

## COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on September 26, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:01 p.m.), Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell. Mr. Sudler was absent. Mayor Christiansen (arrived at 6:01 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Garfinkel and Mr. Shelton (*Safety Advisory and Transportation*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

### LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Hare presiding.

#### AGENDA ADDITIONS/DELETIONS

**Mr. Neil moved for approval of the agenda, seconded by Mr. Lewis and unanimously carried.**

#### **Proposed Ordinance #2017-13 Amending Appendix B - Zoning, Article 3 - District Regulations; Article 5 - Supplementary Regulations; and Article 12 - Definitions (Adult Day Care Provisions) (Sponsors: Neil and Hugg)**

Mr. David Hugg, Acting Director of Planning and Community Development, informed members that the proposed ordinance was a result of the Planning Department's continuing process of looking at ordinances and identifying things that need to be fixed as well as omissions. He explained that a couple of months ago a woman inquired about opening an adult day care center and staff's first reaction was that it was a pretty good idea; however, staff then determined that there was no way that she could open an adult day care center under the existing City Code of Ordinances. Mr. Hugg noted that, while drafting the proposed ordinance, staff reviewed the State law to determine how it relates to the City's ordinance. Mr. Hugg stated that the proposed ordinance would create a new section to address adult day care facilities and clarify language in the existing ordinance as it relates to day care facilities for children.

Staff recommended adoption of Ordinance #2017-13.

**Mr. Neil moved to recommend adoption of Ordinance #2017-13, seconded Mr. Shevock and unanimously carried.**

**Mr. Neil moved for adjournment of the Legislative, Finance, and Administration Committee meeting. The motion was seconded by Mr. Shevock and unanimously carried.**

Meeting adjourned at 6:03 p.m.

### SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Chairman Lewis presiding.

**AGENDA ADDITIONS/DELETIONS**

**Mr. Neil moved for approval of the agenda, seconded by Mr. Garfinkel and unanimously carried.**

**Request for Letter of Support - Seatbelts for School Buses (Janetta Guinn)**

Ms. Janetta Guinn, 749 Slaughter Street, expressed concern that there were not seatbelts on school buses, noting that she hears about accidents on school buses every day on the news. She informed members that she had been trying to get somebody to help her with this proposal.

Mr. Slavin reminded members that Ms. Guinn had attended a recent Council meeting to request Council's support in sending a letter to the legislature, and this item was placed on the Committee's agenda for that purpose. Mr. Slavin stated that he thought that it was a wonderful idea and something that he supports.

Mr. Slavin moved to recommend that Council proceed with drafting a letter of support for seatbelts for school buses to the City's delegation in both the State House of Representatives, and the Delaware State Senate, seconded by Mr. Garfinkel.

Mr. Neil stated that he was concerned because it had not been done and he thought that safety issues for vehicles had been looked at for many years. He explained that he was not certain that he would have the expertise to say that there was a reason not have seatbelts, noting that he thought that there would be complications in terms of whether children would be able to get in or out of the safety belts, in case of emergency. Mr. Neil stated that he thought that this matter should be looked at by safety experts who deal with vehicles. He noted that, while he thought it was a wonderful idea to do anything to protect school children riding in public buses, it is something that may be beyond members' expertise to decide.

Mr. Anderson informed members that, when he had looked at this particular issue years ago, there was a lot of controversy because school buses are made with compartmentalization, which has worked extraordinarily well. He stated that they are the safest vehicles in America, noting that buses over 10,000 pounds have the lowest injury rate of any form of advanced transportation. Mr. Anderson advised that there is an argument that compartmentalization works better than seatbelts, without the hassle. He stated that one (1) of the reasons why the National Transportation Safety Board did not require seatbelts on larger buses or make that recommendation was because there were concerns that students may be in a position to be strangled if a bus overturned, explaining that there would not be enough time for one (1) adult to go through and get all of the students off the bus. Mr. Anderson indicated his belief that some states had adopted seatbelt requirements for buses anyway, and he did not think that there had been any evidence that having seatbelts on the buses increased the risk, particularly if there are at least three (3) points. He stated that he had not seen any reason to believe that they increase the danger; however, he would personally like to find out what the experts at the Delaware Department of Transportation (DelDOT) think. Mr. Anderson indicated that if seatbelts do not increase the danger, he thought that the matter would be worth looking at. He stated that it is an interesting subject; however, it is not a slam dunk because of the way school buses are designed.

Mr. Slavin stated that the National Highway Transportation Safety Administration did make a recommendation, in late 2015, that all new school buses should have seatbelts. He informed members that currently 19 states had legislation before their legislatures debating this issue. Mr. Slavin noted that he did not want to get lost in the bureaucracy, compartmentalization, and whether cars or buses are safe, explaining that he wanted to focus on whether the kids are safe. He stated that the import of this conversation was about a letter from this body saying that they are interested in this issue because children in the community ride on its roads, and members want to make sure that the community has the safest possible way to do this.

Mr. Polce advised members that he also did some research on this topic and found that 19 states do in fact have legislation in front of them, six (6) currently require seatbelts and three (3) of those six (6) have provisions in the language that would simply state “when we have the money.” He stated that, on average, it costs \$7,000 - \$10,000 for every bus to be equipped with seatbelts, and the average total cost of a bus is approximately \$80,000 - \$120,000, noting that he did not like the \$30,000 variance when talking finance.

Mr. Polce suggested that the appropriate entity to send the letter to would be the local education agencies (LEAs), since the LEAs are truly tasked with issues such as this. He explained that Capital School District is the school district that all the schools in Dover fall in; however, that does not necessarily mean that, for instance, Lake Forest or Milford School Districts would take up the same cause. Mr. Polce noted that Delaware has numerous LEAs, including 19 public school LEAs, as well as those for charter schools, and he thought it would be an appropriate course of action to include them in the City’s letter.

Mr. Hare expressed concern regarding who would be responsible for ensuring that five- and six-year old children get strapped in when they get on the bus. He asked if the parents or the bus driver would be responsible. In response, Ms. Guinn stated that when her granddaughter was three (3) years old she knew how to unbuckle and buckle her seatbelt, noting that most three-, four-, and five-year old children know how to buckle and unbuckle their seatbelts. Mr. Hare explained that his granddaughter is special ed and did not really know how to buckle and unbuckle her seatbelt until she was nine (9). He stated that this was his only concern and he did not have a problem with recommending it; however, he noted that there would be a lot of issues that would come up. Ms. Guinn noted that there is always an aide on that particular bus and no more or less than 10 or 12 kids. She stated that the majority of the other school buses do not have aides on them.

Mr. Lindell stated that he agreed with the concept for safety purposes; however, he was concerned about not starting at the local education district level in pursuing this issue, because they are the ones who ultimately have to foot the costs of the bill. He indicated that he thought that Mr. Polce’s solution of addressing the letter to the local education agencies would be a good start and a reasonable compromise.

**By unanimous consent, the motion was amended to reflect that the letter would be addressed to the local education agencies.**

Mr. Shelton stated that he thought this was a great idea. He advised members that he had an opportunity to talk to a few bus drivers who worked at the Lake Forest School District to get their opinion on this, and everyone thinks it is a great idea; however, a couple of questions came up about who would make sure that everybody is buckled up. Mr. Shelton indicated that the bus drivers he spoke to said that making sure everyone is buckled up would be an issue because most bus drivers do not have a second person on their bus, so someone would have to be hired to make sure that all of the students are fastened and buckled in. He noted that another issue that was raised was how the bus drivers would be able to get to each student and get them out if there was an accident, especially if the bus was on fire, because young people get very anxious trying to get out. Mr. Shelton indicated that the bus drivers thought that the seatbelts may cause more of a problem than they are actually taking care of. He advised that the bus drivers were concerned about how they would manage seat belts, in addition to their current responsibilities. Mr. Shelton indicated that he thought that the matter really needed to be looked at on the local level, and that the City should make the local level aware and have them come back and possibly make a recommendation from there.

Mr. Garfinkel informed members that his granddaughter is small, so by law he has to put her in a car seat, explaining that it is very dangerous for a small child to be in a seatbelt. He noted that school districts are going to transport pre-K through second grade children who are all about that same size and, by law, need car seats. Mr. Garfinkel asked Ms. Guinn how her observation would reconcile with that and if she was talking about actually having car seats. In response, Ms. Guinn stated that they would have safety seats on the bus too, and noted there are normally aides on the buses for pre-K, kindergartners and toddlers, who can help out with unbuckling seatbelts. She reiterated that regular buses do not have aides but that most five- and six-year-old children know how to unbuckle and buckle a seatbelt. Ms. Guinn stated that her granddaughter comes home every day singing the safety song about fire and buckling up her seatbelt, noting that kids are smart these days and know these types of things.

Mr. Lewis stated that he agreed with Mr. Slavin, explaining that he thought that members needed to put the safety of children first. He reminded everyone that this was only a letter of recommendation and things would probably be ironed out as it progresses.

**The motion to recommend that Council proceed with drafting a letter of support for seatbelts for school buses to the local education agencies was unanimously carried.**

**Prioritization of City of Dover State Capital Transportation Program (CTP) Projects**

Mr. David Hugg, Acting Director of Planning and Community Development, advised members that each year City Council develops priorities for road improvements to be forwarded to the Secretary of Transportation and the Dover/Kent Metropolitan Planning Organization (MPO) for consideration in the department's Capital Transportation Plan (CTP). He noted that sometimes the projects that the City believes are a high priority show up in the list and sometimes they do not, but each year the City is offered an opportunity to suggest some projects. Mr. Hugg informed members that the way that the process works is that the City Manager and the City Planning Director compose a list, consult with the Public Works Department and the Police Department, and then bring a recommendation to the Safety Advisory and Transportation Committee and, ultimately, City Council, which gets forwarded to the MPO.

Mr. Hugg reviewed the 2017 Transportation Priorities, noting that, in most cases, the list was the same as the previous year; however, there were a couple of changes. He advised that the Crawford Carroll Avenue Extension was moved up in the priority list, from number eight (8) on the City's 2016 list, to number four (4). Mr. Hugg explained that this change reflected a lot of the new activity that is going on at Delaware State University, as well as some activity that staff believes will occur in that general corridor. He stated that staff also added West Street to the priority list to make DelDOT and the MPO aware that it is an important road segment, noting that it was not on the City's list last year, although it is in the CTP. Mr. Hugg informed members that project #7 - Kings Highway/Route 13 Intersection Improvements was also added to the list, explaining that it is an intersection that is going to be much more heavily impacted as the commercial development from Division Street to Kings Highway occurs in that general area.

Staff recommended approval of the recommended priority ranking for the coming year.

Mr. Hare noted that the curbs were complete on Wyoming Avenue and asked when paving would begin, noting that he had been receiving a lot of calls. Responding, Mrs. Mitchell advised that they were getting ready to begin paving.

Mr. Lindell stated that he only had one (1) concern. He explained that he was happy to see the Kenton Road Corridor Upgrades up to number two (2) on the list; however, he recalled that when the Kenton Road Corridor was discussed during a previous meeting, Mr. Sudler brought up College Road, from McKee to Kenton Roads as well. Mr. Lindell explained that he was concerned that the Kenton Road Corridor Upgrades was listed as number two (2) on the City's priority list; however, the College Road Corridor Upgrades (Kenton Road to McKee Road) was listed as number six (6). He noted that the College Road Corridor Upgrades was in the CTP as priority #77; however, the City's fifth priority on the list was in the CTP as priority #100. Mr. Lindell indicated that he thought that the Kenton Road and College Road Corridor Upgrades would be more closely linked together.

In response to Mr. Lindell, Mr. Hugg stated that the priority numbers are the priorities that the MPO assigns through their rating system which includes a variety of things, such as traffic volume, safety, accident numbers, sight distance, the age of the road, as well as economic development opportunities. He explained that the MPO ranking and the City's ranking do not always correspond. Mr. Hugg stated that he thought that the rationale behind putting Kenton Road where it was on the list was that the City is seeing a lot of development on the west side of the City. He explained that while College Road is also an impacted road, the traffic volumes and safety issues are greater on Kenton Road. Mr. Hugg informed members that it is a subjective process. He stated that there is no guarantee that DelDOT or the MPO will do anything other than thank the City for sending its list, noting that at least the City has the opportunity to have specific input, in addition to the normal transportation planning process.

Mr. Lewis thanked Mr. Hugg for his vigilance in putting this together.

**Mr. Neil moved to recommend approval of the priority ranking for the coming year, as recommended by staff. The motion was seconded by Mr. Hare and unanimously carried.**

**Mr. Neil moved for adjournment of the Safety Advisory and Transportation Committee meeting, seconded by Mr. Cole and unanimously carried.**

Meeting adjourned at 6:23 p.m.

**Mr. Hare moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Lewis and unanimously carried.**

Meeting adjourned at 6:24 p.m.

Timothy A. Slavin  
Council President

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