefit.~~
- 328 ~~(n) Ex Parte Communications. No official or employee shall encourage, make or accept any ex~~
- 329 ~~parte or other unilateral application or communication that excludes the interests of other~~
- 330 ~~parties in a matter under consideration when such application or communication is designed~~
- 331 ~~to influence official decision or conduct of the official or other officials, employees or agencies~~
- 332 ~~in order to obtain a more favored treatment or special consideration to advance the personal~~
- 333 ~~or private interests of himself or herself or others. The purpose of this provision is to~~
- 334 ~~guarantee that all interested parties to any matter shall have equal opportunity to express and~~
- 335 ~~represent their interests.~~

336 Any written ex parte communication received by an official or employee in matters where  
337 all interested parties should have equal opportunity for a hearing shall be made part of the  
338 record by the recipient.

339 Any oral ex parte communication received under such conditions should be written down  
340 in substance by the recipient and also made a part of the record.

341 A communication concerning only the status of a pending matter is not regarded as an ex  
342 parte communication.

343 (h) *Sexual favors.* No city employee or official, in the course of his public responsibilities, shall use  
344 the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable  
345 treatment by that person or a city agency.

346 (Code 1981, § 2-11; Ord. of 7-13-1998)

347 **Sec. 30-21 – 30-29. – Reserved.**

348 ~~Sec. 30-35. – Waivers of restrictions and advisory opinions.~~

349 ~~(a) *Authority of ethics commission.* Notwithstanding the provisions of sections 30-33 and 30-34, upon~~  
350 ~~the written request of any city agency or of any individual who is or was a city employee or city~~  
351 ~~official, the ethics commission may grant a waiver to the specific prohibitions contained therein if~~  
352 ~~the ethics commission determines that the literal application of such prohibition in a particular case~~  
353 ~~is not necessary to achieve the public purposes of this chapter or would result in an undue hardship~~  
354 ~~on any employee or official. Any such waiver may be granted only by written decision of the ethics~~  
355 ~~commission. Any person who acts in good faith reliance upon any such waiver decision shall not be~~  
356 ~~subject to discipline or other sanction hereunder with respect to the matters covered by the waiver~~  
357 ~~decision, provided there was a full disclosure to the ethics commission of all material facts~~  
358 ~~necessary for the waiver decision.~~

359 ~~(b) *Waiver information confidential; exceptions.* Any application for a waiver, any proceeding and~~  
360 ~~any decision with respect thereto shall be maintained confidential by the ethics commission,~~  
361 ~~provided that:~~

362 ~~(1) *Applicant's request.* Public disclosure shall be made by the ethics commission upon the~~  
363 ~~written request of the applicant;~~

364 ~~(2) *Violations.* The ethics commission may make such public disclosure as it determines is~~  
365 ~~required in connection with the prosecution of any violation of this chapter;~~

366 ~~(3) *Evidence of crime.* The ethics commission shall report to appropriate federal, state and/or city~~  
367 ~~authorities substantial evidence of any criminal violation which may come to its attention; and~~

368 ~~(4) *Public record.* In the event that a waiver is granted, the waiver decision and the record of all~~  
369 ~~proceedings relating thereto shall be open to public inspection.~~

370 ~~(c) *Advisory opinion authorized.* Upon the written request of any city employee or official, the ethics~~  
371 ~~commission may issue an advisory opinion as to the applicability of this chapter to any particular~~  
372 ~~fact or situation. Any person who acts in good faith reliance upon any such advisory opinion shall~~  
373 ~~not be subject to discipline or other sanction hereunder with respect to the matters covered by the~~  
374 ~~advisory opinion, provided there was a full disclosure to the ethics commission of all material facts~~  
375 ~~necessary for the advisory opinion.~~

376 ~~(d) *Advisory opinion confidential; exceptions.* Any application for an advisory opinion, any~~  
377 ~~proceeding and any decision with respect thereto shall be maintained confidential by the ethics~~  
378 ~~commission, provided that:~~

379 ~~(1) *Applicant's request.* Public disclosure shall be made by the ethics commission upon the~~  
380 ~~written request of the applicant;~~

381 ~~(2) *Violations.* The ethics commission may make such public disclosure as it determines is~~  
382 ~~required in connection with the prosecution of any violation of this article; and~~

383 ~~(3) *Evidence of crime.* The ethics commission shall report to appropriate federal, state and/or city~~  
384 ~~authorities substantial evidence of any criminal violation which may come to its attention.~~

385 ~~(Code 1981, § 2-12; Ord. of 7-13-1998)~~

386 Secs. 30-36—30-70. - Reserved.

387

### 388 **ARTICLE III. - ETHICS COMMISSION**

389

390 Sec. 30-71. - Established; composition; removal; terms of office; vacancies; chairperson; quorum;  
391 compensation; legal counsel.

392

393 (a) *Established; composition; removal.* The city ethics commission is hereby established to administer  
394 and implement this chapter. The ethics commission shall consist of five members appointed by the  
395 mayor and confirmed by the city council. No member of the commission shall hold any elected or  
396 appointed office under the government of the United States or the state, county, or city. Members of  
397 the ethics commission may be removed by the mayor, with the concurrence of the city council, for  
398 substantial neglect of duty, gross misconduct in office or a violation of this chapter.

399 (b) *Terms of office; vacancies.* A member of the ethics commission shall be appointed for a term of  
400 office of five years and until his successor has been appointed and has qualified. The members shall  
401 be appointed for staggered terms of office, and until their successors have been appointed. When a  
402 vacancy occurs in the membership of the ethics commission, it shall be filled by appointment for the  
403 unexpired portion of the term in the same manner as the original appointment.

404 (c) *Chairperson; quorum.* The ethics commission shall elect a chairperson from among its  
405 membership. Three members of the ethics commission shall constitute a quorum and, if a quorum is  
406 present, a vacancy on the ethics commission shall not impair the right of the remaining members to  
407 exercise all the powers of the ethics commission. Disciplinary hearings may be conducted and  
408 sanctions may be imposed only by the affirmative action of at least three members; otherwise, the  
409 ethics commission may delegate authority to the chairperson to act for the ethics commission  
410 between meetings.

411 (d) *Compensation.* Members of the ethics commission shall receive no compensation.

412 (e) *Legal counsel.* The city solicitor shall provide legal counsel to the ethics commission and shall be  
413 the legal representative of the ethics commission in connection with its duties hereunder, on a case-  
414 by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a  
415 particular matter.

416 (Code 1981, § 2-13; Ord. of 7-13-1998; Ord. No. 2010-23, 8-23-2010)

417 Sec. 30-72. - Powers and duties.

418 (a) The powers and duties of the ethics commission shall be:

- 419 (1) ~~Rules of conduct~~*Standards of ethical conduct*. To recommend to the mayor and council, from  
420 time to time, such rules of conduct for public employees and officials as it shall deem  
421 appropriate.
- 422 (2) *Advisory opinions*. To issue written advisory opinions, upon the request of any city employee  
423 or official, as to the applicability of this chapter to any particular factual situation.
- 424 (3) *Referrals to solicitor*. To refer to the city solicitor for investigation any alleged violation of  
425 this chapter and, after notice and hearing, to recommend such disciplinary action as it may  
426 deem appropriate to such appropriate official or agency as the ethics commission shall  
427 determine, or to take such other disciplinary action as authorized by section 30-73(~~ep~~) or other  
428 provisions of the city Charter or this Code. The ethics commission may dismiss, without  
429 reference to the city solicitor, any complaint which the ethics commission determines is  
430 frivolous or fails to state a violation.
- 431 (4) *Report of crimes*. To report to the appropriate federal, state or city authorities any substantial  
432 evidence of a violation of any criminal law which may come to its attention in connection with  
433 any proceeding, whether advisory or disciplinary.
- 434 (5) *Records*. To maintain a file of its proceedings, waiver decisions and advisory opinions with a  
435 view toward achieving consistency of opinions and recommendations subject to the  
436 confidentiality requirements of sections 30-~~3574~~(d) and 30-73(~~ht~~).
- 437 (6) *Procedures*. To follow the procedural rules specified in section 30-73 and to establish such  
438 other procedural rules as shall be consistent with the rules prescribed therein.
- 439 (7) *Witnesses, evidence*. To subpoena witnesses, compel their attendance and testimony,  
440 administer oaths and affirmations, take evidence and require, by subpoena, the production of  
441 books, papers, records or other evidence needed for the performance of the ethics commission's  
442 duties or exercise of its powers.
- 443 (8) *Assistance to city personnel*. To provide assistance to any city employee, official or agency in  
444 administering the provisions of this chapter.
- 445 (9) *Provide information*. To prepare any necessary reports and studies to advance the purpose of  
446 this chapter, to provide any necessary materials explaining the duties of individuals covered by  
447 this chapter, and to supply instructions and public information materials to facilitate  
448 compliance with, and enforcement of, this chapter.
- 449 (10) *Request city agencies for assistance*. To request appropriate city agencies to provide such  
450 professional assistance as it may require in the discharge of its duties.

451 (Code 1981, § 2-14; Ord. of 7-13-1998)

452 Sec. 30-73. — **Rules of procedure; €**complaints; hearings; dispositions.

- 453 (a) ~~(a)~~ — **Any person, either personally or on behalf of an organization or governmental body,**  
454 **may file a sworn complaint for the ethics commission with the city clerk. The complaint**  
455 **must be in writing, be signed, and show the address of the person who submitted it. The**  
456 **complaint must state that, to the best of the person's knowledge, information, and belief**  
457 **formed after reasonable reflection, the information in the complaint is true. The**

458 complaint must describe the facts that constitute the violation of the standards of ethical  
459 conduct in sufficient detail so that the ethics commission and the person who is the  
460 subject of the complaint can reasonably be expected to understand the nature of any  
461 offense that is being alleged. The commission may request any additional information  
462 deemed necessary to screen the complaint or to render a decision. No complaints shall be  
463 accepted or considered which relate to actions that took place more than one (1) year  
464 prior to the date of filing. The individual filing the sworn complaint has sixty (60) days  
465 from the date that the issue is brought to his or her attention to file a complaint.

466 (b) After the sworn complaint has been filed, none of the parties or their representatives may  
467 communicate on an ex parte basis with any commission members pertaining to the  
468 complaint. All communications pertaining to the complaint shall be submitted to the city  
469 clerk.

470 (c) Within seven (7) days of receiving a sworn complaint the city clerk shall send copies of the  
471 complaint to each member of the ethics commission, the city solicitor, and the official or  
472 officials against whom such complaint has been filed. Hereinafter, the complaining party  
473 shall be referred to as the "complainant" and the official against whom a complaint has  
474 been lodged shall be referred to as the "respondent."

475 (d) The commission recognizes that distribution to the public of a sworn complaint prior to  
476 screening by the commission as required below could harm the reputation of an innocent  
477 person and is contrary to the public interest; therefore, the public release of the  
478 complaint is prohibited until the screening process has been completed. The commission  
479 shall consult in confidence to screen the complaint within fourteen (14) days of receiving  
480 the complaint. The commission may immediately dismiss a complaint if:

- 481 (1) It has no jurisdiction; or
- 482 (2) The alleged violation, if true, would not constitute a violation of the standards of  
483 ethical conduct; or
- 484 (3) The alleged violation is a minor or de minimis violation; or
- 485 (4) The complaint is, on its face, frivolous, groundless, or brought for purposes of  
486 harassment; or
- 487 (5) The matter has become moot because the person who is the subject of the complaint  
488 is no longer an officer, official or employee; or
- 489 (6) The respondent had obtained an advisory opinion under section 30-74(c) permitting  
490 the conduct; or
- 491 (7) The appointing authority of the respondent has already taken action as a result of  
492 finding a violation and the commission believes the action was appropriate.

493 (e) In issues regarding standards of ethical conduct violations, the enforcement process is  
494 intended to be corrective rather than remedial unless the violation is a repeated offense.  
495 In the event the ethics commission determines a standards of ethical conduct violation  
496 has occurred, and it is minor in nature, with the concurrence of the complainant and the  
497 subject of the sworn complaint, the commission may dispense with the hearing process  
498 and conduct a more informal mediation process in lieu of a hearing.

- 499 ~~(a)~~
- 500 (f) If the sworn complaint is not dismissed or otherwise resolved pursuant to subsection 30-  
501 73(d), the city clerk shall promptly contact the members of the ethics commission, the city  
502 solicitor, the complainant, and the respondent in order to ascertain a date and time when  
503 a hearing can be convened on such complaint. As soon as a date and time have been  
504 agreed upon for a hearing before the ethics commission, the city clerk shall send written  
505 notice of such scheduling and a copy of the rules of procedure to the complainant and to  
506 the respondent. No copies of the complaint shall be provided to any other parties before  
507 the respondent receives the complaint. ~~Investigation of violations. Upon the sworn complaint~~  
508 ~~of any person or on its own initiative, the ethics commission may refer to the city solicitor for~~  
509 ~~investigation, any alleged violation of the conflict of interest provisions and of the code of~~  
510 ~~conduct provisions in sections 30-33 and 30-34, respectively.~~ The city solicitor shall be the  
511 prosecuting attorney in all disciplinary proceedings before the ethics commission. In any such  
512 investigation or proceeding, a defendant shall be given an opportunity to be heard after notice,  
513 to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to  
514 cross examine witnesses. A transcript of any such proceeding shall be made and retained,  
515 subject to the confidentiality requirements of this chapter.
- 516 (g) The commission may dismiss a complaint if the complainant does not appear at the hearing  
517 and if, in the opinion of the commission, it would be unfair to the respondent not to have  
518 the opportunity to examine the complainant.
- 519 (h) As promptly as possible after the close of the hearing, the commission shall deliberate to  
520 determine if the allegations have been proven by clear and convincing evidence. Only  
521 ethics commission members who have been present for the hearing may participate in the  
522 deliberations, and any findings and recommendations must be adopted by a majority of  
523 the commission. The commission may consider, when making findings and  
524 recommendations, the severity of the offense, the presence or absence of any intention to  
525 conceal, deceive, or mislead, whether the violation was deliberate, negligent or  
526 inadvertent, and whether the incident was isolated or part of a pattern.
- 527 (i) Within seven days of the conclusion of deliberations, the commission shall issue an order  
528 setting forth its findings and recommendations. In the alternative, the commission where  
529 it deems it appropriate, may issue an advisory opinion in lieu of making findings and  
530 recommendations.
- 531 (j) If the respondent is an employee, the commission may, if it determines corrective action is  
532 necessary, notify the city manager or the council president and recommend that action be  
533 taken, including discipline.
- 534 ~~(b)~~(k) If the respondent is a city official, the commission may propose actions to the city  
535 council that are appropriate to the finding as specified in section 30-73(p).
- 536 ~~(e)~~(l) The commission shall send a written copy of its findings and recommendations to  
537 the respondent and the complainant.
- 538 (m) *Proceeding relating to member.* A member of the ethics commission shall be ineligible to  
539 participate, as a member of the ethics commission, in any ethics commission proceeding  
540 relating to his conduct. A member of the ethics commission who has been found by the ethics

541 commission to have violated this chapter shall be ineligible to serve again as a member of the  
542 ethics commission.

543 ~~(d)~~(n) *Self-disqualification.* A member of the ethics commission may disqualify himself from  
544 participating in any investigation of the conduct of any person upon submission, in writing and  
545 under oath, of an affidavit or disqualification stating that he cannot render an impartial and  
546 unbiased decision in the case in which he seeks to disqualify himself.

547 ~~(e)~~(o) *Actions by ethics commission.* With respect to any violation with which a person has been  
548 charged and which the ethics commission has determined as proved, the ethics commission  
549 may take any one or more of the following actions:

550 (1) *Reprimand.* Issue a written reprimand or censure of that person's conduct.

551 (2) *Discipline.* With respect to a city employee, remove, suspend, demote or take other  
552 appropriate disciplinary action with respect to that person, without regard to any limits  
553 imposed by this chapter, but within the limits of the constitution, the laws of the state, the  
554 Charter of the city, and ordinances and existing collective bargaining agreements.

555 (3) *Recommend removal.* With respect to an appointed official, recommend that appropriate  
556 action be taken to remove the official from the appointed position.

557 (4) *Recommend fine.* With respect to an elected city official, recommend that such official be  
558 fined in an amount recommended by the ethics commission.

559 ~~(f)~~(p) *Rights of person charged.* In any proceeding before the ethics commission, upon the  
560 request of any person charged with a violation of this chapter, such person shall be permitted to  
561 inspect, copy or photograph books, papers, documents, photographs or other tangible objects  
562 which will be used as evidence against that person in a disciplinary hearing and which are  
563 material to the preparation of his defense.

564 ~~(g)~~(q) *Exculpatory information.* In any proceeding before the ethics commission, if the city  
565 solicitor or ethics commission at any time receives any exculpatory information concerning an  
566 alleged violation against any person, it shall forthwith make such information available to such  
567 person.

568 ~~(h)~~(r) *Subpoenas.* Any person charged with a violation of this chapter may apply to the ethics  
569 commission for the issuance of subpoenas for the appearance of witnesses and for the  
570 production of documents on his behalf. The application shall be granted upon a concise  
571 showing by such person that the proposed testimony or evidence is relevant (or is reasonably  
572 calculated to lead to the discovery of relevant evidence) and is not otherwise available. The  
573 application shall be denied if not made at a reasonable time or if the testimony or evidence  
574 would be merely cumulative.

575 ~~(i)~~(s) *Confidentiality of proceedings.*

576 (1) *City employee.* All proceedings before the ethics commission relating to a  
577 violation of this chapter by a city employee shall be maintained confidential by  
578 the ethics commission, unless:

579 a. Public disclosure is requested, in writing, by the person charged; or

580 b. The ethics commission determines after a hearing that a violation has  
581 occurred.

582 (2) *City official.* All proceedings before the ethics commission relating to a violation  
583 of this chapter by a city official, appointed or elected, shall be maintained  
584 confidential by the ethics commission, unless:

585 ~~e~~.a. Public disclosure is requested, in writing, by the person charged; or

586 ~~d~~.b. The ethics commission determines after a hearing that a violation has  
587 occurred.

588 ~~(t)~~(t) *Appeals; public inspection.* Notwithstanding the confidentiality requirements of  
589 subsections ~~(h)~~(1) and (2) of this section, the ethics commission shall make available for  
590 public inspection the record of all proceedings relating to any decision of the ethics  
591 commission which is appealed to the superior court and the ethics commission shall report to  
592 appropriate federal, state and/or city authorities any substantial evidence of a violation of any  
593 criminal law which comes to its attention in connection with any proceeding under this chapter.

594 (u) *Confidentiality procedures.* The chairperson of the ethics commission shall, with the approval of  
595 the ethics commission, establish such procedures as, in the chairperson's judgment, may be  
596 necessary to prevent the disclosure of any record of any proceedings or other information  
597 received by the ethics commission, except as permitted by this chapter.

598 **Sec. 30-~~35~~74. - Waivers of restrictions and advisory opinions.**

599 (a) *Authority of ethics commission.* Notwithstanding the provisions of sections ~~30-3320 and 30-~~  
600 ~~34~~, upon the written request of any city agency or of any individual who is or was a city  
601 employee or city official, the ethics commission may grant a waiver to the specific prohibitions  
602 contained therein if the ethics commission determines that the literal application of such  
603 prohibition in a particular case is not necessary to achieve the public purposes of this chapter  
604 or would result in an undue hardship on any employee or official. Any such waiver may be  
605 granted only by written decision of the ethics commission. Any person who acts in good faith  
606 reliance upon any such waiver decision shall not be subject to discipline or other sanction  
607 hereunder with respect to the matters covered by the waiver decision, provided there was a  
608 full disclosure to the ethics commission of all material facts necessary for the waiver decision.

609 (b) *Waiver information confidential; exceptions.* Any application for a waiver, any proceeding  
610 and any decision with respect thereto shall be maintained confidential by the ethics  
611 commission, provided that:

612 (1) *Applicant's request.* Public disclosure shall be made by the ethics commission upon the  
613 written request of the applicant;

614 (2) *Violations.* The ethics commission may make such public disclosure as it determines is  
615 required in connection with the prosecution of any violation of this chapter;

616 (3) *Evidence of crime.* The ethics commission shall report to appropriate federal, state  
617 and/or city authorities substantial evidence of any criminal violation which may come to  
618 its attention; and

619 (4) *Public record.* In the event that a waiver is granted, the waiver decision and the record of  
620 all proceedings relating thereto shall be open to public inspection.

621 (c) *Advisory opinion authorized.* Upon the written request of any city employee or official, the  
622 ethics commission may issue an advisory opinion as to the applicability of this chapter to any  
623 particular fact or situation. Any person who acts in good faith reliance upon any such

624 advisory opinion shall not be subject to discipline or other sanction hereunder with respect to  
 625 the matters covered by the advisory opinion, provided there was a full disclosure to the ethics  
 626 commission of all material facts necessary for the advisory opinion.

627 (d) *Advisory opinion confidential; exceptions.* Any application for an advisory opinion, any  
 628 proceeding and any decision with respect thereto shall be maintained confidential by the  
 629 ethics commission, provided that:

630 (1) *Applicant's request.* Public disclosure shall be made by the ethics commission upon the  
 631 written request of the applicant;

632 (2) *Violations.* The ethics commission may make such public disclosure as it determines is  
 633 required in connection with the prosecution of any violation of this article; and

634 (3) *Evidence of crime.* The ethics commission shall report to appropriate federal, state  
 635 and/or city authorities substantial evidence of any criminal violation which may come to  
 636 its attention.

637 (Code 1981, § 2-12; Ord. of 7-13-1998)

638 Sec. 30-~~74~~75. - Judicial review.

639 In the event that the ethics commission finds that any person has violated any provision of this  
 640 chapter, said person shall have a right of appeal to the superior court of any such finding, and of any  
 641 sanctions imposed with respect thereto, by filing a notice of appeal with the superior court within 30  
 642 days of the final action by the ethics commission in a particular case. The appeal shall be on the record  
 643 without a trial de novo. If the court determines that the record is insufficient for its review, it shall  
 644 remand the case to the ethics commission for further proceedings on the record. The court's review, in  
 645 the absence of actual fraud, shall be limited to a determination of whether the ethics commission's  
 646 decision was supported by substantial evidence on the record. The burden of proof in any such appeal  
 647 shall be on the appellant.

648 (Code 1981, § 2-15.1; Ord. of 7-13-1998)

649 **BE IT FURTHER ORDAINED:**

650 That Appendix F, Fees and Fines, of the Dover Code be amended by deleting the text indicated in red  
 651 strikeout and inserting the blue text, as follows:  
 652  
 653

Chapter 30. <del>Code of</del> Standards of Ethical Conduct and Ethics Commission	Fees and Fines
<i>Article II. <del>Code</del>Standards of Ethical Conduct</i>	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 30- <del>33</del> 20. Prohibitions relating to conflicts of interest	
Subsec. <del>(g)</del> (1e) Criminal sanctions, penalties	Not to exceed \$1,000.00

654  
 655  
 656 ADOPTED: \*

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**SYNOPSIS**

This amendment adds required financial disclosure reports, acknowledgment of receipt of policies, and required ethics training. It also makes organization changes to Chapter 30.

(SPONSORS: LINDELL, POLCE, AND SLAVIN)

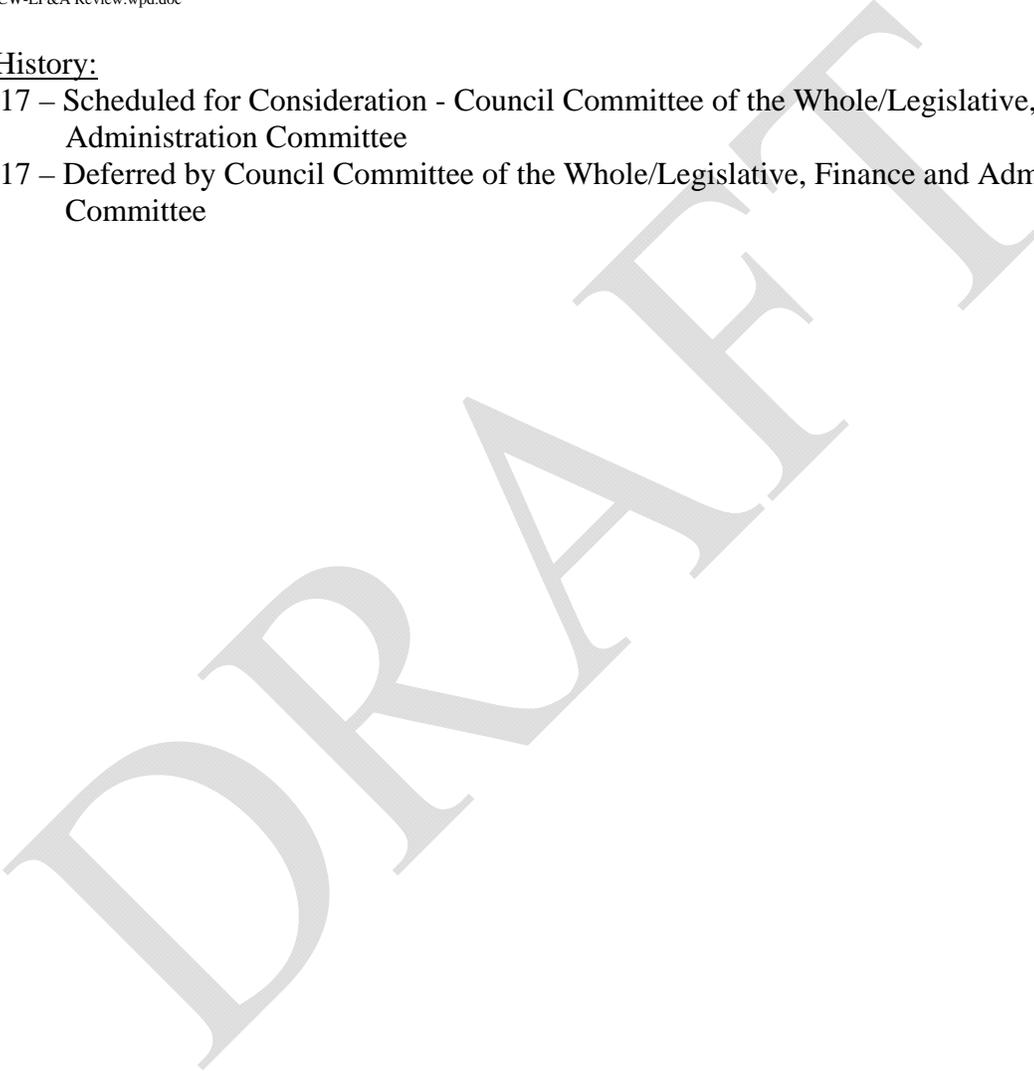
**ADOPTED: \***

S:\ORDINANCES\2017\DRAFT\ORDINANCE #2017-14 CH 30 CODE OF CONDUCT AND ETHICS COMMISSION\Ordinance #2017-14 - Chapter 30-Code of Conduct and Ethics Commission - Revised for 10-24-2017 CCW-LF&A Review.wpd.doc

Actions History:

10/24/2017 – Scheduled for Consideration - Council Committee of the Whole/Legislative, Finance and Administration Committee

10/10/2017 – Deferred by Council Committee of the Whole/Legislative, Finance and Administration Committee



1. Definitions for Section 1:

- “**Fair market value**” means, if a security, the quoted price as of January 1 of the year in which the report is filed, or, if not a security, the price at which the public officer would sell as of January 1 of the year in which the report is filed. *29 Del. C. § 5812(g)*.
- “**Instrument of ownership**” includes, but is not limited to common or preferred stock, rights, warrants, articles of partnership, proprietary interest, deeds, and debt instruments, if convertible to equity instruments. *29 Del. C. § 5812(k)*.
- “**Business Enterprise**” means corporation, partnership, sole proprietorship or any other individual or organization carrying on a business or profession. *29 Del. C. § 5812(a)*.
- “**Position of management**” means officer, director, partner, proprietor, or other managerial position in a business enterprise. *29 Del. C. § 5812(l)*.
- “**Professional organization**” means an individual engaged in, or an association organized pursuant to, federal or State law for the practice of medicine, law, accounting, engineering, or other profession. *29 Del. C. § 5812(m)*.
- “**Constructively controlled**” means:
  - (a) a financial interest in the name of another which is controlled by a public officer by virtue of any relationship of the public officer to another person which directly benefits the public officer;
  - (b) any financial interest of a public officer held jointly with the spouse or child of such public officer;
  - (c) any financial interest of the spouse or minor child of a public officer. *29 Del. C. § 5812 (d)*.
- “**Time or demand deposits**” means checking and savings accounts in banks or deposits or share in savings and loan institutions, credit unions, or money market funds. *29 Del. C. § 5812(p)*.
- “**Debt Instrument**” means bonds, notes, debentures, mortgages, or other securities having a fixed yield if not convertible to equity instruments. *29 Del. C. § 5812(e)*.
- “**Equity instrument**” means any ownership interest in a corporation or other legal entity giving the rights to the holder upon liquidation of the entity. *29 Del. C. § 5812(f)*.

2. Definitions of terms in the remaining sections are in those sections.

**FINANCIAL DISCLOSURE REPORT  
(29 Del. C., Chapter 58, Subchapter II)**

NAME:

BUSINESS ADDRESS:

STATE POSITION:

Section 1. (**See instruction sheet for definitions of underlined terms**). Report any legal or equitable ownership in excess of \$5,000 fair market value or from which income of more than \$5,000 was either derived during the preceding calendar year or might reasonably be expected to be derived during the current calendar year, in the following:

(A) Instruments of Ownership: (This includes retirement accounts, 401K, IRA, etc. Do **not** include dollar amounts. List name of company, instrument and nature of ownership, e.g., Fidelity, mutual fund, shareholder; IBM, stock, shareholder).

(B) Business Enterprise: (This includes corporations, sole proprietorships, and partnerships. List name, type of ownership & any position of management, e.g., JW Foods, partnership, director)

(C) Professional Organization: (This includes, but is not limited to, law firms, accounting firms, engineering firms. List the name, address, type of professional practice (do not identify individual clients), & any position of management, e.g., ABC Law Firm, 123 Public Rd., Dover, DE, legal services, partner)

(D) Any of the preceding which are constructively controlled. (e.g., ABC Mutual funds, trustee for minor child).

**DO NOT LIST:** Time or demand deposits (includes checking or savings accounts) or a debt instrument (CDs) with a fixed yield unless convertible to an equity instrument.

Section 2. List each creditor to whom you were indebted for 90 or more consecutive days during the preceding calendar year in an aggregate amount in excess of \$1,000. Do **not** list the amount owed.



CITY OF DOVER PROPOSED ORDINANCE #2017-15

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

3  
4 That Chapter 34 - Elections, Article III – Absentee Voting of the Dover Code be amended by inserting  
5 the text indicated in blue font and deleting the text indicated in red strikethrough as follows:

6  
7 **ARTICLE III. - ABSENTEE VOTING**<sup>[3]</sup>

8  
9 Footnotes: --- (3) ---

10 State Law reference— Absentee voting generally, 15 Del. C. §§ 5501—5526.

11  
12 **Sec. 34-61. - Purpose.**

13 The intention of this article is ~~that only~~ **to provide** qualified voters of the city ~~may vote under the~~  
14 ~~provisions of this article, who may be absent~~ **who are unable to appear at the polling place of their**  
15 **district to cast their ballot** on the day of an election ~~from the city, with the ability to cast an absentee~~  
16 **ballot.** ~~because of service in the armed forces of the United States or in the public service of this state or~~  
17 ~~of the United States, or because of his business or occupation, or because of personal sickness or~~  
18 ~~disability, or because of the tenets or teachings of his religion so that he cannot appear at the polling~~  
19 ~~place on the day of any election.~~

20 (Code 1981, § 2-41; Ord. of 2-11-1985)

21 **State Law reference—** Similar provisions, 15 Del. C. § 5501.

22  
23 **Sec. 34-62. - Persons eligible to vote by absentee ballot.**

24 Any qualified elector, duly registered, of this city may cast ~~his~~ **their** vote by absentee ballot in any  
25 **regular** municipal election or special municipal election if the elector is unable to appear at the polling  
26 place of ~~his~~ **their** election district due to ~~the following~~ reasons: **set forth in 15 Del. C. § 5502 Persons**  
27 **eligible to vote by absentee ballot.**

28 ~~(1) — Public service. Because such person is in the public service of the United States or of this state,~~  
29 ~~or is a citizen of the United States and temporarily residing outside the territorial limits of the~~  
30 ~~United States and the District of Columbia, or such person's spouse or dependents when residing~~  
31 ~~with or accompanying him, or is absent from this state because of illness or injury received while~~  
32 ~~serving in the armed forces of the United States;~~

33 ~~(2) — Armed forces, etc. Because such person is in the armed forces of the United States or the~~  
34 ~~merchant marines of the United States, or attached to and serving with the armed forces of the~~  
35 ~~United States in the American Red Cross or United Service Organizations;~~

36 ~~(3) — Business. Because of the nature of such person's business or occupation;~~

37 ~~(4) — Sick; disabled. Because such person is sick or physically disabled;~~

38 ~~(5) —Vacation. Because such person is absent from the district while on vacation; or~~  
 39 ~~(6) Religion. Because such person is unable to vote at a certain time or on a certain day due to the~~  
 40 ~~tenets or teachings of his religion.~~

41 (Code 1981, § 2-42; Ord. of 2-11-1985)

42 State Law reference— ~~Similar provisions~~, 15 Del. C. § 5502.

43 **Sec. 34-63. - Request for ballot; Affidavits** statements required of persons applying for absentee  
 44 ballots.

45 Any voter **who is qualified under 15 Del. C. § 5502 - Persons eligible to vote by absentee ballot, and**  
 46 **who desiring** desires to receive an absentee ballot ~~because such voter qualifies under any of the reasons~~  
 47 ~~set forth in section 34-62 shall file an affidavit~~ **may request one by filing a statement** with the city  
 48 clerk's office, subscribed and sworn to by the voter ~~before authorized by law to administer.~~, **no later**  
 49 **than 12:00 noon the day before the election.**

50 (Code 1981, § 2-44; Ord. of 2-11-1985; Ord. of 11-26-1990, § 3)

51 State Law reference— **Similar provisions, 15 Del. C. § 5503.**

52 ~~Sec. 34-64.—Request for ballot.~~

53 ~~Any voter who is qualified under section 34-62 to vote by absentee ballot and who desires to do so shall,~~  
 54 ~~not later than the close of business of the last working day prior to any such election, request from the~~  
 55 ~~election official an official ballot to be voted at such election.~~

56 ~~(Code 1981, § 2-44; Ord. of 2-11-1985; Ord. of 11-26-1990, § 3)~~

57

58 **Sec. 34-654. - Distribution of ballots, envelopes and instructions.**

59 Upon receipt of a ~~request~~ **statement** from a voter, ~~together with an affidavit if required by section 34-63,~~  
 60 the ~~election official~~ **city clerk's office**, not more than 60, nor less than ~~three~~ **four** days prior to the regular  
 61 or special election and within three days after the **absentee** ballots, envelopes and instructions for  
 62 ~~absentee voters~~ **completing and returning an absentee ballot** become available, shall mail to the voter,  
 63 postage prepaid, an official ballot, enclosed in an official envelope, along with a voucher envelope  
 64 marked "voucher envelope," a copy of the instructions ~~to the absentee voter~~ **for completing and**  
 65 **returning an absentee ballot** and a mailing envelope marked "mailing envelope." Nothing contained in  
 66 this section shall prevent the issuance of an absentee ballot to those lawfully entitled thereto prior to  
 67 12:00 noon on the day prior to any ~~general~~ **regular** or special election when the request is made less than  
 68 ~~three~~ **four** days prior to the ~~general~~ **regular or special** election.

69 (Code 1981, § 2-45; Ord. of 2-11-1985; Ord. of 11-26-1990)

70 State Law reference— Similar provisions, 15 Del. C. § 550**54**.

71

72 ADOPTED: \*

73 **SYNOPSIS**  
74 The amendments revise the requirements to request an absentee ballot to comply with recently amended  
75 State law. This amendment becomes effective January 1, 2018.

76 (SPONSORS: ANDERSON AND LINDELL)

77  
78 Actions History:  
79 10/23/2017 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance,  
80 and Administration Committee

DRAFT



SPONSOR: Rep. Yearick & Rep. K. Williams & Sen. Bushweller & Sen. Pettyjohn  
Reps. Baumbach, Bentz, Dukes, Heffernan, Kowalko, Miro, Outten, Paradee, D. Short; Sens. Ennis, Henry, McDowell, Simpson, Walsh

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 47  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 2  
AND  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ABSENTEE VOTING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5503, Title 15 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows and redesignating accordingly:

§ 5503. Request for ballot; ~~affidavits~~ statements for absentee ballots; delivery of absentee ballots.

(a) An elector desiring to vote by absentee ballot in an election for which the elector is a qualified elector may request an absentee ballot from the Department by filing a hand written or electronically prepared ~~affidavit~~ statement with the department no later than 12:00 noon the day before the election.

(b) ~~An affidavit~~ A statement may be filed pursuant to this section by mailing it, delivering it, or causing it to be delivered to the Department.

(d) ~~Affidavits~~ Statements filed pursuant to this section shall:

- (1) Indicate the election or elections for which the elector is requesting an absentee ballot;
- (2) Include at least the following information:
  - a. The elector's name;
  - b. The address of the elector's domicile in the State;
  - c. The address to which the elector requests that the absentee ballot be mailed;
  - d. The elector's date of birth;
  - e. The elector's social security number (optional);
  - f. The elector's political party affiliation;
  - g. The elector's expected location on election day;

h. The reason that the elector cannot appear at the regular polling place for the elector's election district on the day of the election, which shall identify at least 1 of the reasons set forth in § 5502 of this title;

i. A telephone number, if available, to assist in resolving any challenge;

j. An e-mail address, if available, to assist in resolving any challenge; and

k. The elector's signature;

(3) Be subscribed and sworn to by the elector, ~~before an officer authorized by law to administer oaths affirming that under penalty of perjury, the information on the affidavit is correct and true except that the affidavit for a person voting in person at the Department shall not be notarized but shall be accepted upon the voter presenting a form of ID acceptable by a notary;~~

(4) Be dated during the calendar year in which the election is to be held, provided that when a presidential primary election is scheduled and the date of the presidential primary election is less than 90 days before January 1 in the year in which a President of the United States is to be elected, the ~~affidavit~~ statement shall not be dated more than 90 days before the day of the presidential primary election, and further provided that, for special elections conducted pursuant to Chapter 71 of this title, the ~~affidavit~~ statement may be dated as of any date after a writ of election has issued; and

(5) Be promulgated by the State Election Commissioner, in consultation with the Department, and personally approved by the Attorney General of the State; provided however, that the Federal Post Card Application or its successor as promulgated by the Federal Voting Assistance Program or its successor shall also be considered an ~~affidavit~~ statement as used in this chapter.

~~(e) Notwithstanding any other provision of this section to the contrary, the affidavit of any elector desiring to receive an absentee ballot because the person qualifies under any of the reasons set forth in § 5502(1), (2), (4) or (7) of this title or because a person's business or occupation is providing care to his or her parent, spouse, or child who is living at home and requires constant care due to illness, disability, or injury, may be self-administered.~~

(f)(1) If the elector does not indicate the election or elections for which the elector is requesting an absentee ballot, it shall be presumed that the ~~affidavit~~ statement for the next scheduled election in which the elector is eligible to vote; provided however, that an ~~affidavit~~ statement on which the person indicates that the reason the person is requesting to vote by absentee ballot is that the person is temporarily or permanently physically disabled or that the person qualifies under any of the reasons set forth in § 5502(1), (2), (4) or (7) of this title shall be presumed to be for all elections in a calendar year unless otherwise indicated on the ~~affidavit~~ statement.

(2) If the Department is unable to determine the election and/or elections for which a person is requesting an absentee ballot, it shall attempt to contact the person in order to determine the person's intent; provided however, that if time is of the essence and the Department is unable to contact the elector, the Department's county director and deputy county director in the county where such person has requested an absentee ballot shall confer and determine the proper course of action.

(g) ~~Affidavits~~ Statements filed pursuant to this section on which the elector's domicile is different than the address at which the person is registered to vote within the State shall be used to transfer the person's registration.

(h) ~~Affidavits~~ Statements filed pursuant to this section on which an elector indicates that the elector has legally changed the elector's name shall be taken as authorization to transfer the elector's previous registration information, including the elector's voting record to the new name. The Department shall then use the ~~affidavit~~ statement to make the change on the Department's records.

(i) ~~Affidavits~~ Statements filed pursuant to this section on which a person indicates a change in political party affiliation received during a period in which changes in political party affiliation are closed shall be used to change the person's political party affiliation when the period for changing political party affiliation re-opens.

(j) The Department may adopt a printed or electronic ~~affidavit~~ statement form (or both), containing blanks associated with each item required by this section to be listed on ~~an affidavit~~ a statement, which may be completed by any elector wishing to receive an absentee ballot pursuant to this section. An elector may submit a written or electronic request to the Department for the Department-prepared ~~affidavit~~ statement form, which the Department shall forward to the elector upon receipt of a request therefor.

Section 2. Amend § 5504, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5504. Distribution of ballots, envelopes, and instructions; envelope specifications; pre-paid postage.

(a) Upon receipt of ~~an affidavit~~ a statement from an elector pursuant to § 5503 of this title, the Department shall process the same and confirm that the elector qualifies for an absentee ballot pursuant to 5502 of this title.

Section 3. Amend § 5505, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5505. Requirements for ballot envelope; numbering and coding; voter identification label; ~~affidavit~~ statement of eligibility.

Section 4. Amend § 5507, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5507. Voting procedure; execution of ~~affidavit~~ statement; return of ballot.

Section 5. Amend § 5510, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5510. Counting procedure for absentee ballots.

(4) If no challenge has been made, the absentee judges shall:

a. Open the ballot envelopes in such a manner as not to deface or destroy the ~~self-administered affidavit~~ statement thereon or the absentee ballot enclosed;

Section 6. Amend § 5513, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5513. Challenges.

(b) In addition, the vote of an absentee voter may be challenged:

(1) On the ground that the ~~affidavit~~ statement filed by the voter in compliance with § 5503 of this title is false;

or

(2) On the ground that the ~~self-administered affidavit~~ statement in the center of the face of the ballot envelope is not signed.

Section 7. Amend § 5514, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5514. Rejected ballots.

(a) No vote shall be accepted or counted if:

(1) The ~~affidavit~~ statement of the absentee voter that appears on the front of the ballot envelope is found to have been altered or is not signed; or

Section 8. Amend § 5517, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5517. File of absentee voters.

(a) The Department shall maintain records providing for the prevention of fraud and to make possible the tracing and detection of any attempt to do so. Such records shall include, but shall not be limited to, the following entries:

(4) The date the ~~affidavit~~ statement is received by the Department;

Section 9. Amend § 5518, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5518. Members of the armed forces and certain other electors; 1 absentee request to cover all elections; federal post card application (FPCA); electronic transmission of balloting materials.

(b) The receipt of a federal post card application from any person eligible to use the FPCA for an absentee ballot who is not registered to vote in Delaware but is eligible to register to vote in Delaware shall serve as an application to register to vote as well as a request and ~~affidavit~~ statement for an absentee ballot.

Section 2. This Act takes effect on January 1, 2018.

City of Dover  
Planning & Inspections Department

TO: Mayor and Council  
FROM: David S. Hugg III, Acting City Planner  
DATE: October 11, 2017  
SUBJ: **“Making Dover Prosper” – Outline & Plan and Status Report**

The “Making Dover Prosper” Resolution outlines a number of areas for attention, with a report due by the end of October, 2017. This memo is the report on the status of implementation as well as an outline of ongoing and future actions. It is organized around the 4 key provisions in the Resolution.

**Road mapping:**

- Update and restructure website – make access to DDD more prominent; update content; add PR components; ensure easy links to various brochures and guidelines
  - Move FAQ and Public Documents to Main Page tab
  - Move DDD and other incentives to Business tab
  - Make sure that all brochures are linked (Info you can use tab)

Status – we are working on redesign of the P&I/Economic Development portions of the City webpage and on relocating the DDD link. All P&I informational brochures (36) are now accessible on the website. We have contacted the Information Technology Division to provide training and support for a revision and updating of the website.

- Develop a “How to do Business/Open a Business Guide/brochure”
  - Add as tab on main page
  - Develop a brochure

Status – staff is working with the DDP to develop a “How to Start a Business” checklist and link to City and other assistance and incentives. While focused on the DDD area, the product will be applicable to any business prospect (some incentives will not apply). The checklist and guidelines will be on the DDP and our website. A matrix to DDD incentives is being developed to better inform prospects about incentives, timing, approval processes, etc.

- Point of contact(s) for Economic Development
  - Designate contact
  - Create tracking process/ombudsman

Status – no action; council direction required

**Streamlining and Access:**

- Continue process of revising ordinances to clarify and improve usefulness and efficiency; add new provisions (adult day care, etc.)

Status -the first set of ordinance revisions has been adopted by council and will soon be in effect. Revisions to the Vacant Building Ordinance are in almost final form and are being reviewed with the “Business Friendly Subcommittee” of the DDP. Also under review are possible new/revised incentives to address vacancy. Drafting is also underway on the Manufactured Housing Ordinance revisions and new provisions to allow Adult Day Care facilities is before Planning Commission. Next round of ordinance reviews will look at residential district regulations, signs and administrative waiver provisions as well as continued review of Sections 5 & 6, Supplemental Regulations. We continue to refine the staff DAC & Planning Commission reports to better inform the applicant and the Commission of regulations and good planning principles, with a renewed effort to hold pre-application and general planning meetings with prospective developer as early as possible in the process.

- ERP system to allow remote applicant access and tracking

Status – none pending implementation of the new technology and software program

- “Rocket Docket” option for larger projects

Status- draft wording is under review to amend the appropriate code sections; process is being applied to a couple of recent projects and is being offered to applicants (example: DSU housing project in order to meet a tight deadline for occupancy). Also looking at the Traffic Improvement District option that was successful in Middletown with the “Westtown” projects.

#### **Review of Codes. Develop PR and Marketing, Information:**

- Update website (see above)
  - From the Mayor news
  - Council President’s Report
  - Statistical information (including monthly report highlights)

Status- Website update project is underway. P&I monthly reports now include a “highlights” section designed to capture trends and development progress.

- Business Friendly Working Group

Status- this group meets about once a month and serves as an opportunity for the City Planner to informally discuss proposed ordinance changes, PR matters, and related topics. The October meeting includes discussion of vacant buildings.

- CDCC Subcommittee

Status-the City Planner has met with the leadership of the CDCC to ensure coordination of efforts and will be working with them on a business leaders’ roundtable later in the year (November).

- PR and Marketing Strategy and proposal
  - Workshop/roundtable to scope issues
  - Secure marketing assistance
  - Define City staff responsibilities
  - Link to CDCC and others
  - Develop media strategy

Status- With the Mayor's approval and funding, we have hired Strongpoint Marketing (the firm that works with Smyrna and a number of state agencies) to present/facilitate a Marketing and Public Relations Workshop on November 6. The workshop is intended to address the role of the City, what is the audience, what are we trying to communicate, etc. We have reestablished a regular relationship with the press, especially the State News, to provide them with better information and business and growth related topics.

- Code Enforcement Policy and VBO changes
  - Establish revised code enforcement policy
  - Revamp Vacant Building Ordinance
  - Refine follow-up procedures

Status- new code enforcement policy is being implemented, and vacant building ordinance amendments are under review. The VBO changes will go to council for first reading in November.

- Target Zones – housing focus (DDD and Restoring Central Dover emphasis).

Status-we are actively working with NCALL, Habitat, private investors, and others, including the major property owner, to better target blight removal and green space opportunities. Working with EPA, Kent County, State and Federal Departments of Agriculture and DDP to develop a proposal for reuse of DDP's property on Railroad and Forest Streets for an EPA-priority initiative on urban agriculture; working to identify opportunities addressing replacement/relocation of public and quasi-public facilities.

#### **Consultation:**

- Build on existing entities such as KEP, Kent Food Innovation Committee, City/County Quarterly Meetings; Restoring Central Dover, DDP, Habitat, NCALL, etc.
  - Matrix of involved parties with contacts, schedules, etc.
  - Ensure that City is actively involved (staff coverage/designation)

Status- ongoing; much more active role being taken in both DDP and Restoring Central Dover programs

- Coordinate all the various plans and recommendations – consistent policy, implementation. etc. Route 8 Corridor, Capital Gateway, P&R Needs Assessment, Bicycle/Pedestrian Plan, Restoring Central Dover, DDD Application, Downtown Parking Study, Route 13 Corridor Studies, etc.
  - Review plans for policies and recommendations, check for consistency
  - Plan and recommendations for implementation/costs and priority
  - Develop budgetary and regulatory proposal as needed

Status -This will be done this fall as a precursor to the comprehensive plan update.

- Revamp DDD process and materials, improve awareness
  - Outreach – DEDO project to stimulate owner interest
  - Website access and content
  - Update brochures and map
  - "How to" matrix/FAQ/matrix

Status- efforts are underway relative to the City website, DDD matrix, and a project with DEDO/DSBDT to create a new version of “Pop-Up” to help business property owners with identification of potential tenant opportunities

- Explore all incentives and revise/modify/add as needed
  - Assess effectiveness – use of incentives
  - Consolidated application process with tracking
  - Flag on business licensing process to identify prospective applicants

Status- underway, we are working with DDP to refine their incentives and looking at possible others for DDD. Additional assessment will be needed to look at what else the City offers or can offer outside the DDD.

COUNCIL RESOLUTION NO. 2017-10

**A RESOLUTION PROPOSING THE "MAKING DOVER PROSPER" INITIATIVE**

**WHEREAS**, the City of Dover has a tradition of being friendly to business, enjoying the benefits of a strong and diverse economy; and

**WHEREAS**, the City is in a globally competitive environment necessitating that it adopts cutting edge best practices for business recruitment and retention; and

**WHEREAS**, many businesses are often intimidated by the array of governmental requirements and regulations, causing them to make costly errors due to a lack of information and guidance; and

**WHEREAS**, business prospects of all sizes are attracted by an efficient, cooperative government; and

**WHEREAS**, there exists a positive, cooperative and coordinated framework among the various city departments to help in "Making Dover Prosper"; and

**WHEREAS**, the City promotes an ethic of "Community Excellence through Quality Service"; and

**WHEREAS**, The City offers an extensive number of incentives throughout the city to encourage business investment.

**NOW, THEREFORE, BE IT RESOLVED:**

Section 1. That the City Council directs the City Manager and the Director of Planning and Community Development to develop and make available at customer service locations and city offices, and on the City website, information designed to be a "road map" to city services, including utilities, trash collection, business incentives, economic development contacts, planning and inspections processes, sign regulations and such other information deemed useful to persons wishing to open, relocate or expand a business in the City.

Section 2. That the City Council directs the City Manager and Director of Planning and Community Development to develop and implement a process to simplify, streamline and make more user-friendly the licensing, permitting and inspection processes, to include creating a system to allow applicants to self-check the status of their application remotely.

Section 3. That the City Council further directs the City Manager and Director of Planning and Community Development to:

- a) Establish a working group or groups as appropriate to review the City's codes and ordinances, promotional and marketing activities, website, outreach and assistance, and organizational structures as they relate to business recruitment and retention; and
- b) Consult with local, county and state economic development entities as appropriate to identify opportunities to facilitate exchange of information, coordination, and development of a shared vision for "Making Dover Prosper"; and
- c) Report to City Council not later than October 31, 2017 with recommendations and a path forward.

ADOPTED: August 14, 2017

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2017\DRAFT\RESOLUTON NO. 2017-10 ESTABLISHING THE MAKING DOVER PROSPER INITIATIVE\Resolution No. 2017-10.wpd



ROBIN R. CHRISTENSEN  
MAYOR



TIMOTHY A. SLAVIN  
COUNCIL PRESIDENT

Actions History

07/25/2017 - Introduced - Council Committee of the Whole/Legislative, Finance, and Administration Committee