

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on October 28, 2025, at 6:00 p.m. with Council President Neil presiding. Members of Council present were Mr. Anderson, Ms. Arndt, Mr. Boggerty, Ms. Hall, Dr. Pillsbury (via WebEx), Mr. Rocha, and Dr. Sudler. Mr. Lewis was absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Dr. Jackson (via WebEx), and Ms. Smack (*Safety, Advisory, and Transportation*), Mr. Iriowen, and Mr. Wilson (*Utility*), Mr. Garfinkel, and Mr. Shevock (*Legislative, Finance, and Administration*).

ADOPTION OF AGENDA

Ms. Arndt moved for adoption of the agenda, seconded by Mr. Anderson and unanimously carried.

SAFETY, ADVISORY, AND TRANSPORTATION COMMITTEE

The Safety, Advisory, and Transportation Committee met with Chairman Boggerty presiding.

Adoption of Agenda

Ms. Arndt moved for adoption of the agenda, seconded by Mr. Rocha and unanimously carried.

City of Dover Infrastructure Modernization Project (Joseph Simmons, Information Technology Director)

Mr. Joseph Simmons, Information Technology Director, reviewed the presentation entitled “Redundancy, Performance, Scalability, Resiliency, and Ease of Use”.

This item was informational; committee action was not required.

Responding to Mr. Neil, Mr. Simmons stated that the information he presented is regarding the backbone of the system and would help with any performance issues with Tyler, and any backup concerns.

Responding to Ms. Arndt, Mr. Simmons estimated that they received about \$285,000 in grant funding. He noted that a majority of the project would be funded by the grant money that was already awarded. He explained that the funding was forwarded to the State of Delaware, and he would not have to wait for the federal funding to begin the project.

Responding to Ms. Arndt, Mr. Simmons emphasized that the goal is to have the project completed by 2026. He explained that by doing the upgrades, the city will be less likely to need any upgrades for five to seven more years.

Quality of Life Enforcement Initiative Final Report (Thomas Johnson, Chief of Police)

Thomas Johnson, Chief of Police, reviewed the background and analysis of the Quality-of-Life Enforcement Initiative.

This item was informational; committee action was not required.

Responding to Ms. Arndt, Chief Johnson confirmed that under the Quality-of-Life Initiative, only twelve percent of charges were upheld. Chief Johnson noted that, as law enforcement, they input all arrests and events into a criminal justice portal. This system records event details such as dates, times, people involved, and charges. Later, as the court disposes of these events, the results are transmitted back to the police department. He mentioned that they do not have the comprehensive view that the Department of Justice maintains of the individual before the court. Therefore, if a case is settled with the individual pleading guilty to one charge and the other charges being nolle prossed in exchange for this plea, that information is reflected accordingly. He explained that when a person faces four charges, they might plead guilty to two, with the remaining two being dismissed, which is reflected in the data. The Department of Justice can see that the individual was charged with criminal trespassing in Dover, but also has five other open cases in different jurisdictions. He noted that this situation can leave property owners feeling dissatisfied that their case wasn't prosecuted fully, which is a consequence of the system.

Responding to Ms. Arndt, Chief Johnson stated that when a lower-level violation occurring in Dover is used as leverage to secure a plea for a different charge elsewhere, it raises questions about whether that approach reflects true justice. He noted that changing such systemic practices to achieve the desired accountability and measurable outcomes would be a long and difficult process. He added that it is challenging to demonstrate accountability when enforcement actions involve chronic offenders who frequently reoffend.

Ms. Arndt noted that there are a lot of referral services and not enough resources, which causes a huge disconnect.

Responding to Dr. Sudler, Dennis Kelleher, Deputy Attorney General, explained that comparing Dover's conviction rates to the Department of Justice's can be misleading. Even when defendants face multiple similar charges, probation or minor penalties are often the result, regardless of the number of counts, meaning dismissals typically occur as part of the plea agreements, not because cases are disregarded. He emphasized that low-level offenses yield proportionate sentences and that systemic challenges such as homelessness, mental health, and substance abuse cannot be solved solely through the criminal justice system. He explained that the Department of Justice remains committed to collaboration with Dover Police and other partners to address the complex, statewide issues.

Responding to Dr. Sudler, Mr. Kelleher said that both he and the Department of Justice believe that decisions about whether to arrest someone or put them into intervention diversion should be made locally. He pointed out that officers who interact directly with an individual are in a better position to determine if they would benefit from services or if an arrest is necessary.

Mayor Christiansen thanked the men and women of the Dover Police Department for their hard work day in and day out. He noted that there needs to be consequences for people who commit crimes and there must be accountability for their actions. He explained that they tried to compassionately offer services to the people that they encountered during the Quality-of-Life

Initiative. He stated that as a community, they must be compassionate without enabling people to be in the current conditions and affecting the community the way that they are.

Responding to Mr. Rocha, Watara Heath, Behavioral Health Specialist, stated that there has been a contract to administer mental health treatment as well as substance abuse treatment within the Department of Corrections for the last ten years. When they know someone is being committed, they will often reach out to the Department of Corrections to provide the individual's background and initiate the process. Often, individuals are not forthcoming with certain concerns or health issues that they may have. The goal is that they will be discharged to a residential program or an outpatient program, but all of that is voluntary.

Responding to Mr. Rocha, Ms. Heath confirmed that there are supposed to be pathways that they enter, which include individualized therapy and group therapy following assessments to see what the needs of the individual are. However, the individual must be willing to accept the services, and often they see people serving their time and are released back to where they were to begin with. After they initially reach out before intake, they are not provided with whether the individual planned to participate in treatment, if they are being discharged in the area, or if they were set up for certain outpatient services. Often, people are released, unhoused, and have no follow-up appointment for services beyond incarceration. They have spent a significant amount of time sober and then become a high risk for a fatal overdose because they believe they can use the same amount of the same drug that they were using before incarceration.

Responding to Mr. Rocha, Ms. Heath stated that she is unsure why there are no incentive programs that strongly encourage them to participate, or there would be consequences. She noted that in 2008, when she first started in the field, there were consequences and court-ordered treatment. She worked in court-ordered rehab where they addressed mental health and substance abuse over six to eighteen months after being released from the Department of Corrections to their facility. If someone in the diversion program violated or tested positive for a substance, after about three times, they would be violated but not sent back to the Department of Corrections; they would be sentenced to a residential program. She explained that from her experience, the treatment was more effective. People had longer recovery times and fewer relapses. Relapses happened, but there were fewer of them. Also, things have changed with insurance policies, and companies are not being paid what they used to be paid. The longest in the State of Delaware that an individual can receive is thirty days, which is an issue within itself. Something has changed over the last fifteen years, and the funding is not there for individuals to get adequate treatment that they need.

Mr. Boggerty recalled working for Connections and offering programs such as Welfare to Work, which offered benefits based on their participation and job readiness. If provided services to help them remain sober and aid them in progressing through careers.

Responding to Ms. Hall, Mr. Kelleher explained that trespassing is a low-level offense. Trespass in the third degree, which involves being on property that is not a residence, typically results in a fine; trespass in the second degree, involving a building that is not a home, carries a maximum penalty of 30 days in jail but often results in a fine or minimal probation for first offenses. Trespass in the first degree applies to entering an occupied residence. He noted that while such cases are

prosecuted, the existing laws limit sentencing options. He emphasized that addressing the issue would require changes to current laws.

Responding to Ms. Hall, Mr. Kelleher stated that there are restrictions on what the city council can do with passing ordinances with serious penalties under an ordinance-only offense. He noted that most of what the city is dealing with are state statutes, which the city council does have the ability to lobby state legislators to change penalties.

Mr. Anderson thanked Chief Johnson and everyone at the Dover Police Department. He noted that although not all the problems were solved, it definitely made a difference.

Responding to Mr. Anderson, Mr. Kelleher stated that any state official would say that adding more prosecutors would be helpful. Reducing any particular prosecutor's caseload allows them to spend more time on a particular case, which could provide better outcomes. He noted that case load varies widely depending on the court and the seriousness of the charges.

Responding to Mr. Anderson, Mr. Kelleher stated that there would be an effect on the ability to handle some of the lower-level crimes, but it would not make a significant dent in the issues the city is facing. If there were more prosecutors, they could try more criminal trespassing cases. The real impact of having more prosecutors would be obtaining better outcomes on more serious cases.

Responding to Mr. Anderson, Mr. Kelleher stated that the difference between trespassing and what is considered burglary in state law is whether the person intended to commit a crime. Therefore, if there is a homeless person who breaks into a building to sleep, then you cannot make a burden out of the case. If they have broken into a building and they are confronted by the owner and they commit a crime there, then they would be charged with a crime and burglary, which would allow for more serious offenses.

Responding to Mr. Anderson, Mr. Kelleher stated that the crime could be considered on a case-by-case basis. If it can be proven that they broke into the building and intended to commit any crime, then it could become a burglary case.

Responding to Mr. Anderson, Mr. Kelleher stated that referrals to the Dover Hope Zone and drug court are fairly regular conditions of a plea to any degree of offense. They are either directed to jail and then probation or straight to probation, and then they engage in substance abuse programs and follow the recommended treatment. The follow-up is done by the Department of Corrections in partnership with various subcontractors.

Responding to Mr. Boggerty, Mr. Kelleher stated that while everything he listed are crimes, they are not serious crimes. All trespassing offenses are misdemeanor crimes that are low-level offenses with minimal penalties. If the same person is repeatedly breaking into the same building, their bail conditions should address the concerns because they are often ordered not to have contact with the property. The difference between burglary and trespassing is that they do not just intend to break in but they intend to commit a different crime inside. Typically, people think of burglary as someone breaking in to steal something. The breaking in is part of the crime, but the intent to

commit a subsequent offense in the building is what converts it from a misdemeanor offense to a felony.

Responding to Mr. Boggerty, Mr. Kelleher stated that the state legislature would have to address the fact that someone is a habitual trespasser on numerous properties and not just one property, thereby avoiding prosecution.

Responding to Dr. Sudler, Chief Johnson explained that Chapter 22, Title 16, Section 2211 of Delaware law provides a mechanism for involuntary treatment related to substance abuse, similar to the existing mental health provisions allowing immediate intervention when an individual poses a risk to themselves or others. However, he noted that this section has never been made operational due to the absence of necessary procedures and infrastructure. He stated that, if implemented, the law could allow law enforcement or medical providers to refer individuals at imminent risk, such as those facing a potentially fatal overdose, for mandatory evaluation and treatment until a professional determines it is safe for them to be released.

Responding to Dr. Sudler, Mr. Kelleher stated that, as a community member, he does believe that there are people who are such a danger to themselves that taking their free will away from them in order to force them into treatment is an appropriate approach. However, there are significant concerns for people's constitutional rights, and where the balance falls is hard to say.

Responding to Mr. Rocha, Mr. Kelleher stated that there is a big difference in the law between breaking into a dwelling or a building. A building is any structure, whether it is an occupied commercial facility or commercial property for rent; it is still a building. A dwelling is defined in the law as a building where someone ordinarily lodges overnight. If someone breaks into your house that you are living in, that is burglary in the second degree, which is a serious felony offense. Arguments have been made about whether there is a dwelling, but nobody is actually living in it. Whether it is new construction or just a house where someone moved out and it is on the market, but there is no one living there, that is now a building and not a dwelling.

Responding to Mr. Rocha, Mr. Kelleher stated that the property damages would be written into the resolution. Burglary does not have a dollar amount. But if criminal mischief is committed, it does go up in severity depending on the value of the damage that is done.

Responding to Mr. Neil, Mr. Kelleher stated that he disagreed with the characterization of himself as an enabler. He noted that they have a structure, they operate within that structure, and there are certain penalties provided by the state law for certain offenses. He explained that over the course of his career, he has done everything he can to ensure people who commit crimes are held responsible for their actions. However, if all they are committing are offenses that the state law views as fairly minor, there is only so much they can do.

Ms. Smack noted that Mr. Kelleher cannot be held responsible for what is being seen in the city. She suggested going to the state level, like Chief Johnson has recommended before. She also recommended looking into scholarships that get people who want to get sober out of Dover to utilize those resources.

In closing, Chief Johnson stated that the prosecutor's office and the police department share the same frustrations. There are so many things that impact the conditions that they are trying to address at the local level that begin at the state level. What the substance of the law says, what the attached penalties are, what the formula for recidivism is, whether it is the same offender in multiple places, or whether it is the same offender. The judges have their formulas for sentencing guidelines, and until the state tells the judges to change their formula, there is nothing the police department or the Department of Justice can do.

Mr. Boggerty moved for adjournment of the Safety Advisory and Transportation Committee meeting, hearing no objection the meeting adjourned at 7:56 p.m.

UTILITY COMMITTEE

The Utility Committee met with Chairman Rocha presiding.

Adoption of Agenda

Ms. Arndt moved for adoption of the agenda, seconded by Ms. Hall and unanimously carried.

Evaluation of Proposals – SCADA Equipment Upgrade (Jason Lyon, Water & Wastewater Director)

Mr. Jason Lyon, Water & Wastewater Director, reviewed the background and analysis of the evaluation of proposals for the SCADA Equipment Upgrade.

Staff recommended awarding the contract to Avista for the SCADA Equipment Upgrade, RFP #26-0002WW, for the amount of \$480,613.

Dr. Sudler moved to recommend accepting the staff recommendation to award the contract to Avista for the SCADA Equipment Upgrade, RFP #26-0002WW, for the amount of \$480,613. The motion was seconded by Mr. Boggerty and unanimously carried.

Sole Source Procurement – Cartanza RTU/RTAC Replacement (EE2602) (Paul Waddell, Electric Director)

Mr. Paul Waddell, Electric Director, reviewed the background and analysis of the sole source procurement for the Cartanza RTU/RTAC Replacement (EE2602).

Staff recommended approval of the sole-source procurement of SEL RTU/RTAC hardware and associated engineering services for Project EE2602.

Ms. Arndt moved to recommend approval of the staff recommendation for the sole source procurement for project EE2602. The motion was seconded by Ms. Hall and unanimously carried.

Sole Source Procurement – ABB to SEL Relay Replacement (Paul Waddell, Electric Director)

Mr. Paul Waddell, Electric Director, reviewed the background and analysis of the sole source procurement for the ABB to SEL Relay Replacement.

Staff recommended approval of the sole-source procurement of SEL relay hardware and services for Project EE2615.

Ms. Hall moved to recommend approval of the staff recommendation of the sole source procurement for the SEL relay hardware for project EE2615. The motion was seconded by Ms. Arndt and unanimously carried.

Mr. Rocha moved for adjournment of the Utility Committee meeting, hearing no objection the meeting adjourned at 8:05 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Adoption of Agenda

Mr. Neil moved for adoption of the agenda, seconded by Ms. Hall and unanimously carried.

County and Municipal General Pension Plan Update (Naomi Poole, Human Resources Director, Patricia Marney, Controller/Treasurer, David S. Hugg, III, City Manager)

Ms. Naomi Poole provided a brief update on the status of the County and Municipal General Employee Pension Plan.

Ms. Poole noted that the staff conducted a survey to assess employee interest in joining the State Pension Plan. Of approximately 240 eligible employees, 66 responded, with 53% expressing interest in the pension plan and 47% preferring to retain the current plan. As results showed no clear consensus, it was recommended that meetings be held with all union presidents over the coming weeks to discuss the pension option, its implications, and its alignment with existing contracts, which currently include provisions for the City's 401(a) and 457 plans. Following these discussions, staff will determine whether there is a collective interest in pursuing the pension plan and will provide an update and documentation outlining next steps.

This item was informational; committee action was not required.

Review of The People's Community Center Economic Development Fund Application (Councilwoman Hall and David S. Hugg, III, City Manager)

Councilwoman Hall and Mr. David S. Hugg, III, City Manager, reviewed the background and analysis regarding the People's Community Center's Economic Development Fund application.

It was recommended to approve the People's Community Center Economic Development Fund application.

Responding to Mr. Neil, Mr. Hugg stated that one of their questions is what their goal is and how they are going to measure it.

Mr. Anderson noted that workforce development is an important part of economic development. He emphasized the importance of making sure the constituents are trained for the jobs that are being attracted to the area.

Dr. Sudler moved to recommend referring the application back to staff and that it be brought back before the committee by the end of the year. The motion was seconded by Ms. Arndt and unanimously carried.

Proposed Ordinance #2025-18 – Amending Chapter 2 – Administration, Article V – Finance, by adding Sec. 2-427 – New Vehicle Billable Rates (Jason Lyon, Water & Wastewater Director)

Mr. Jason Lyon, Water and Wastewater Director, reviewed the background and analysis regarding the Proposed Ordinance #2025-18.

Staff recommended forwarding Proposed Ordinance #2025-18 to council for approval. Once adopted, staff would implement new billable rates within thirty (30) days.

Dr. Sudler moved to recommend approval of the staff recommendation to forward Proposed Ordinance #2025-18 to council for approval, and once adopted, staff will implement new billable rates within thirty days. The motion was seconded by Mr. Shevock.

Responding to Mr. Garfinkel, Mr. Lyon stated that, for example, if a fire hydrant were damaged, there is generally a police report done, insurance is taken, and the individual department would put together the costs. That would then be sent over to Customer Service, who would bill the entity that needs to pay for the damage. Typically, it is the insurance company. The same process would be used for collections as is done with any utilities.

Responding to Mr. Garfinkel, Ms. Marney noted that very rarely do the charges go to collections because they are often paid by the insurance companies.

Dr. Sudler moved to recommend approval of the staff recommendation to forward Proposed Ordinance #2025-18 to council for approval, and once adopted, staff will implement new billable rates within thirty days. The motion was seconded by Mr. Shevock and unanimously carried.

Proposed Ordinance #2025-20 – Amending Chapter 106 – Traffic and Vehicles, Article I – In General, by adding Sec. 106-18 – Strictly Enforced (Councilman Anderson, and Chief Johnson)

Councilman Anderson and Chief Johnson reviewed the background and analysis regarding the Proposed Ordinance #2025-20.

It was recommended to forward Proposed Ordinance #2025-20 to council for approval.

Chief Johnson stated that while the department will follow whatever direction is decided, he is uncertain how district justices will handle requests for judicial review of speeding cases. He noted that it remains to be seen whether they will apply the new standard or revert to their usual approach. Chief Johnson added that he would prefer to observe how the process unfolds before offering an assessment of the potential outcomes.

Mayor Christiansen stated that while both the Chief and Council are focused on public safety and strict law enforcement, judicial authority ultimately determines outcomes once violations reach the court. He emphasized that speed limits, such as 25 mph in neighborhoods and 20 mph in school zones, are not suggestions, and enforcement should reflect that. However, he cautioned that even with new ordinances, enforcement efforts may continue to encounter limitations within the judicial system's purview. He concluded that the city should move forward with the ordinance but noted that citizens should understand the distinction between the city's enforcement role and the judiciary's authority.

Responding to Mr. Anderson, Chief Johnson explained that the severity of injuries from a pedestrian collision increases significantly between 25-35 mph. Drawing on his past experience as an accident investigator, he noted that scientific studies show changes in injury outcomes with every five-mile increase in speed. For example, when a victim's shoes are left at the point of impact and the person is thrown from that location, it typically indicates a speed of around 35 mph. He noted that life-threatening injuries commonly occur in the 25–35 mph range, depending on the individual's health and other factors.

Responding to Dr. Sudler, Mr. Anderson stated that he supports speed cushions. He mentioned that he would like to implement a pilot program in two areas of the city if the residents in those areas agree. This would help collect data on how the community is impacted and how the ordinance functions. He explained that Ms. Main is not the only one who has voiced complaints about speeding in that area, so if they can get a majority of residents to sign a petition, they could proceed with a pilot program. Mr. Anderson suggested running the second pilot on East Loockerman Street if the roadway is not closed.

Belinda Main, 142 Reese Street, Dover, expressed concern regarding speeding issues in her neighborhood and questioned the city's limitations on using signage and other traffic-control measures. She noted that areas outside the city limits effectively utilize stop signs, speed dips, and similar low-cost options. Ms. Main observed that "Children at Play" signs in her area are inconsistently placed and not visible from both directions. She voiced support for affordable traffic-calming measures such as speed cushions, additional stop signs, and improved visibility through tree maintenance. Ms. Main encouraged continued collaboration to identify practical, cost-effective solutions that enhance safety for children and residents throughout the City of Dover.

Responding to Ms. Main, Mayor Christiansen stated that the speed dips are part of the wastewater system that was put in to take the water away, but it does help control speed, as she mentioned.

Responding to Mr. Garfinkel, Chief Johnson stated that in the real world, he does not envision his officers giving a citation for 26 mph in a 25 mph zone. He explained that due to legal standards and case law, officers typically do not pursue speeding enforcement for violations under five miles

per hour over the limit, as such cases rarely hold up in court. He noted that enforcement requires proper device calibration and documentation, and that most judges give drivers the benefit of the doubt within certain tolerances. However, some individuals may choose to pay the fine rather than contest the citation.

Responding to Ms. Main, Chief Johnson stated that he agreed with Ms. Main's comments and clarified that his earlier remarks referred to general traffic enforcement practices. He explained that enforcement tolerances depend on the posted speed limit and surrounding conditions. Lower limits, such as in school or residential zones, allow for less tolerance, while higher-speed areas without pedestrian traffic allow for more. He emphasized that officers consider context, such as the presence of hazards or school zones, when determining appropriate enforcement levels.

Mr. Anderson noted that he would not be opposed to a 20 mph speed limit in a residential area. He explained that there are state laws that are involved, and the state law provides 25 mph for residential zones.

Responding to Ms. Arndt, Chief Johnson stated that the citation would be an ordinance violation, which would be a different mechanism for charging, and he does not believe that points would be issued like some of the other consequences for a speeding conviction under the state's statute. He noted he may need to have a conversation with Judge Wilson to get his opinion on what would happen if a few local ordinance citations were challenged, as they will require extra paperwork to get onto the court docket, so they could have their day in court. He explained that once he could evaluate the results by more than one judge, he could gather data on how the Justice of the Peace Court 7 would handle the workload of the ordinance-related speeding citations. He noted that he would like to see what the judges do to provide a better answer as to what strictly enforced means because it is a subjective message in signage.

Responding to Ms. Arndt, Mr. Anderson stated that no points are issued until the individual is ten miles over the speed limit. He explained that strictly enforced is something that if you are going to strictly enforce the speed limit laws, then it is required by state law as you go through the code. He said that it is a requirement because you have to warn drivers if you are going to strictly enforce the laws. He explained that the signage can be phased in over any timeframe chosen by addressing high-priority neighborhoods first and continuing until finished. He noted that it could take years, but it needs to be started.

Mr. Garfinkel moved to recommend forwarding Proposed Ordinance #2025-20 to council for approval. The motion was seconded by Ms. Hall and unanimously carried.

Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, Division 1 - Generally by adding Sec. 106-139 – Pedestrian Safety (Councilman Anderson, and Chief Johnson)

Mr. David S. Hugg, III, City Manager, reviewed the background and analysis regarding the Proposed Ordinance #2025-21.

It was recommended to forward Proposed Ordinance #2025-21 to council for approval.

Dr. Sudler noted that Delaware Code, Title 21, §4186, prohibits obstructing a driver's view with objects, passengers, or vehicle loads, and provides tools to address individuals in medians who may distract drivers. He emphasized that while some individuals in medians may be in genuine need, the practice creates safety hazards for both drivers and pedestrians. Dr. Sudler suggested considering innovative solutions to balance public safety with support for those in need, such as placing QR codes in medians to direct donations to organizations or facilities that provide sustainable assistance, rather than giving money directly to individuals. He concluded that this approach could address public concern while ensuring compliance with existing law.

Dr. Sudler also noted that the Newark, New Jersey city council implemented a code that if anyone is providing money to individuals in the medians are ticketed because it could cause a delay in traffic, which can result in road rage.

Responding to Dr. Sudler, Mr. Anderson noted that a portion of the ordinance includes a similar citation because, as long as the supply component is there, the demand will be as well. He emphasized that the proposed ordinance is not an anti-panhandling ordinance; it is focused on pedestrian safety. He explained that the ordinance is not to target any particular group of people but rather focus on activities that are dangerous.

Mr. Hugg added that panhandling is protected by an individual's constitutional right. He noted that it is not a violation to ask someone for money, and it is very hard to enforce. He emphasized that if someone is killed because they are crossing the highway to ask for money, that is a pedestrian or traffic safety issue.

Mr. Anderson noted that the proposed ordinance presented had a legal review completed prior to the meeting.

Responding to Mr. Shevock, Chief Johnson stated that the individual could be cited for being in a lane of traffic if they are not progressing with their business of crossing the street and doing the standard pedestrian motion. If the individual takes up residency in a lane of traffic, it is in the vehicle code, and the police department can enforce it.

Responding to Mr. Shevock, Chief Johnson noted that while certain panhandling behaviors may be protected under First Amendment precedent, there are circumstances, such as public intoxication or impairment, that justify intervention, such as welfare checks. He emphasized that sober individuals exercising a protected activity present a more complex legal challenge. He highlighted that discussions on this topic should remain focused on pedestrian and traffic safety, acknowledging the current legal complexities surrounding enforcement.

Responding to Mr. Shevock, Chief Johnson clarified that the act of requesting money in itself is not illegal, regardless of the person's motivation, whether due to financial need or as part of a small business effort. He noted that law enforcement monitors organized roadside solicitation, explaining that individuals in the group often coordinate among themselves to occupy the most profitable locations during different shifts.

Responding to Ms. Arndt, Mr. Hugg stated that the ordinance was based on the ordinance that was passed in Seaford. Mr. Hugg noted that he spoke to the City Manager, and Chief Johnson spoke to the Police Chief to ascertain if the ordinance was effective, but they reported that they have not had any challenges.

Responding to Ms. Arndt, Mr. Hugg noted that the intent was for the ordinance to apply to all intersections and not just those noted on the maps presented. He explained that he and Mr. Anderson had a discussion, and he wanted to provide examples of what one hundred and two hundred feet would look like at several intersections. He questioned if the ordinance would apply to all streets, a list of streets, streets meeting a certain criterion, or if there is a set list of priority streets.

Ms. Arndt stated that if the ordinance applies to all streets, then the language is pretty ambiguous. She noted that letter A states that “No person, other than a person in or on a vehicle, shall be on a City Street and approach any vehicle in operation, except a vehicle that is legally parked at the curb or the shoulder,” and she could come up situations where someone could be in the street, walking up to a neighbors car, talking to them at their legally parked car, or illegally parked car. She recommended reconsidering the language as written and tightening it up because it is fairly ambiguous. She noted that letters C and B should be reviewed as well. She explained that letter B referenced a person within the median, but there are other sanctioned activities that may be a reason to be in the median.

Responding to Ms. Arndt, Mr. Anderson stated that the ordinance does say that it provides two chances for the light to change while being in the median. He noted that the median is not a place for someone to camp out, it is a safe zone to use while crossing the road.

Mr. Rocha stated that he was in favor of not having anyone on any medians, even outside of the marked areas. He emphasized that they will not be able to stop panhandling, but no one should be obstructing the flow of traffic by standing in the median because it is unsafe.

Mayor Christiansen emphasized that the issue is one of public safety and urged the committee to move forward with the ordinance to clear street corners despite potential legal challenges. He stated he is willing to take responsibility if the ordinance is contested, noting that enforcement is necessary to protect both pedestrians and drivers, even if it results in court proceedings.

Mr. Anderson noted that the fee schedule was left out and needed to be added back in.

Dr. Sudler moved to recommend forwarding Proposed Ordinance #2025-21 to city council for approval with the amendments brought forth by Ms. Arndt and Mr. Anderson. The motion was seconded by Ms. Hall and unanimously carried.

Ms. Arndt noted that she would rather see the item referred back to a committee meeting for continued discussion.

Dr. Sudler rescinded his motion, as well as Ms. Hall as the seconder.

Ms. Arndt moved to recommend referring Proposed Ordinance #2025-21 back to staff to incorporate the edits discussed and bring it back to the committee for further consideration. The motion was seconded by Ms. Hall and unanimously carried.

City of Dover Vehicle Use Policy (Councilman Anderson)

Councilman Anderson and Mr. David S. Hugg, III, City Manager, reviewed the background and analysis regarding the City of Dover Vehicle Use Policy.

It was recommended that an Ordinance be properly drafted and forwarded to council for approval.

Responding to Dr. Sudler, Mr. Hugg stated that he could later provide the budgetary cost of all the department heads having a city vehicle. He noted that there are only a handful of non-police-related vehicles that are taken home on a regular basis. He explained that the on-call Fire Marshal and the on-call employee from the Electric Department. He noted that he does not have a take-home vehicle, nor does any other department head.

Mr. Anderson pointed out that the policy was put into effect when Ms. Mitchell was City Manager. He explained that the policy requires that the employee have a city business purpose to utilize the vehicle. He noted that he would expect the police chief to be approved to take home a vehicle because he is on duty 24/7. He stated that it requires the level of scrutiny that it is reviewed before the department head uses a vehicle to make sure that it complies with the code. The code states that the vehicle cannot be used for an employee's own business or another job, which is also included in the policy.

Responding to Mr. Rocha, Mr. Anderson stated that the suggestion would be to confirm the policy, and the date would automatically be updated and go into effect.

Responding to Mr. Rocha, Mr. Hugg stated that the acceptance of the policy would mean that it was endorsed by council rather than being something staff wrote four years ago, and everyone states they will follow it, but the policy had not officially been adopted.

Responding to Ms. Arndt, Mr. Hugg stated that he cannot confirm that the policy is being followed in every department to every degree, but to the best of his knowledge, that is the current process. He noted that he has requested a department head place justification for needing a vehicle in writing.

Mr. Waddell stated that most of his employees, except for about ten, are on call at some point during the year. He explained that vehicle use is authorized based on this status, noting that employees may take city vehicles home when traveling for work-related training or conferences.

Responding to Ms. Arndt, Mr. Waddell stated that there is a caveat that the response time is capped at thirty minutes, and they are aware of where everyone lives from their division and how many miles it takes to get back to the city.

Mr. Waddell explained that he works with his team by allowing them to make minor, direct stops on their way home, such as stopping in Walmart when they live in Cheswold. He emphasized that

extended personal trips or multiple stops are not permitted. He also noted that some employees may stop at a nearby gym before work, as long as it does not add extra mileage and they remain available for calls. This practice aligns with the policy proposed by Ms. Mitchell.

Responding to Mr. Garfinkel, Mr. Hugg stated that no one has a personal service contract.

Responding to Mr. Garfinkel, Mr. Waddell stated that the policy falls in line with the union contract.

Responding to Dr. Sudler, Ms. Poole stated that there are concerns from an insurance standpoint. She explained that a list of drivers needs to be compiled for insurance purposes. Also, the policy needs to be compared to the current policy that they are drafting for vehicle usage from an insurance standpoint. She noted that there are liability concerns when they do not know what the drivers are doing. Also, all the drivers need their motor vehicle records run, and that is currently not being done.

Responding to Dr. Sudler, Ms. Poole emphasized the importance of reviewing the policy comprehensively to ensure organizational compliance and minimize liability. She recommended consulting with insurance providers and Human Resources to identify necessary updates and ensure adherence to proper procedures, noting that current practices may not fully align with these standards.

Responding to Ms. Poole, Mr. Anderson stated that the policy is currently in effect for all City Manager departments, and they are looking to apply the policy to the entire city.

Mr. Neil moved to recommend that the policy be properly drafted and forwarded to council with the consideration of the insurance and cost factors. The motion was seconded by Dr. Sudler and unanimously carried.

Discussion – Open Forum Improvements (Councilwoman Arndt)

Councilwoman Arndt reviewed the background and analysis regarding the Open Forum improvements.

This item was informational; committee action was not required.

Dr. Sudler recommended starting the open forum at 6:00 p.m. He noted that the open forum started half an hour before the meeting previously. Also, he recommended having continuity in the process of not commenting during the open period, rather than commenting sometimes and not commenting other times. Dr. Sudler suggested removing language implying that public concerns may be addressed at a later date, noting it could create a false expectation of follow-up. He recommended instead that concerns be forwarded to the respective district council member, allowing constituents to discuss issues directly with their representative, who could then present them to the appropriate committee. This approach would help ensure fairness and clarity in the process.

Mr. Rocha stated that he liked Dr. Sudler's idea to refer the constituents' concerns to the district council member to have them placed on the appropriate committee. He recommended that they continue with the open forum at the beginning of the meeting, and whether it is for fifteen minutes or thirty minutes, they need to cut it off at that time, get through the business on the agenda, and then go back to the open forum if need be.

Mr. Neil emphasized that the meeting should remain focused on essential city business rather than functioning as a town hall. He noted the importance of respecting staff time, highlighting that city and council personnel have obligations and should not be kept waiting, as many of the public comments that are made are repetitive. He noted that many public concerns, such as employee pay raises and taxation, have been previously discussed at the public meetings. He explained that in order not to raise taxes, enterprise funds and services fees were created. He expressed support for limiting public comment to the designated time and ensuring meetings proceed efficiently, while acknowledging a willingness to stay after the meeting to hear all public comments, while allowing staff the ability to go home.

Ms. Bennett noted support for Dr. Sudler's suggestion regarding follow-up on constituent concerns. She noted that it can be challenging to obtain complete address information from some individuals, which may complicate providing timely follow-up. She emphasized the need to develop a process to ensure staff receive the necessary contact information, while acknowledging that some individuals may choose not to disclose full addresses. She confirmed the staff's willingness to provide follow-up once the information is available, whether it comes from the constituent stopping at the clerk's desk in the back of the chambers or some other means.

Mr. Anderson noted that some people have good reasons for not wanting to disclose their address in front of everyone, as it could be used to harm them or their families. He recalled several times where contact information was provided to council members directly rather than publicly. He noted that the members of council cannot be held responsible for contacting a constituent if they do not provide their phone number, email address, or address to contact them.

Mr. Rocha recommended allowing those who provide public comment but did not sign up to sign the sign-in sheet after they provided their comments. He noted that if they do not want to write down their address, then they should be directed to call the Clerk's Office to find out who their council representatives are. He also requested using the small timer that can be displayed on the television screen for each constituent's public comment period.

Responding to Mr. Garfinkel, Mr. Anderson stated that citizens have the right to express their opinions even if it means that there are twenty repetitive statements. Mr. Anderson noted that constituents who agree with a previous speaker can be managed through informal methods such as gauging agreement via a show of hands. By doing so, that limits the need for speakers to feel the need to come forward and say two words.

Responding to Mr. Garfinkel, Mr. Anderson stated that it would be at the Council President's discretion if a leader should be chosen and provide that person five minutes to speak. He stated that everyone has the right to be heard and individuals may have their own point of view or story that they feel council needs to hear.

Ms. Arndt recapped the need for a consistent process regarding public comment, whether comments will be addressed or not, and the role of staff or district representatives in responding to questions afterward. She suggested reviewing the language used by the Council President to announce the open forum to ensure clarity, and noted that displaying a timer would help monitor the three-minute speaker limit. Ms. Arndt requested clarification on whether the Council President retains the discretion to shorten speaking time to accommodate all speakers, and emphasized the importance of starting meetings on time as a courtesy to those on the agenda.

Mr. Anderson moved for adjournment of the Legislative, Finance, and Administration Committee meeting, hearing no objection the meeting adjourned at 10:23 p.m.

Mr. Neil moved for adjournment of the Council Committee of the Whole meeting, hearing no objection the meeting adjourned at 10:23 p.m.

Fred A. Neil
Council President