REGULAR COUNCIL MEETING
AGENDA

AUGUST 22, 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 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 AUGUST 1, 2016 - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE**
- **B. SPECIAL COUNCIL MEETING OF AUGUST 8, 2016**
- **C. REGULAR COUNCIL MEETING OF AUGUST 8, 2016**
- **D. SPECIAL COUNCIL MEETING OF AUGUST 9, 2016**

2. COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 9, 2016

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

(1) REVIEW OF ACTIVE RECREATION AREA PLAN - PLANNED NEIGHBORHOOD DESIGN: SENIOR CITIZEN HOUSING OPTION - THE GRANDE - 90 SAULSBURY ROAD (CLUBHOUSE AND POOL) (PLANNING REFERENCES C-15-04 AND C-16-04)

(COMMITTEE RECOMMENDED APPROVAL OF THE ACTIVE RECREATION AREA PLAN WITH THE COMMENTS AND CONDITIONS PROVIDED, AS RECOMMENDED BY STAFF)

2. COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 9, 2016 (CONTINUED)

*** A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE (CONTINUED)**

(2) PROPOSED LAND SWAP - CAPITOL BAPTIST CHURCH/MAYFAIR PARK

(COMMITTEE RECOMMENDED APPROVAL OF STAFF'S RECOMMENDATION TO AUTHORIZE THE CITY MANAGER AND OTHER CITY STAFF TO NEGOTIATE A PROPOSED LAND SWAP WHICH IS MUTUALLY BENEFICIAL TO THE PROPERTY OWNERS AND THE CITY OF DOVER, INCLUDING ANY NECESSARY RESEARCH AND LEGAL EXPENSES NECESSARY TO DETERMINE THE TERMS AND CONDITIONS OF A POTENTIAL LAND SWAP THAT INVOLVES THE PUBLIC OPEN SPACE KNOWN AS MAYFAIR PARK WITH FOUR (4) CAVEATS, AS FOLLOWS: 1) THAT STAFF WOULD COME BACK AND PRESENT AT LEAST THREE (3) ALTERNATIVES ON THE PROPOSED LAND SWAP THAT INCLUDE MAPS AND DRAWINGS; 2) THAT THERE WOULD BE COMMENTARY FROM THE PARKS AND RECREATION DEPARTMENT ON WHAT THE POTENTIAL EFFECT WOULD BE ON THE FUTURE USES OF THE PARK FOR THE LAND SWAP; 3) THAT IT WOULD INCLUDE AN ESTIMATE OF COSTS, AND A PROPOSED COST SHARING ARRANGEMENT WITH THE CHURCH WOULD BE IDENTIFIED, AND 4) THAT STAFF WAS NOT AUTHORIZED TO EXPEND ANY FUNDS AT THIS POINT WITHOUT FURTHER APPROVAL)

(3) PROPOSED MURAL - KIRKWOOD/DIVISION STREET PARK

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE PROPOSAL TO ALLOW THE RESTORING CENTRAL DOVER RESIDENT ENGAGEMENT WORK GROUP TO INSTALL A WOOD PANEL FENCE AS PROPOSED, AND PAINT A MURAL, AS RECOMMENDED BY STAFF)

(4) UPDATE-RESIDENTIAL APPEAL PROCESS AND NON-COMPLIANT/ NON-CONFORMING USES/REVIEW OF PHYSICAL DATA (53% COMPLETED)

(COMMITTEE RECOMMENDED PROVIDING SOME DIRECTION FOR MRS. TOWNSHEND AND THAT ANY EXISTING BUSINESS NOT BE UNDULY AFFECTED BY A POTENTIAL REZONING SO THAT THE APPLICATION FEE WOULD BE WAIVED AND THE PUBLIC NOTICE REQUIREMENT WOULD BE CONDUCTED BY THE PLANNING OFFICE)

(5) REVIEW OF NEW CASTLE COUNTY DISORDERLY PREMISES ORDINANCE

(COMMITTEE DEFERRED DUE TO TIME CONSTRAINTS)

(6) DISCUSSION OF SURVEY RESULTS REGARDING PROGRAMS, ACTIVITIES, AND NEW BUILDING AT DOVER PARK

(COMMITTEE DEFERRED DUE TO TIME CONSTRAINTS)

(7) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM QUARTERLY UPDATE (APRIL, MAY, AND JUNE)

(COMMITTEE DEFERRED DUE TO TIME CONSTRAINTS)

*** B. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE**

(1) DISPOSAL OF EXCESS PROPERTY

(A) SILVER LAKE DRIVE (EAST LAKE GARDENS)

(COMMITTEE TABLED THIS MATTER PENDING VERIFICATION OF THE DEED PROVIDED)

(B) 106 AND 110 SOUTH NEW STREET - OFFER FROM NCALL RESEARCH, INC.

(COMMITTEE RECOMMENDED THE FOLLOWING: 1) DETERMINING THAT THESE PROPERTIES ARE EXCESS PROPERTIES; AND 2) AUTHORIZING THE CITY MANAGER TO COMPLETE A FINAL AGREEMENT OF SALE TO NCALL RESEARCH, INC. FOR $10,000 PER PROPERTY)

2. COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 9, 2016 (CONTINUED)

*** B. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (CONTINUED)**

(2) CONSULTING SERVICES FOR ENTERPRISE RESOURCE PLANNING (ERP) TECHNOLOGY UPGRADES

(COMMITTEE RECOMMENDED AUTHORIZING THE CONTROLLER/TREASURER TO ENTER INTO A CONTRACT WITH BARRY DUNN MCNEIL & PARKER, LLC (BARRY DUNN) FOR PHASE I OF AN ERP NEEDS ASSESSMENT, SOFTWARE DEVELOPMENT, VENDOR SELECTION, AND CONTRACT NEGOTIATIONS, AS RECOMMENDED BY STAFF)

C. UTILITY COMMITTEE

(1) REQUEST FOR STREET ABANDONMENT (IMPROVED) - TOPAZ CIRCLE STUB STREET/ADOPTION OF RESOLUTION NO. 2016-08 SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2016 AT 7:30 P.M.

(COMMITTEE RECOMMENDED MOVING FORWARD WITH THE ABANDONMENT OF THE TOPAZ CIRCLE STUB STREET, TAKING INTO CONSIDERATION THE REQUEST TO FOLLOW THE ACTIONS LISTED IN STAFF'S RECOMMENDATIONS THAT THE ABANDONMENT BE CONDITIONAL UPON UTILITY EASEMENTS AND THAT COUNCIL ADOPT A RESOLUTION SETTING A PUBLIC HEARING REGARDING THE PROPOSED ABANDONMENT FOR SEPTEMBER 12, 2016)

*** (2) ELECTRIC DEPARTMENT FEDERAL REGULATORY AUDIT REPORT (INFORMATIONAL ONLY)**

(COMMITTEE ACTION NOT REQUIRED)

*** (3) QUARTERLY REVIEW OF UTILITY RELATED CAPITAL INVESTMENT PLAN (CIP) (ELECTRIC AND WATER/WASTEWATER) (**APRIL, MAY, AND JUNE) (PRE-AUDIT)

(COMMITTEE ACTION NOT REQUIRED)

3. EVALUATION OF BIDS

A. EAST WATER STREET BRICK PROJECT (SIDEWALK REPLACEMENT ADJACENT TO CHRIST CHURCH)

(STAFF RECOMMENDS AWARDING THE CONTRACT TO SAM'S CONSTRUCTION LLC FOR THE EAST WATER STREET BRICK PROJECT, BID #17-0001PW, FOR THE AMOUNT OF $80,700.00)

B. SOUTH NEW STREET WATER MAIN REPLACEMENT

(STAFF RECOMMENDS AWARDING THE CONTRACT TO TEAL CONSTRUCTION, INC. FOR THE CITY OF DOVER NEW STREET WATER MAIN REPLACEMENT PROJECT, BID #17-0002PW, FOR THE AMOUNT OF $292,500.00)

C. MALLARD POND MULTI-USE PATH

(STAFF RECOMMENDS AWARDING A UNIT PRICE CONTRACT, BASED UPON BID #17-0003PW, FOR THE MALLARD POND MULTI USE PATH TO DIAMOND MATERIALS LLC BASED ON THE WITHOUT PREVAILING WAGE UNIT PRICES FOR EACH WORK ITEM SUBMITTED. WORK WILL BE PERFORMED IN STRICT ACCORDANCE TO THE BID SPECIFICATIONS)

D. MCKEE RUN UNIT 3 STACK REPAIRS

(STAFF RECOMMENDS APPROVING AWARD OF CONTRACT TO NAES POWER CONTRACTORS - CHIMNEY DIVISION IN THE AMOUNT OF $223,852.00. MCKEE RUN UNIT 3 STACK REPAIRS ARE TO BEGIN ON OCTOBER 3, 2016 AND BE COMPLETED ON OR BEFORE NOVEMBER 16, 2016)

4. **ADDITIONAL APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMITTEE - CHAIR OF THE UTILITY COMMITTEE**

   (COMMITTEE RECOMMENDED THE APPOINTMENT OF THE CHAIR OF THE UTILITY COMMITTEE TO SERVE ON THE ECONOMIC DEVELOPMENT COMMITTEE)

5. **PROPOSED RESOLUTION NO. 2016-09 FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE**

   (ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDED ADOPTION OF THE RESOLUTION)

6. **CLARIFICATION OF COUNCIL ACTION OF AUGUST 8, 2016 - PROPOSAL FOR DOVER PUBLIC LIBRARY TO ADOPT A SMOKE-FREE POLICY**

7. **FINAL READING - PROPOSED ORDINANCE #2016-19 WITH COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AMENDMENT #1 (CCW/LF&A #1)**

   THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF AUGUST 8, 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. **PROPOSED ORDINANCE #2016-19 WITH CCW/LF&A#1 AMENDING CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS; CHAPTER 46 - FIRE PREVENTION AND PROTECTION; AND CHAPTER 50 - FLOODS (CONSOLIDATION OF CONSTRUCTION CODE APPEALS COMMITTEE AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS)**

8. **CITY MANAGER'S ANNOUNCEMENTS**

9. **COUNCIL MEMBERS' ANNOUNCEMENTS**

10. **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

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.