REGULAR COUNCIL MEETING
AGENDA

OCTOBER 24, 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 CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP #154

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 OCTOBER 10, 2016**
- **B. REGULAR COUNCIL MEETING OF OCTOBER 10, 2016**

2. PRESENTATION - MALLARD POND PARK AND TRAIL GRANT (DNREC)

* **3. SPECIAL COUNCIL COMMITTEE OF THE WHOLE/SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - SEPTEMBER 7, 2016**

- **A. PUBLIC SAFETY STUDY - FIRE/EMS OPERATIONAL & ADMINISTRATIVE ANALYSIS**
  (COMMITTEE ACTION NOT REQUIRED)

* **4. HUMAN RELATIONS COMMISSION REPORT - SEPTEMBER 21, 2016**

A. DHRC COMMITTEE UPDATES

(1) GOVERNMENT POLICY, PROGRAMS, AND PRACTICES COMMITTEE (MCGIFFIN)

(A) DHRC DIVERSITY RESEARCH PROJECT

(COMMISSION RECOMMENDED THAT THE MEMBERS OF THE DOVER HUMAN RELATIONS COMMISSION RESPOND TO THE QUESTION, "WHAT ARE YOUR OBSERVATIONS, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE DHRC DIVERSITY RESEARCH PROJECT?" VIA EMAIL TO THE CITY CLERK'S OFFICE, WITH THEIR INPUT TO BE COMPILED SO THAT MEMBERS COULD FINISH THE DOVER HUMAN RELATIONS COMMISSION DIVERSITY RESEARCH PROJECT REPORT AT THEIR NEXT MEETING.)

(2) EDUCATION COMMITTEE (BOGLE)

(COMMITTEE ACTION NOT REQUIRED)

B. OLD BUSINESS - DHRC VACANCIES (FIRST AND FOURTH DISTRICTS)

(COMMITTEE ACTION NOT REQUIRED)

5. COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 11, 2016

A. REQUEST OF FORDHAM & DOMINION BREWING COMPANY - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE/PROPOSED AGREEMENT APPROVING 80 EVENT HOURS OVER 12 MONTHS

(COMMITTEE RECOMMENDED AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE AS REQUESTED BY FORDHAM AND DOMINION BREWING COMPANY)**(SEE ITEM #11-A)**

* **B. DISPOSAL OF EXCESS PROPERTY - 45 SOUTH STATE STREET - FORMER DOVER PUBLIC LIBRARY**

(COMMITTEE RECOMMENDED THAT THE PROPERTIES KNOWN AS 45 SOUTH STATE STREET BE DECLARED EXCESS PROPERTY, THE CITY MANAGER BE AUTHORIZED TO SOLICIT OFFERS FOR THE PROPERTIES USING A COMMERCIAL REAL ESTATE FIRM, AND THAT ANY AND ALL FINAL OFFERS FOR THE PROPERTIES MUST BE APPROVED BY CITY COUNCIL, AS RECOMMENDED BY STAFF.)

* **C. INCENTIVE PROGRAM FOR CITY EMPLOYEES OPTING NOT TO BE COVERED BY THE CITY'S HEALTH CARE PLAN**

(DEFERRED BY THE COMMITTEE CHAIR)

* **D. INITIATE THE PROCESS WHEREBY THE REVIEW OF THE MAYOR AND COUNCIL SALARIES SHALL BE CONDUCTED BY THE COMPENSATION COMMISSION**

(COMMITTEE RECOMMENDED INITIATING THE PROCESS WHEREBY THE REVIEW OF THE MAYOR AND COUNCIL SALARIES SHALL BE CONDUCTED BY THE COMPENSATION COMMISSION)

5. COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 11, 2016 (CONTINUED)

* **E. DETERMINATION OF REQUIREMENTS IN ADDITION TO BEING ECONOMIC OR BUSINESS ORIENTED AND TERM LENGTH FOR THE NEWLY ADDED MINORITY VOTING MEMBERS OF THE ECONOMIC DEVELOPMENT COMMITTEE**

(COMMITTEE RECOMMENDED THAT THE NOMINATIONS FOR THE APPOINTMENTS OF MINORITY MEMBERS TO THE ECONOMIC DEVELOPMENT COMMITTEE BE MADE BY THE COUNCIL PRESIDENT; THAT THE FULL COUNCIL VOTE ON THEM; THAT THE TERMS BE FOR ONE (1) YEAR, FROM MAY TO MAY; AND THAT THE INITIAL APPOINTMENTS BE FOR A PARTIAL YEAR FROM NOW THROUGH MAY.)

* **F. DISCUSSION OF DUTIES AND ASSIGNMENTS OF CITY PERSONNEL**

(DEFERRED BY THE COMMITTEE CHAIR)

* **G. ONBOARDING FOR NEW COMMITTEE MEMBERS/COUNCILMAN LEWIS' RECOMMENDATION #5**

(COMMITTEE TABLED THIS MATTER TO ALLOW MRS. TOWNSHEND TO CONDUCT RESEARCH AND COME BACK TO COUNCIL AT A FUTURE DATE WITH HER FINDINGS)

* **H. PROPOSED ORDINANCES**

(1) #2016-21 AMENDING CHAPTER 2 - ADMINISTRATION, CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, AND CHAPTER 46 - FIRE PREVENTION AND PROTECTION BY REMOVING THE ANNUAL APPOINTMENT OF THE CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL (SPONSORS: HUTCHISON, NEIL, AND ANDERSON)

(DEFERRED BY COMMITTEE CHAIR)

(2) #2016-22 AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES

(DEFERRED BY COMMITTEE CHAIR)

* **I. PROPOSED CHARTER AMENDMENTS - REMOVAL OF ANNUAL APPOINTMENT REQUIREMENT FOR THE CITY ASSESSOR, CONTROLLER/TREASURER, CITY SOLICITOR, AND DEPUTY CITY SOLICITOR; GENDER LANGUAGE AMENDMENTS; ADMINISTRATIVE AMENDMENTS; AND TYPOGRAPHICAL CORRECTIONS**

(DEFERRED BY COMMITTEE CHAIR)

* **6. QUARTERLY REVENUE REPORT**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

* **7. SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

8. AUTHORIZATION TO PURCHASE VEHICLES (POLICE DEPARTMENT)

(STAFF RECOMMENDS APPROVAL OF THE PURCHASE, AS REQUESTED)

* **9. APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY ELECTION - NOVEMBER 21, 2016**

A. JAMES HURLEY

B. WILLIAM RHODES

C. BRIAN WASKO *(ALTERNATE)*

10. REZONING REQUEST FOR PROPERTY LOCATED ON THE WEST SIDE OF SOUTH BRADFORD STREET - FIRST READING OF PROPOSED ORDINANCE #2016-23

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON NOVEMBER 21, 2016 AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR DECEMBER 12, 2016 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. PROPERTY LOCATED ON THE WEST SIDE OF SOUTH BRADFORD STREET, SOUTH OF WAPLES AVENUE AND TO THE REAR OF 911 SOUTH GOVERNORS AVENUE, CONSISTING OF 0.32+/- ACRES, OWNED BY CAPITAL GRANGE NO. 18, INC. THE PROPERTY IS CURRENTLY ZONED R-8 (ONE-FAMILY RESIDENCE) AND THE PROPOSED ZONING IS RG-1 (GENERAL RESIDENCE)

(TAX PARCEL: ED-05-077.17-03-15.00-000; PLANNING REFERENCES: Z-16-06 AND MI-16-13; COUNCIL DISTRICT: 2)

11. FIRST READING - PROPOSED ORDINANCE #2016-24

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. AMENDMENTS TO APPENDIX B - ZONING REQUIRE A PUBLIC HEARING. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION ON NOVEMBER 21, 2016, AND THAT A PUBLIC HEARING BE SET FOR DECEMBER 12, 2016 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. PROPOSED ORDINANCE #2016-24 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE *(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)*

12. CITY MANAGER'S ANNOUNCEMENTS

13. COUNCIL MEMBERS' ANNOUNCEMENTS

14. ADJOURNMENT

/TM

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COUNCIL-AGENDAS\2016\10-24-2016 COUNCIL AGENDA.WPD

EXECUTIVE SESSION PURSUANT TO:

29 DEL. C. §10004(B)(2) - PRELIMINARY DISCUSSIONS ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY;

29 DEL. C. §10004(B)(4) - STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY;

29 DEL. C. §10004(B)(6) - DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS;

29 DEL. C. §10004(B)(9) - PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN