REGULAR COUNCIL MEETING
AGENDA

NOVEMBER 28, 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 COUNCILMAN SUDLER

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 NOVEMBER 7, 2016**
- **B. REGULAR COUNCIL MEETING OF NOVEMBER 14, 2016**

2. PRESENTATION - RECOGNITION OF SERVICE - JAMES G. MCGIFFIN, JR. - DOVER HUMAN RELATIONS COMMISSION (MARCH 2014 - OCTOBER 2016)

3. 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) (THIS ITEM WAS DEFERRED BY CITY COUNCIL DURING THEIR REGULAR MEETING OF OCTOBER 24, 2016) **(SEE ITEM #10-A - PROPOSED ORDINANCE #2016-24)**

* **4. HUMAN RELATIONS COMMISSION REPORT - OCTOBER 18, 2016**

A. ELECTION OF COMMITTEE CHAIR - COMMUNITY ENGAGEMENT COMMITTEE

(COMMISSION ELECTED MS. WANDA MULLEN TO SERVE AS CHAIR OF THE COMMUNITY ENGAGEMENT COMMITTEE)

B. DHRC DIVERSITY RESEARCH PROJECT

(COMMISSION ACTION NOT REQUIRED)

C. DHRC COMMITTEE UPDATES

(NO COMMITTEE UPDATES WERE PROVIDED)

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

(2) COMMUNITY ENGAGEMENT COMMITTEE

(3) EDUCATION COMMITTEE (BOGLE)

D. NEW BUSINESS

(1) DEVELOPMENT OF CONCISE STATEMENT - MISSION AND FUNCTIONS OF DHRC

(COMMISSION TABLED DISCUSSION OF THIS ITEM)

E. OLD BUSINESS

(1) DHRC VACANCIES

(COMMISSION ACTION NOT REQUIRED)

* **5. SPECIAL COUNCIL COMMITTEE OF THE WHOLE/SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - OCTOBER 26, 2016**

A. FIRE DEPARTMENT RESPONSE TO PUBLIC SAFETY STUDY - FIRE/EMS OPERATIONAL & ADMINISTRATIVE ANALYSIS

(COMMITTEE ACTION NOT REQUIRED)

6. COUNCIL COMMITTEE OF THE WHOLE REPORT - NOVEMBER 15, 2016

* **A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE**

(1) PROPOSED ORDINANCE #2016-25 AMENDING APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES AND ARTICLE 12 - DEFINITIONS (SPONSORS: SLAVIN AND COLE)

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE) **(SEE ITEM #10-B - PROPOSED ORDINANCE #2016-25)**

(2) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM QUARTERLY UPDATE (JULY, AUGUST, AND SEPTEMBER)

(COMMITTEE ACTION NOT REQUIRED)

6. COUNCIL COMMITTEE OF THE WHOLE REPORT - NOVEMBER 15, 2016 (CONTINUED)

* **B. UTILITY COMMITTEE**

(1) QUARTERLY REVIEW OF UTILITY RELATED CAPITAL INVESTMENT PLAN (CIP) (ELECTRIC AND WATER/WASTEWATER) (JULY, AUGUST, AND SEPTEMBER)

(COMMITTEE ACTION NOT REQUIRED)

(2) UPDATES

(COMMITTEE ACTION NOT REQUIRED ON THE BELOW ITEMS)

(A) GREEN ENERGY FUNDING AND PROGRAMMING

(B) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(1) CUSTOMER SERVICE STAFFING PLAN

(COMMITTEE PASSED THIS MATTER ON WITHOUT RECOMMENDATION TO FULL COUNCIL FOR CONSIDERATION AT THE NEXT COUNCIL MEETING, THAT STAFF BE INSTRUCTED TO PROVIDE A STAFFING PLAN WITH DETAILS OF THE TIMING OF ALL 11 PROPOSED HIRINGS, AS WELL AS THE FISCAL IMPACT ON BOTH FY 17 AND FY 18)

* **(2) STUDY OF CITY'S CURRENT RECRUITMENT/HIRING PROCESSES** (REQUEST OF COUNCILMAN LEWIS)

(COMMITTEE DEFERRED THIS MATTER UNTIL THE CONCLUSION OF THE HUMAN RESOURCES FACT-FINDING INVESTIGATION, WHICH WAS JUST APPROVED AT LAST NIGHT'S COUNCIL MEETING (11/14/2016))

* **(3) PROPOSED ORDINANCES**

(A) #2016-21 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 5 - CITY CLERK, SECTION 2-281 - APPOINTMENT; CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II - BUILDING INSPECTOR, SECTION 22-31 - OFFICE CREATED; APPOINTMENT; AND CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE III - FIRE CODES, SECTION 46-124 - FIRE MARSHAL (SPONSORS: HUTCHISON, NEIL, AND ANDERSON) (DEFERRED BY THE COMMITTEE DURING THE MEETING OF OCTOBER 25, 2016)

(COMMITTEE RECOMMENDED POSTPONING INDEFINITELY)

(B) #2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES (SPONSORS: RESOLUTION NO. 2016-05)

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE)

(SEE ITEM #11-A - PROPOSED ORDINANCE #2016-26)

(C) #2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES (SPONSORS: HUTCHISON AND HOSFELT)

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE)

(SEE ITEM #11-B - PROPOSED ORDINANCE #2016-27)

* **(4) 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**

(COMMITTEE RECOMMENDED POSTPONING INDEFINITELY)

7. REVIEW OF REQUEST FOR UTILITY CONNECTION ASSISTANCE - 420 REED STREET

(DURING THEIR REGULAR MEETING OF SEPTEMBER 26, 2016, CITY COUNCIL REFERRED THE REQUEST FOR UTILITY CONNECTION ASSISTANCE AT 420 REED STREET BACK TO STAFF FOR A REPORT BACK IN 60 DAYS)

(STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO BUDGET $150,000 IN THE FIRST AMENDMENT TO THE FY-2017 BUDGET AND IMPLEMENT A UTILITY CONNECTION ASSISTANCE INCENTIVE IN THE DOWNTOWN DEVELOPMENT DISTRICT. WITH THE EXCEPTION OF THE PREVIOUSLY APPROVED INCENTIVE IN THE AMOUNT OF $30,000 FOR 131 W. LOOCKERMAN STREET, THE INCENTIVE PACKAGE WILL NOT EXCEED $25,000 PER UTILITY PER PROJECT. INCENTIVES ARE COMMITTED ON A FIRST COME, FIRST SERVED BASIS.)

* **8. ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2017 FIRE LINE OFFICERS**

FIRE CHIEF	-	CARLETON CAREY, JR.
DEPUTY FIRE CHIEF	-	RONALD RHODES
FIRST ASSISTANT FIRE CHIEF	-	DAVID CAREY
SECOND ASSISTANT FIRE CHIEF	-	GLENN WHITT
THIRD ASSISTANT FIRE CHIEF	-	MICHAEL O'CONNOR, JR.
FOURTH ASSISTANT FIRE CHIEF	-	MICHAEL O'CONNOR, III
FIRST FIRE LINE CAPTAIN	-	CHRISTOPHER JACOBS
SECOND FIRE LINE CAPTAIN	-	SEAN BYRON

9. REZONING REQUEST FOR PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD - FIRST READING OF PROPOSED ORDINANCE #2016-28

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON DECEMBER 19, 2016 AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR JANUARY 9, 2017 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 MCKEE ROAD NORTH OF COLLEGE ROAD BETWEEN 1216 AND 1282 MCKEE ROAD, CONSISTING OF 4.35$^{+/-}$ ACRES, OWNED BY GEORGE J. KAYS AND JOHN J. KAYS. THE EQUITABLE OWNER IS MEDCORE PARTNERS C/O MICHAEL GRAHAM. THE PROPERTY IS CURRENTLY ZONED C-PO (COMMERCIAL AND PROFESSIONAL OFFICE) AND SUBJECT TO THE COZ-1 (CORRIDOR OVERLAY ZONE) AND THE PROPOSED ZONING IS IO (INSTITUTIONAL AND OFFICE) AND SUBJECT TO THE COZ-1 (CORRIDOR OVERLAY ZONE).

(TAX PARCEL: ED-05-067.00-01-33.00-000; PLANNING REFERENCE: Z-16-07; COUNCIL DISTRICT 1)

10. FIRST READING - PROPOSED ORDINANCES

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCES. AMENDMENTS TO APPENDIX B - ZONING REQUIRE A PUBLIC HEARING AND THE ORDINANCES ARE RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON DECEMBER 19, 2016 AND THAT A PUBLIC HEARING BE SET FOR JANUARY 9, 2017 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCES ARE 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. #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)

B. #2016-25 AMENDING APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES AND ARTICLE 12 - DEFINITIONS

(PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE)

11. FIRST READING - PROPOSED ORDINANCES

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCES. FINAL ACTION BY COUNCIL WILL TAKE PLACE DURING THE SECOND READING ON DECEMBER 12, 2016. THE ORDINANCES ARE 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. #2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

B. #2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

12. FINAL READING - PROPOSED ORDINANCE #2016-22 WITH STAFF AMENDMENT #1 (SA#1)

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF NOVEMBER 14, 2016. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

A. #2016-22 WITH STAFF AMENDMENT #1 (SA#1) AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES

13. CITY MANAGER'S ANNOUNCEMENTS

14. COUNCIL MEMBERS' ANNOUNCEMENTS

15. ADJOURNMENT

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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