# REGULAR COUNCIL MEETING
# AGENDA

**FEBRUARY 9, 2015 - 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 COUNCIL PRESIDENT BONAR**

**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. REGULAR COUNCIL MEETING OF JANUARY 12, 2015**
- **B. SPECIAL COUNCIL MEETING OF FEBRUARY 2, 2015**

**2. PRESENTATIONS**

- **A. CERTIFICATE OF CONGRATULATIONS - HOLY CROSS ELEMENTARY SCHOOL CHESS TEAM - TRI-STATE WINTER OPEN CHESS TOURNAMENT**
- **B. CERTIFIED MUNICIPAL CLERK DESIGNATION - DENISE L. DEVINE**
- **C. DELAWARE DIVISION OF THE ARCHITECTURE INSTITUTE OF AMERICA AWARD** (GREGG MOORE OF BECKER MORGAN)

**3. PROCLAMATION - BLACK HISTORY MONTH**

**4. RENEWAL OF MOTION RELATED TO FINAL READING OF PROPOSED ORDINANCE #2014-24 - REZONING REQUEST FOR PROPERTIES LOCATED AT 21 AND 27 SAULSBURY ROAD AND 983 FOREST STREET, OWNED BY FAITHWORK, LLC** (REQUEST OF COUNCILMAN PERZA)

5. **AMENDMENT TO MOTION RELATED TO DOVER POLICE DEPARTMENT - PERMISSION TO INCREASE AUTHORIZED STRENGTH OF POLICE OFFICERS FROM 92 TO 102** (REQUEST OF COUNCILMAN HUTCHISON)

6. **PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 5 WELCH DRIVE, OWNED BY FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE)**
   (STAFF RECOMMENDS: 1) DECLARING THE BUILDING ON THIS PROPERTY DANGEROUS; 2) ORDERING THE PROPERTY REPAIRED OR DEMOLISHED BY MARCH 9, 2015 BY THE OWNER OR EQUITY OWNER AT THEIR OWN RISK; 3) ORDERING THE BUILDING INSPECTOR TO CAUSE THE REPAIR OR DEMOLITION OF THE STRUCTURES IF NOT COMPLETED BY THE OWNER WITHIN 10 DAYS OF THE DATE ESTABLISHED BY CITY COUNCIL; 4) ORDERING THE CITY MANAGER WITH THE ASSISTANCE OF THE CITY SOLICITOR TO CAUSE THE COST OF REPAIRS OR DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE ADDED TO THE TAX DUPLICATE AS AN ASSESSMENT, OR TO BE LEVIED AS A SPECIAL TAX, OR TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER.)

7. **REVIEW OF VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 1370 COLLEGE ROAD, OWNED BY SARAH E. JONES**
   DURING THEIR REGULAR MEETING OF OCTOBER 27, 2014 CITY COUNCIL: 1) DECLARED THIS BUILDING AND ALL ACCESSORY STRUCTURES ON THIS PROPERTY DANGEROUS; 2) ORDERED THE PROPERTY TO BE REPAIRED OR DEMOLISHED BY NOVEMBER 27, 2014 (DATE REVISED) BY THE OWNER OR EQUITY OWNER AT THEIR OWN RISK; 3) ORDERED THE BUILDING INSPECTOR TO CAUSE THE DEMOLITION OF THE STRUCTURES IF NOT COMPLETED BY THE OWNER WITHIN 10 DAYS OF THE DATE ESTABLISHED BY CITY COUNCIL; AND 4) ORDERED THE CITY MANAGER WITH THE ASSISTANCE OF THE CITY SOLICITOR TO CAUSE THE COST OF DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE ADDED TO THE TAX DUPLICATE AS AN ASSESSMENT, OR TO BE LEVIED AS A SPECIAL TAX, OR TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER, WITH A PROVISO THAT THE DATE FOR ORDERING THE PROPERTY REPAIRED OR DEMOLISHED BE MARCH 27, 2015 WITH A REVIEW IN TWO (2) MONTHS TO ENSURE PROGRESS IS BEING MADE.
   (COUNCIL DEFERRED ACTION DURING THEIR REGULAR MEETING OF JANUARY 12, 2015)

8. **LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - DECEMBER 8, 2014**
   A. **PROPERTY TAX GOVERNANCE**
      **COUNCIL SHALL NOT RAISE THE PROPERTY TAX RATE MORE THAN 9.5% WITHOUT FIRST HOLDING A REFERENDUM ON THE PROPOSED TAX INCREASE; THIS PROVISION SHALL NOT APPLY IN THOSE YEARS WHEN A REVENUE-NEUTRAL ADJUSTMENT TO THE TAX RATE IS REQUIRED BECAUSE OF PROPERTY REVALUATION (COMPENSATION POLICY #9). THE PROPOSED POLICY WAS REVISED BY CITY COUNCIL DURING THEIR MEETING OF SEPTEMBER 22, 2014 TO INCLUDE THAT THERE BE A PROVISION IN THE DRAFTING OF THE ORDINANCE THAT COUNCIL MAY VACATE THE PROVISIONS IN TIMES OF UNFORESEEN EMERGENCIES, WITH THE STIPULATION THAT THE ORDINANCE BE REVIEWED FOUR (4) YEARS AFTER IMPLEMENTATION.**
      *(COMMITTEE FORWARDED PROPOSED FINANCIAL REFORM #9, PROPERTY TAX GOVERNANCE, TO CITY COUNCIL WITHOUT A RECOMMENDATION FOR THE PURPOSE OF HAVING A FULL DISCUSSION BY CITY COUNCIL*)
      (COUNCIL DEFERRED ACTION DURING THEIR REGULAR MEETING OF JANUARY 12, 2015)

**8. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - DECEMBER 8, 2014 (CONTINUED)**

**B. DISCUSSION - RESPONSIBILITIES AND REPORTING STRUCTURE FOR THE MAYOR AND CITY MANAGER AND CONTINUATION OF FULL-TIME STATUS FOR THE POSITION OF MAYOR**

*(COMMITTEE REFERRED THIS MATTER TO CITY COUNCIL WITHOUT A RECOMMENDATION, STIPULATING THAT ALL INFORMATION REGARDING OPTIONS A, B, & C BE PROVIDED)*

(COUNCIL DEFERRED ACTION DURING THEIR REGULAR MEETING OF JANUARY 12, 2015)

* **9. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JANUARY 12, 2015**

**A. MALLARD POND PARK CONCEPT PLAN**

*(COMMITTEE RECOMMENDED APPROVAL OF THE IMPROVEMENTS IDENTIFIED ON THE CONCEPT PLAN, NOTING THAT ALL IMPROVEMENTS BEYOND THE INSTALLATION OF PLAYGROUND EQUIPMENT WOULD BE SUBJECT TO FUNDING AVAILABILITY AND APPROVAL OF ASSOCIATED EXPENDITURES BY CITY COUNCIL)*

**B. UPDATE ON RECREATION NEEDS ASSESSMENT - PRESENTATION AND DISCUSSION OF SURVEY DATA**

*(COMMITTEE ACTION NOT REQUIRED)*

* **10. UTILITY COMMITTEE REPORT - JANUARY 12, 2015**

**A. DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE - EDEN HILL PHASE I**

*(COMMITTEE RECOMMENDED ACCEPTANCE OF THE DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE FOR PHASE I OF THE EDEN HILL SUBDIVISION, TO INCLUDE ALL OF THE REFERENCED PUBLIC IMPROVEMENTS)*

**B. TEA/NAES REPORTS (SEPTEMBER, OCTOBER, AND NOVEMBER)**

*(COMMITTEE RECOMMENDED ACCEPTANCE OF THE REPORTS)*

**C. UPDATES**

(COMMITTEE ACTION NOT REQUIRED)

* **11. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JANUARY 12, 2015**

**A. REVIEW OF TRAINING, CONFERENCE, AND TRAVEL POLICY**

*(COMMITTEE DEFERRED THIS ITEM DUE TO TIME CONSTRAINTS)*

**B. REVIEW OF EFFECTIVENESS OF THE SAFE COMMUNITIES ORDINANCE** (REQUEST OF COUNCILMAN ANDERSON)

*(COMMITTEE DEFERRED THIS ITEM DUE TO TIME CONSTRAINTS)*

**C. UPDATES**

*(COMMITTEE DEFERRED THE BELOW ITEMS DUE TO TIME CONSTRAINTS)*

**C-1. CERTIFIED LOCAL GOVERNMENT APPLICATION**

**C-2. "SAFE WHISTLES" NATIONAL RECREATION AND PARK ASSOCIATION RECOMMENDED GUIDELINES FOR CREDENTIALING VOLUNTEERS (BACKGROUND SCREENING FOR YOUTH COACHES AND SPORTS OFFICIALS FOR ALL CITY RECREATION OFFERINGS)**

**12. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - FEBRUARY 9, 2015**
***(EXCEPT FOR THE FOLLOWING TIME SENSITIVE ISSUE, THE LF&A COMMITTEE REPORT FROM FEBRUARY 9, 2015 WILL BE PRESENTED TO COUNCIL DURING THEIR REGULAR MEETING OF FEBRUARY 23, 2015 FOR CONSIDERATION)***

**A. PROPOSED ORDINANCES**

**A-1. #2015-03 AMENDING CHAPTER 102 - TAXATION, ARTICLE III - REALTY TRANSFER TAX, SECTION 102-71 - DEFINITIONS; ARTICLE IV - ABATEMENT OF REAL ESTATE TAXES, SECTION 102-113 - QUALIFICATIONS; AND ARTICLE V - TAX CREDITS FOR HISTORIC PROPERTIES, SECTION 102-152 - APPLICATION REQUIREMENTS AND SECTION 102-153 - APPLICATION REVIEW AND APPROVAL**
(SPONSORS: ANDERSON, BONAR, SLAVIN, AND TOWNSHEND)
**(SEE ITEM #19-A)**

**A-2. #2015-04 AMENDING APPENDIX C - DOWNTOWN REDEVELOPMENT**
(SPONSORS: ANDERSON, BONAR, SLAVIN, AND TOWNSHEND)
**(SEE ITEM #19-B)**

* **13. QUARTERLY REVENUE REPORT**

* **14. CONFIRMATION OF POLICE PENSION ELECTION - RET. CPL. MARTIN STALLINGS - THREE (3) YEAR TERM TO EXPIRE JANUARY 31, 2018**

* **15. MONTHLY REPORTS - DECEMBER 2014**

**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 (NOVEMBER AND DECEMBER)**
**F. FIRE CHIEF'S REPORT**
**G. POLICE CHIEF'S REPORT**

* **16. QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) *(OCTOBER, NOVEMBER, AND DECEMBER)***

* **17. APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT BONAR**

**A. CONSTRUCTION CODE APPEALS COMMITTEE - DAVID L. ANDERSON** (TO FILL THE UNEXPIRED TERM OF SEAN M. LYNN - TERM TO EXPIRE MAY 2015)

**B. PRESIDENT'S COUNSEL ON PUBLIC/PRIVATE PARTNERSHIPS AND THE FUTURE OF CITY HALL, WEYANDT HALL, FORMER DOVER LIBRARY AND OTHER CITY PROPERTIES**

**B-1. ADAM M. PERZA**
**B-2. KENNETH CLENDANIEL**

**18. FIRST READING - PROPOSED ORDINANCES**

**IT IS RECOMMENDED THAT A PUBLIC HEARING BE SCHEDULED BEFORE THE PLANNING COMMISSION ON TUESDAY, FEBRUARY 17, 2015 AT 7:00 P.M. AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR MONDAY, MARCH 9, 2015 AT 7:30 P.M. AT WHICH TIME THE SECOND READING AND FINAL ACTION BY COUNCIL WILL TAKE PLACE. COPIES OF THE PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF COUNCIL CHAMBERS OR CAN BE OBTAINED FROM THE CITY CLERK'S OFFICE.**

**A. #2015-01 AMENDING THE 2008 COMPREHENSIVE PLAN, AS AMENDED, BY REPLACING MAP 12-1: LAND DEVELOPMENT PLAN, AND AMENDING CHAPTER 13: GROWTH AND ANNEXATION PLAN**

**B. #2015-02 - REZONING REQUEST FOR PROPERTY LOCATED AT 801 NORTH STATE STREET, OWNED BY 801 GOLD COAST, LLC (LUTHER D. SHANK III). THE PROPERTY IS CURRENTLY ZONED RG-3 (GROUP HOUSING) AND THE PROPOSED ZONING IS C-2A (LIMITED CENTRAL COMMERCIAL)**
(TAX PARCEL: ED-05-068.09-01-13.00-000; PLANNING REFERENCE Z-15-01; 3RD COUNCIL DISTRICT)

**19. 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 OF THE ORDINANCES ON FEBRUARY 23, 2015. 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. #2015-03 AMENDING CHAPTER 102 - TAXATION, ARTICLE III - REALTY TRANSFER TAX, SECTION 102-71 - DEFINITIONS; ARTICLE IV - ABATEMENT OF REAL ESTATE TAXES, SECTION 102-113 - QUALIFICATIONS; AND ARTICLE V - TAX CREDITS FOR HISTORIC PROPERTIES, SECTION 102-152 - APPLICATION REQUIREMENTS AND SECTION 102-153 - APPLICATION REVIEW AND APPROVAL** *(SPONSORS: ANDERSON, BONAR, SLAVIN, AND TOWNSHEND)*
*(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)*

**B. #2015-04 AMENDING APPENDIX C - DOWNTOWN REDEVELOPMENT** *(SPONSORS: ANDERSON, BONAR, SLAVIN, AND TOWNSHEND)*
*(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)*

**20. COUNCIL MEMBERS' ANNOUNCEMENTS**

**/TM**
**S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COUNCIL-AGENDAS\2015\02-09-2015.WPD**