

REGULAR COUNCIL MEETING

AGENDA



JUNE 25, 2018 - 7:30 P.M.

**CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE**

OPEN FORUM - 30 MINUTES PRIOR TO OFFICIAL MEETING (7:00 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 BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN 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 - REGULAR COUNCIL MEETING OF JUNE 11, 2018**
- 2. PUBLIC HEARING - RESOLUTION NO. 2018-04 APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY ROBBINS HOSE COMPANY NO. 1 OF DOVER, DELAWARE**
(DEFERRED DURING THE COUNCIL MEETING OF JUNE 11, 2018)
- 3. COUNCIL COMMITTEE OF THE WHOLE REPORT - JUNE 12, 2018**
- * A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE**
- (1) PRESENTATION - SUMMER IN THE PARKS**
(COMMITTEE ACTION NOT REQUIRED)
- B. UTILITY COMMITTEE**
- (1) ANNEXATION REQUEST - 3074 NORTH DUPONT HIGHWAY, OWNED BY JESSE L. ALLEN**
(COMMITTEE FORWARDED TO COUNCIL WITH NO RECOMMENDATION)

3. COUNCIL COMMITTEE OF THE WHOLE REPORT - JUNE 12, 2018 (CONTINUED)**B. UTILITY COMMITTEE (CONTINUED)***** (2) EVALUATION OF BIDS****A. DELAWARE TECH PUMP STATION REPLACEMENT**

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO TEAL CONSTRUCTION, INC., FOR THE CITY OF DOVER DELAWARE TECH PUMP STATION REPLACEMENT PROJECT, BID #18-0025PW, FOR THE AMOUNT OF \$355,118)

B. NORTH STATE STREET WATER MAIN REPLACEMENT

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO GATEWAY CONSTRUCTION, INC., FOR THE CITY OF DOVER NORTH STATE STREET WATER MAIN REPLACEMENT PROJECT, BID #18-0028PW, FOR THE AMOUNT OF \$163,480)

C. SILVER LAKE PUMP STATION REPLACEMENT

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO TEAL CONSTRUCTION, INC., FOR THE CITY OF DOVER SILVER LAKE PUMP STATION REPLACEMENT PROJECT, BID #18-0026PW, FOR THE AMOUNT OF \$422,338)

D. WALKER WOODS PUMP STATION REPLACEMENT

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO TEAL CONSTRUCTION, INC., FOR THE CITY OF DOVER WALKER WOODS PUMP STATION REPLACEMENT PROJECT, BID #18-0027PW, FOR THE AMOUNT OF \$525,000)

E. WATER TREATMENT PLANT PROCESS IMPROVEMENTS

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO JOHNSTON CONSTRUCTION COMPANY FOR THE WATER TREATMENT PLANT PROCESS IMPROVEMENTS, BID #18-0014PW, FOR THE AMOUNT OF \$5,972,851)

*** (3) EVALUATION OF PROPOSALS****A. PUNCHEON RUN WASTEWATER ENGINEERING**

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO PENNONI ASSOCIATES FOR THE PUNCHEON RUN WASTEWATER ENGINEERING, BID #18-0023PW, FOR THE AMOUNT OF \$47,900)

B. WATER TREATMENT PLANT CONSTRUCTION SUPPORT

(COMMITTEE RECOMMENDED AWARDING THE CONTRACT TO DUFFIELD ASSOCIATES FOR THE CONSTRUCTION SUPPORT RELATED TO THE WATER TREATMENT PLANT PROCESS IMPROVEMENTS, BID #18-0018PW, FOR THE AMOUNT OF \$298,500)

*** C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE****(1) DISCUSSION - FISCAL YEAR 2018 AUDIT PROGRAM**

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE REPORT)

(2) PROPOSED AMENDMENTS TO EMPLOYEE HANDBOOK

(COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED AMENDMENTS, AS AMENDED, AND WITH THE NOTATION AND SUGGESTIONS FROM MR. SUDLER)

A. CITY OF DOVER PERSONNEL POLICY, ARTICLE VII - ETHICAL CONDUCT**1. SECTION 6 - HARASSMENT AND DISCRIMINATION****2. SECTION 7 - ACCEPTABLE USE OF COMMUNICATIONS AND COMPUTER SYSTEMS (NEW)**

3. COUNCIL COMMITTEE OF THE WHOLE REPORT - JUNE 12, 2018 (CONTINUED)

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

(2) PROPOSED AMENDMENTS TO EMPLOYEE HANDBOOK (CONTINUED)

A. CITY OF DOVER PERSONNEL POLICY, ARTICLE VII - ETHICAL CONDUCT (CONTINUED)

3. SECTION 8 - SOCIAL NETWORKING: PERSONAL ONLINE/INTERNET CONTENT POLICY (NEW)

(COMMITTEE RECOMMENDED THAT THE PROPOSED NEW SECTION 8. SOCIAL NETWORKING: PERSONAL ONLINE/INTERNET CONTENT POLICY, SUBPARAGRAPH 3, BE AMENDED TO STRIKE THE WORD "MORALE")

4. SECTION 9 - PREGNANT WORKERS FAIRNESS ACT GUIDELINES (NEW)

(3) PROPOSED AMENDMENTS TO APPENDIX B - ZONING

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED AMENDMENTS)

A. TEXT AMENDMENT: CREATION OF IPM3 ZONE (INDUSTRIAL PARK MANUFACTURING - INDUSTRIAL AVIATION AND AERONAUTICS CENTER)(MI-18-05) AMENDING ARTICLE 3 - DISTRICT REGULATIONS, (NEW) SECTION 20B - INDUSTRIAL PARK MANUFACTURING ZONE - INDUSTRIAL AVIATION AND AERONAUTICS CENTER (IPM3) AND SECTION 24 - PLANNED NEIGHBORHOOD DESIGN OPTION [(PND)]; ARTICLE 4 - ZONING BULK AND PARKING REGULATIONS, SECTION 4.16 - M, IPM ZONES; ARTICLE 5 - SUPPLEMENTARY REGULATIONS, SECTION 8 - PERFORMANCE STANDARDS; AND ARTICLE 12 - DEFINITIONS (SEE ITEM #7-A)

B. TEXT AMENDMENT: REPLACEMENT OF MAXIMUM PARKING REQUIREMENT (MI-18-06) AMENDING ARTICLE 4 - ZONING BULK AND PARKING REGULATIONS, SECTION 4.15 - [C-3, C-4, R-C, IO, AND CPO ZONES.] AND SECTION 4.16 - M, IPM ZONES; AND ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES, SECTION 3 - REQUIRED OFF-STREET PARKING SPACES (SEE ITEM #7-A)

C. TEXT AMENDMENT: VEHICLE SIGNS (MI-18-07) AMENDING ARTICLE 5 - SUPPLEMENTARY REGULATIONS, SECTION 4 - SUPPLEMENTARY SIGN REGULATIONS (SEE ITEM #7-A)

*** D. COUNCIL COMMITTEE OF THE WHOLE (ALL MEMBERS OF ALL COMMITTEES)**

(1) UPDATE ON 2019 COMPREHENSIVE PLAN PROJECT

*** 4. BOARD OF ASSESSMENT APPEALS EXEMPTION REPORT - MAY 29, 2018**

A. CENTRAL DELAWARE HABITAT FOR HUMANITY

(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTIONS)

(1) 26 NORTH NEW STREET

(2) 120 NORTH KIRKWOOD STREET

(3) 18 NORTH NEW STREET

(4) 15 NORTH NEW STREET

B. NCALL

(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTIONS)

(1) 20 NORTH KIRKWOOD STREET

(2) 22 NORTH KIRKWOOD STREET

(3) 26 NORTH KIRKWOOD STREET

(4) 28 NORTH KIRKWOOD STREET

- * 4. **BOARD OF ASSESSMENT APPEALS EXEMPTION REPORT - MAY 29, 2018 (CONTINUED)**
- B. NCALL (CONTINUED)**
- (5) 43 SOUTH KIRKWOOD STREET
(6) 45 SOUTH KIRKWOOD STREET
(7) 20 SOUTH QUEEN STREET
(8) 60 SOUTH QUEEN STREET
(9) 18 SOUTH QUEEN STREET
- C. BRANDYWINE VALLEY SPCA, INC.**
(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTION)
(1) 1757 HORSEPOUND ROAD
- D. DOVER CHURCH OF CHRIST**
(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTION)
(1) 1156 SOUTH GOVERNORS AVENUE
- E. THE SALVATION ARMY**
(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTION)
(1) 1278 FORREST AVENUE
- F. WILMINGTON UNIVERSITY**
(BOARD TOOK NO ACTION)
(1) 3282 NORTH DUPONT HIGHWAY
(2) 3282 NORTH DUPONT HIGHWAY (REAR)
- G. CALVARY BAPTIST CHURCH OF DOVER**
(BOARD RECOMMENDED CONTINUATION OF THE EXEMPTION)
(1) 2285 FORREST AVENUE
- H. DELAWARE STATE UNIVERSITY**
(BOARD RECOMMENDED CONTINUATION OF THE EXEMPTION)
(1) 1200 NORTH DUPONT HIGHWAY (PORTION)
5. **RESOLUTION NO. 2018-05 AUTHORIZING THE SALE OF UP TO \$18,000,000 ELECTRIC REVENUE REFUNDING BONDS OF THE CITY OF DOVER**
- * 6. **APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - DANA T. SHELTON - SAFETY ADVISORY AND TRANSPORTATION COMMITTEE - ONE-YEAR TERM TO EXPIRE MAY 2019**
7. **FIRST READING - PROPOSED ORDINANCE #2018-06 - ZONING TEXT AMENDMENTS**
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 JULY 16, 2018, AND THAT A PUBLIC HEARING BE SET FOR AUGUST 27, 2018 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. AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS; ARTICLE 4 - ZONING BULK AND PARKING REGULATIONS, ARTICLE 5, SUPPLEMENTARY REGULATIONS, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES, AND ARTICLE 12 - DEFINITIONS**
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

8. FINAL READING - PROPOSED ORDINANCE #2018-05

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF JUNE 11, 2018. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS AND ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

A. 2018/2019 CITY OF DOVER BUDGET ORDINANCES**9. CITY MANAGER'S ANNOUNCEMENTS****10. COUNCIL MEMBERS' ANNOUNCEMENTS****11. 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.