REGULAR COUNCIL MEETING
AGENDA

MARCH 14, 2016 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

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

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

INVOCATION BY REVEREND THEODORE HENDERSON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN COLE

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

* 1. **ADOPTION OF MINUTES**
   - **A. SPECIAL COUNCIL MEETING OF FEBRUARY 22, 2016**
   - **B. REGULAR COUNCIL MEETING OF FEBRUARY 22, 2016**

2. **CERTIFICATE OF CONGRATULATIONS - BURNS & ELLIS REALTORS 50TH ANNIVERSARY**

3. **CERTIFICATE OF APPRECIATION - SANTA HOUSE PROJECT**

4. **PLAN4HEALTH PRESENTATION BY THE DELAWARE CHAPTER OF THE AMERICAN PLANNING ASSOCIATION**

5. PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCES

THE FIRST READING OF THE PROPOSED ORDINANCES WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF JANUARY 25, 2016. COPIES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS.

A. ORDINANCE #2016-02 AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY REPLACING MAP 12:1: LAND DEVELOPMENT PLAN (PROPOSED REVISIONS TO LAND USE CLASSIFICATIONS OF MULTIPLE PROPERTIES (MI-16-01))

B. ORDINANCE #2016-03 - REZONING REQUEST FOR LANDS OF KESSELRING COMPANY, LLC AND OTHERS, CONSISTING OF 37.2$^{+/-}$ ACRES LOCATED WEST OF NEW BURTON ROAD AND THE RAILROAD CORRIDOR AND INCLUDING THE PROPERTY LOCATED AT 1436 NEW BURTON ROAD. THE PROPERTIES ARE CURRENTLY ZONED R-20 (ONE-FAMILY RESIDENCE) AND THE PROPOSED ZONING IS IPM (INDUSTRIAL PARK MANUFACTURING)

(TAX PARCELS: ED-05-085.00-01-07.00-000 AND ED-05-085.00-01-07.00-001; PLANNING REFERENCE: Z-16-02; COUNCIL DISTRICT 2)

C. ORDINANCE #2016-04 - REZONING REQUEST FOR PROPERTY LOCATED AT 834 SOUTH STATE STREET, CONSISTING OF 17,000$^{+/-}$ S.F, OWNED BY MICHAEL W. AND WINIFRED M. BRAUN. THE PROPERTY IS CURRENTLY ZONED R-8 (ONE-FAMILY RESIDENCE) AND THE PROPOSED ZONING IS C-PO (COMMERCIAL AND PROFESSIONAL OFFICE)

(TAX PARCEL: ED-05-077.17-03-45.00-000; PLANNING REFERENCE Z-16-03; COUNCIL DISTRICT 2)

6. 60-DAY PROGRESS REPORT - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 1032-1058 SOUTH DUPONT HIGHWAY, OWNED BY BMDR LLC

7. PRESENTATIONS - 2015 ANNUAL REPORTS

A. DOWNTOWN DOVER PARTNERSHIP

B. HUMAN RELATIONS COMMISSION

* **8. COUNCIL COMMITTEE OF THE WHOLE REPORT - FEBRUARY 23, 2016**

A. UTILITY COMMITTEE

A-1. ENERGY MANAGEMENT CONTRACT EXTENSION AND INTEGRATED RESOURCE PLAN (IRP)

(COMMITTEE RECOMMENDED AUTHORIZING MR. KIRK BETTS, BETTS & HOLT LLP, TO NEGOTIATE UP TO A THREE (3) YEAR EXTENSION OF THE ENERGY AUTHORITY (TEA) AGREEMENT, AMENDED TO ADJUST THE MONTHLY FEE TO REFLECT A MODIFIED SCOPE OF SERVICES, REDEFINE THE SERVICES, AND TO NEGOTIATE SUCH OTHER TERMS AS MAY BE IN THE BEST INTEREST OF THE CITY OF DOVER FOR THE EXTENDED TERM. THE FINAL NEGOTIATED EXTENSION WILL BE BROUGHT BACK TO THE UTILITY COMMITTEE AND CITY COUNCIL FOR CONSIDERATION)

A-2. ANNEXATION REQUEST - 1102 SOUTH STATE STREET, OWNED BY CAPITOL CLEANERS AND LAUNDERERS, INC.

(COMMITTEE RECOMMENDED PROCEEDING WITH THE ANNEXATION OF THE PROPERTY)

* **8. COUNCIL COMMITTEE OF THE WHOLE REPORT - FEBRUARY 23, 2016 (CONTINUED)**

B. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

B-1. PROPOSED ORDINANCE #2016-11 AMENDING CHAPTER 102 - TAXATION, ARTICLE VI - EXEMPTIONS; BOARD OF ASSESSMENT APPEALS, SECTION 102-182 - AUTHORITY TO EXEMPT REAL PROPERTY FROM TAXATION (SPONSORS: HUTCHISON, BUNDEK, AND KOENIG) (SEE ITEM #13)

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE#2016-11)

B-2. ACKNOWLEDGMENT OF FREEDOM OF INFORMATION ACT (FOIA) VIOLATIONS - DOVER YOUTH ADVISORY COMMITTEE

(COMMITTEE ACTION NOT REQUIRED)

* **9. MONTHLY REPORTS - JANUARY 2016**

A. CITY ASSESSOR'S REPORT
B. CITY MANAGER'S REPORT
C. CITY PLANNER'S REPORT
D. CONTROLLER/TREASURER'S BUDGET REPORT
E. ECONOMIC DEVELOPMENT OFFICE REPORT
F. FIRE CHIEF'S REPORT
G. POLICE CHIEF'S REPORT

10. SETTING OF PROPERTY ASSESSMENT APPEALS

(STAFF RECOMMENDS MAY 23, 2016 - MAY 27, 2016 FROM 9:00 A.M. UNTIL 4:00 P.M., MAY 31, 2016 - JUNE 03, 2016 FROM 9:00 A.M. UNTIL 4:00 P.M., AND ONE EVENING - IF NEEDED. THE HEARING TIMES ARE SUBJECT TO CHANGE.)

11. EVALUATION OF BIDS - ANIMAL BOARDING SERVICES AGREEMENT

(STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH CCSPCA FOR A CONTRACT PERIOD OF APRIL 1, 2016 THROUGH JUNE 30, 2017 AT A TARGET PRICE OF $5,000 PER MONTH FOR THE ANIMAL BOARDING SERVICES REFERENCED IN THE DRAFT AGREEMENT)

* **12. APPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - DOWNTOWN DOVER PARTNERSHIP BOARD OF DIRECTORS - WENDIE VESTFALL (TO FILL THE UNEXPIRED TERM OF CINDY SMALL - DOWNTOWN CULTURAL ARTS REPRESENTATIVE - TERM TO EXPIRE MAY 2018)**

13. FIRST READING - PROPOSED ORDINANCE #2016-11

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCE. FINAL ACTION BY COUNCIL WILL TAKE PLACE DURING THE SECOND READING OF THE ORDINANCE ON MARCH 28, 2016. COPIES OF ALL PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR CAN BE OBTAINED FROM THE CITY CLERK'S OFFICE.

A. #2016-11 AMENDING CHAPTER 102 - TAXATION, ARTICLE VI - EXEMPTIONS; BOARD OF ASSESSMENT APPEALS, SECTION 102-182 - AUTHORITY TO EXEMPT REAL PROPERTY FROM TAXATION

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

14. ANNEXATION/REZONING REQUESTS/FIRST READINGS OF PROPOSED ORDINANCES

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCES. THEY ARE RECOMMENDED FOR REFERRAL TO THE UTILITY COMMITTEE ON MARCH 29, 2016; THE PLANNING COMMISSION ON APRIL 18, 2016; AND THAT A PUBLIC HEARING BE SET FOR MAY 9, 2016 AT 7:30 P.M. COPIES OF ALL PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR CAN BE OBTAINED FROM THE CITY CLERK'S OFFICE.

A. ORDINANCE #2016-12 - PROPERTIES LOCATED AT 1411 SOUTH GOVERNORS AVENUE, CONSISTING OF 0.2158$^{+/-}$ ACRES (PARCEL C) AND 1417 SOUTH GOVERNORS AVENUE, CONSISTING OF 0.4497$^{+/-}$ ACRES (PARCEL D), OWNED BY HEARTLAND DELAWARE, INC. THESE PROPERTIES ARE CURRENTLY ZONED BG - GENERAL BUSINESS DISTRICT (KENT COUNTY ZONING CLASSIFICATION) AND THE PROPOSED ZONING IS C-4 - HIGHWAY COMMERCIAL (CITY OF DOVER ZONING CLASSIFICATION)

(TAX PARCELS: ED-00-086.09-01-21.00-000 (PARCEL C) AND ED-00-086.09-01-22.00-000 (PARCEL D); PLANNING REFERENCE: AX-16-02)

B. ORDINANCE #2016-13 - PROPERTY LOCATED ADJACENT TO STATE ROUTE 1 AND SURROUNDING THE INTERSECTION OF LEIPSIC ROAD AND PERSIMMON TREE LANE (THREE (3) UNADDRESSED LOTS OF A SINGLE PARCEL), CONSISTING OF 5.67$^{+/-}$ ACRES (LOT 8), 10.21$^{+/-}$ ACRES (LOT 9), AND 13.69$^{+/-}$ ACRES (LOT 10A) AND PROPERTY LOCATED AT 1229 PERSIMMON TREE LANE, CONSISTING OF 228.86$^{+/-}$ ACRES (LOT 18), OWNED BY DOVER INTERNATIONAL SPEEDWAY, INC. THESE PROPERTIES ARE CURRENTLY ZONED AR - AGRICULTURAL RESIDENTIAL (KENT COUNTY ZONING CLASSIFICATION) AND THE PROPOSED ZONING IS RC - RECREATIONAL AND COMMERCIAL (CITY OF DOVER ZONING CLASSIFICATION).

(TAX PARCELS: LC-00-058.00-01-29.00-000 (LOTS 8, 9, AND 10A) AND LC-00-058.00-01-02.00-000 (LOT 18); PLANNING REFERENCE: AX-16-03)

15. FINAL READING - PROPOSED ORDINANCE #2016-07

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF FEBRUARY 22, 2016. COPIES OF THE PROPOSED ORDINANCE ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS.

A. #2016-07 - SECOND BUDGET AMENDMENT FOR FISCAL YEAR 2015/2016

16. CITY MANAGER'S ANNOUNCEMENTS

17. COUNCIL MEMBERS' ANNOUNCEMENTS

/TM

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COUNCIL-AGENDAS\2016\03-14-2016.WPD