REGULAR COUNCIL MEETING
AGENDA

JANUARY 23, 2017 - 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 BRIAN LEWIS

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 JANUARY 9, 2017**
- **B. REGULAR COUNCIL MEETING OF JANUARY 9, 2017**
- **C. SPECIAL COUNCIL MEETING OF JANUARY 10, 2017**

2. CERTIFICATE OF APPRECIATION AND CONGRATULATIONS - BRADLEY S. EABY

3. PROCLAMATION - BLACK HISTORY MONTH

* **4. HUMAN RELATIONS COMMISSION REPORT - NOVEMBER 17, 2016**

A. ELECTION OF COMMITTEE CHAIRS - COMMUNICATIONS AND GOVERNMENT POLICY, PROGRAMS, AND PRACTICES COMMITTEES

(COMMISSION ELECTED REVEREND RITA MISHOE PAIGE TO SERVE AS CHAIR OF THE COMMUNICATIONS COMMITTEE)

B. DHRC COMMITTEE UPDATES

(UPDATES WERE NOT PROVIDED ON THE BELOW ITEMS)

(1) COMMUNITY ENGAGEMENT COMMITTEE (MULLEN)

(2) EDUCATION COMMITTEE (BOGLE)

C. OLD BUSINESS

(1) DHRC DIVERSITY RESEARCH PROJECT

(COMMISSION RECOMMENDED THAT MRS. SADUSKY, MR. HENDERSON, AND MR. GADDIS GET TOGETHER BEFORE THE NEXT DHRC MEETING TO SUMMARIZE THE RECOMMENDATIONS AND OBSERVATIONS AND PUT THEM TOGETHER IN A CONCISE FORM)

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

(COMMISSION TOOK NO ACTION)

(3) DHRC VACANCIES

(COMMISSION TOOK NO ACTION)

D. FUTURE MEETING DATES

(COMMISSION SCHEDULED THE NEXT MEETING FOR JANUARY 19, 2017 AT 6:00 P.M.)

5. COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 10, 2017

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

(1) PROPOSED ORDINANCE #2017-01 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS AND APPENDIX F - FEES AND FINES (DISORDERLY PREMISES) (SPONSORS: SLAVIN AND SUDLER) **(SEE ITEM #12-A)**

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE #2017-01)

* **B. UTILITY COMMITTEE**

(1) DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE - EMERALD POINTE

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE OF THE EMERALD POINTE SUBDIVISION, WITH DEDICATION TO INCLUDE ALL OF THE REFERENCED PUBLIC IMPROVEMENTS)

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(1) PROPERTY TAX CREDIT REQUEST - ROUTE 8 (NEW DEVELOPMENT)

(COMMITTEE RECOMMENDED AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX CREDIT AGREEMENT FOR THE PURPOSE OF RESERVING AREA FOR A FUTURE SERVICE ROAD ACROSS THE PROPERTIES LOCATED AT 1116-1128 FORREST AVENUE)

* **(2) PROJECT CARRY-FORWARD BUDGET BALANCES/PROPOSED ORDINANCE #2017-04 - BUDGET AMENDMENTS (SEE ITEM #12-B)**

(COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED BUDGET AMENDMENTS FOR FISCAL YEAR 2017 AND ADOPTION OF PROPOSED ORDINANCE #2017-04)

5. COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 10, 2017 (CONTINUED)

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (CONTINUED)

* **(3) CONSIDERATION OF COST OF LIVING ALLOWANCE (COLA) FOR GENERAL PENSION PLAN RETIREES**

(COMMITTEE RECOMMENDED AUTHORIZING THE CITY MANAGER TO EXPEND APPROXIMATELY $1,000 TO ANALYZE THE FINANCIAL IMPACT FOR THREE (3) DIFFERENT COLA AMOUNTS: 1%, 1.5% AND 2.0%. THE ANALYSIS WILL BE COMPLETED BY NYHART. THESE EXPENSES WILL BE CHARGED AGAINST THE PENSION FUND ASSETS.)

* **(4) PROPOSED TIME CHANGE FOR OPEN FORUM**

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE TIME CHANGE FOR OPEN FORUM FOR CITY COUNCIL MEETINGS FROM 7:00 P.M. TO 7:30 P.M. AS PRESENTED BY COUNCILMAN HARE)

(5) PROPOSED ORDINANCES

(A) #2017-02 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE V - FINANCE, SECTION 2-422 - DISPOSAL OF EXCESS PROPERTY (SPONSORS: NEIL, KOENIG, AND MCDOWELL) **(SEE ITEM #12-C)**

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE #2017-02, WITH A CAVEAT THAT A LEGAL OPINION BE OBTAINED REGARDING WHETHER THE STATE CODE CHANGE WHICH ALLOWS FOR LAND BANKING AND THE FORMING OF LAND BANKING ORGANIZATIONS WOULD AFFECT THE PROPOSED ORDINANCE)

* **(B) #2017-03 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN AND DIVISION 8 - DEFERRED COMPENSATION PLAN; AND ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND AND CREATING CHAPTER 80 - PERSONNEL** (SPONSORS: COLE, HOSFELT, AND HUTCHISON) **(SEE ITEM #12-D)**

(COMMITTEE RECOMMENDED ADOPTION OF PROPOSED ORDINANCE #2017-03)

* **6. QUARTERLY REVENUE REPORT**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

7. YOUTH FOCUS GROUP REPORT

8. EVALUATION OF BIDS - ROLLING ACRES PUMP STATION REPLACEMENT

(STAFF RECOMMENDS AWARDING THE CONTRACT TO M2 CONSTRUCTION LLC FOR THE CITY OF DOVER ROLLING ACRES PUMP STATION REPLACEMENT PROJECT, BID #17-0018PW, FOR THE AMOUNT OF $439,300)

9. CHANGE ORDER - MEETING HOUSE BRANCH VOLUNTARY CLEANUP PROGRAM

(STAFF RECOMMENDS APPROVAL OF THE PROPOSAL FROM COMPLIANCE ENVIRONMENTAL TO PERFORM THE NECESSARY WORK FOR THE VOLUNTARY CLEANUP PROGRAM, AS REQUIRED FROM THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC))

* **10. CONFIRMATION OF POLICE PENSION ELECTION – RET. LT. TIMOTHY MULLANEY - THREE (3) YEAR TERM TO EXPIRE JANUARY 31, 2020**

* **11. REAPPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - HUMAN RELATIONS COMMISSION - ALAN GADDIS - THIRD DISTRICT REPRESENTATIVE - THREE (3) YEAR TERM TO EXPIRE FEBRUARY 2020**

12. 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 FEBRUARY 13, 2017. 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. #2017-01 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS AND APPENDIX F - FEES AND FINES (DISORDERLY PREMISES)
(PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE)

B. #2017-04 - PROJECT CARRY-FORWARD BUDGET BALANCES/BUDGET AMENDMENTS
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

C. #2017-02 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE V - FINANCE, SECTION 2-422 - DISPOSAL OF EXCESS PROPERTY (SPONSORS: NEIL, KOENIG, AND MCDOWELL)
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

D. #2017-03 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN AND DIVISION 8 - DEFERRED COMPENSATION PLAN; AND ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND AND CREATING CHAPTER 80 - PERSONNEL (SPONSORS: COLE, HOSFELT, AND HUTCHISON)
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

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