

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on November 25, 2025, at 6:00 p.m. with Council President Neil presiding. Members of Council present were Mr. Anderson, Ms. Arndt, Mr. Boggerty, Ms. Hall (arrived at 6:07 p.m.), Mr. Lewis (arrived at 6:15 p.m., joined via WebEx at 10:53 p.m.), Dr. Pillsbury, Mr. Rocha (via WebEx), and Dr. Sudler. Mayor Christiansen was also present (arrived at 7:50 p.m.). Civilian members present for their Committee meetings were Dr. Jackson, Ms. Smack (*Safety, Advisory, and Transportation*), Dr. Iriowen, and Mr. Wilson (*Utility*), Mr. Garfinkel, and Ms. Shevock (*Legislative, Finance, and Administration*).

ADOPTION OF AGENDA

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

Council Reports – October 2025

First District

Dr. Pillsbury reported attending the Veterans Day Commemoration as well as serving lunch at the Salvation Army.

Mr. Rocha had nothing to report.

Second District

Ms. Hall was absent; no report was given.

Mr. Lewis was absent: no report was given.

Third District

Ms. Arndt advised that she would be submitting her report electronically.

Fourth District

Mr. Anderson reported having several meetings with constituents regarding problems with crime and Neighborhood Watch meetings. He reported attending separate meetings with constituents along with Council President Neil and Ms. Hall. Lastly, he reported attending a positive meeting with the National League of Cities and that there would be good information in the forthcoming months.

Dr. Sudler reported additional trash dumping near Lincoln Street, close to Ms. Main, as well as overgrowth around utility wires on Conwell Street near Mr. and Mrs. Haith's unit. He further reported speeding issues on College Road and traffic concerns on Saulsbury Road between 2:00 p.m. and 5:00 p.m.

At-Large

Mr. Boggerty reported meeting with the Boys and Girls Club regarding their new center and emphasizing accessibility to the youth. He explained that it will have transportation, an EA Sports

gaming area, media components for music and arts, and a sports area. He reported that he recently represented the City of Dover on a panel at Delaware State University discussing the structure and function of local government. He served alongside Councilwoman At-Large Latisha Bracy of the City of Wilmington, and together they shared how their respective councils are addressing current issues. He noted that approximately sixty young attendees asked insightful questions, and the panel emphasized the importance of voting in local elections, understanding the issues, and avoiding strictly partisan decision-making.

Council President Neil

Council President Neil reported attending the Peace Pole dedication at Congregation Beth Shalom along with the members of the Unitarian Universalists. He attended the Silver Lake Commission presentation on the St. Jones River and the Habitat for Humanity's Charity Ball at Bally's Casino. He reported attending a meeting at the Levy Court sponsored by Senator Buckson and Representative Kerry Evelyn Harris regarding manufactured homes and available assistance. He met with the Mayor and the Police Chief on various matters. He further reported attending the November Library Board meeting, as well as a meeting with the group working to advance the Dover Ice Rink and Civic Center project at Schutte Park, along with Councilman Rocha and Councilwoman Pillsbury. He attended the Wild Meadows Homeowners Association meeting and the dedication of a Habitat for Humanity home at 145 Ann Street. He also responded by email and telephone to numerous inquiries regarding the proposed traffic and safety ordinance scheduled for discussion that evening.

He submitted a staff review amendment to Chapter 66 concerning manufactured homes, requiring that titles be provided to the City before a license is issued for homes brought into the community. He noted that used homes had been brought into leased-land communities and sold without the required title under state law, making them difficult to sell legally by subsequent owners. He thanked Eddie Kopp, Chief Code Enforcement Officer, for the adopted changes that would be forthcoming at a future meeting.

He met several times with Councilman Anderson and Councilwoman Hall, along with concerned citizens, regarding issues related to individuals who commit acts against society but are not held accountable and may be unable to help themselves. He provided a letter of congratulations to Zeta Phi Beta on their 50th anniversary. He referred a Dover resident, James Branch, to the staff regarding concerns about water pollution, noting the matter was more appropriate for state review. He also acknowledged receipt of a petition for sidewalk repairs in the Dover Historic District and reported that Public Works Director Nowak was seeking funding for a contractor to complete the work.

SAFETY, ADVISORY, AND TRANSPORTATION COMMITTEE

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

Adoption of Agenda

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

Quarterly Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects (Marilyn Smith, Executive Director of the Dover/Kent MPO)

Ms. Marilyn Smith, Executive Director of the Dover/Kent MPO, reviewed the background and analysis regarding the Dover/Kent County MPO Projects.

This item was informational; committee action was not required.

Mr. Rocha explained that his earlier comments regarding the need for a comprehensive plan were directed primarily toward DelDOT rather than the MPO. He stated that the intent was to examine long-term traffic relief strategies as the City continues to grow, similar to how other municipalities, such as Middletown, have developed connector routes to major highways like 301. He acknowledged the valuable studies already completed, such as those related to Saulsbury Road and Kenton Road, but emphasized the importance of continued education and planning for Council to make informed transportation decisions. He added that he anticipates the MPO's assistance in this effort and expressed interest in participating in a future workshop.

Ms. Arndt thanked Ms. Smith for the work that she and her team do. She also thanked Ms. Smith for applying for the safety grant on behalf of the city. She also expressed interest in participating in a future workshop.

Responding to Mr. Neil, Ms. Smith stated that she does have a rolling two-year pave and rehab list from DelDOT. She noted that she would check the list for Persimmon Park Place Road and share his request with DelDOT.

Responding to Ms. Smack, Ms. Smith stated that part of the Kent County Comprehensive Safety Action Plan is a series of proven safety countermeasures, and it includes the fence treatments as mentioned. Ms. Smith noted that their process is to look at the places along the high injury network and assess what the best proven safety countermeasure is for that area is and what the funding opportunities are to make the changes. Ms. Smith asked that Ms. Smack send her the areas of concern so that they can look at the specific corridors and road sections.

Responding to Ms. Smack, Ms. Smith stated that the high injury network analysis where pedestrian fatalities have occurred and the major areas. She referenced the Kent County Comprehensive Safety Action Plan map and noted that the lines and dots are the twenty-nine intersections and the twenty-four corridors in Dover that have the highest incidence of fatality or serious injuries during the crash data period.

Responding to Mr. Anderson, Ms. Smith stated that she has talked to Linda Parkowski at Kent Economic Partnership and explained that the MPO is waiting on the city and the county to decide what parcels are going to be prioritized in the Dover Air Cargo Freight development.

Responding to Mr. Anderson, Ms. Smith stated that East/West Freight Routes Phase 2 was completed. She noted that there were a couple of recommendations that she believed included new construction and a build-out of the interchange at either North Little Creek Road or South Little Creek Road.

Responding to Mr. Anderson, Ms. Smith stated that once they have finished their studies and they have project recommendations, they put them into the short, mid, and long-term plan, then every two years they try to get those projects into the Capital Transportation Program (CTP). Therefore, that recommendation will be part of the advocacy for the next round of projects.

Responding to Dr. Sudler, Ms. Smith stated that she is not sure how the McKee Road corridor improvements compare against projects submitted in New Castle or Sussex County because she is not part of the process. However, she noted that it was a high priority for the city, which made it number one on the project list. She explained that when they do a prioritization process, it includes elements like traffic, safety, items on the high injury network, and economic development, which are then weighted, and it scored really high compared to other projects.

Responding to Dr. Sudler, Ms. Smith stated that the Rail Corridor Land Use study shows a rail corridor running along the peninsula, with some compatible uses nearby. However, some uses are not compatible; for example, building houses twenty-five feet from the rail corridor is incompatible. She noted that the MPO encourages municipalities with parcels zoned residential next to the rail to reconsider their zoning, as it is not suitable. She clarified that the study does not address roads but focuses on preserving the corridor for rail-supported industry and promoting the rail itself as an economic development tool.

Responding to Dr. Sudler, Ms. Smith stated that she would have to see the exact location because, generally speaking, the Federal Railroad and DeIDOT do not like to add new crossings. If a crossing needed to be added to get to a residential community, they would not look favorably at that.

Responding to Ms. Smack, Ms. Smith stated that off the top of her head, some recommendations would be considering crosswalks, lighting, channelization, and figuring out how to get people where they should be, and discouraging them from going where they should not be. She noted that the fencing that Ms. Smack had previously mentioned was a good recommendation. She explained that they have been looking at rapid flashing beacons and addressing concerns like accessing what it looks like to be a walker and seeing cars, and how cars can see a walker.

Responding to Dr. Sudler, Ms. Smith noted that it is not her place to speak for DeIDOT; however, they have had some conversations regarding pedestrians on the medians. She noted that the medians are there for a reason. Whether it be to channelize traffic, placeholders for signage, or because utilities are running underneath them. Using Route 13 as an example, she stated that when there are three lanes of traffic in each direction and two turning lanes, people need a refuge when crossing those lanes. People need a place to be safe when they traverse all those lanes of traffic.

Responding to Dr. Sudler, Ms. Smith stated that she does not recall off the top of her head whether there were any cases of individuals who have been walking up and down the medians and have been injured.

Responding to Ms. Hall, Ms. Smith stated that broadly, their office can address some signage issues. She noted that the new Camden bypass is being constructed under the Safe Streets guidance. Therefore, anywhere there is a pedestrian crossing or bike crossing, there will be “modern refuges”

that allow space and signage that are clear about where people can stop, stand, or park. She also noted that looking at a different location, many of them are older infrastructure that have not had a redo in a while, and the median is small and not at the same standard. They have the opportunity to be better, but they have also been around a long time.

Responding to Ms. Hall, Ms. Smith stated that she is not familiar with who is responsible for the cost of city signage, but she could find out.

LaChelle Paul, a Dover resident, questioned whether Ms. Smith was able to provide how many pedestrians on the medians or people on bikes were injured.

Responding to Ms. Paul, Ms. Smith stated that, off the top of her head, she could not provide that information. She noted that the data was included in the Kent County Comprehensive Safety Action Plan, which was on the Dover/Kent MPO website. She explained that if someone scrolls down to the section that outlines the map, they would be able to see the data analysis of all the fatalities and serious injuries. She also noted that the data is available on the DelDOT website and DelDOT updates the safety information weekly.

Responding to Mr. Lewis, Ms. Smith stated that the SS4A grant works in a cyclical fashion, meaning that they cannot apply to complete a project or apply to build something unless they already have a safety action plan that outlines the project that they are wanting to do in the higher injury network. She explained that is the reason that the MPO did a countywide safety action plan so that any municipality that had a location in the high injury network could take that and apply for federal funds to implement. She stated that the City of Dover declined to apply for an implementation grant on any of the locations that were called out on the high injury network, but she could not speculate as to why.

Responding to Mr. Lewis, Ms. Smith stated that DelDOT has information regarding fatalities, and that information was used to develop the map.

Responding to Dr. Jackson, Ms. Smith stated that all federal grant opportunities are under review. She stated that when they submitted the grant, they were told they may be announced around spring.

Responding to Dr. Jackson, Ms. Smith stated that the purpose would be to do a deeper dive, focusing on the high injury network on the US13 corridor, block by block, intersection by intersection.

Responding to Dr. Jackson, Ms. Smith stated that based on the results of the study, they would be able to identify solutions to prevent injury.

Responding to Dr. Sudler, Mr. Hugg noted that a vast majority of the red dots are located on state-owned, state-maintained roads. He explained that the city would not apply for funds to make improvements to a state-owned and maintained area. He further explained that the studies are outside the scope of the city's abilities and the decision was made because the engineers are backed up doing water and wastewater projects. He noted that in making the decision it was established

that the work was outside of the city's scope and a lot of the work has to be done on state roads which would be inappropriate for the city to take initiative on.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects (David S. Hugg, III, City Manager)

Mr. David S. Hugg, III, City Manager, reviewed the background and analysis regarding the City of Dover State Capital Transportation Program.

Staff recommended approval of the 2025 transportation priorities.

Responding to Mr. Boggerty, Mr. Hugg stated that not a lot of the projects would be covered under the state's Community Transportation Fund (CTF) given to the city because they are higher-level roads. He explained that the money that the city receives from the legislators helps fix local roads, and he does not typically ask the state to give the city CTF money to spend on a state road. The purpose of the CTF money is to help communities maintain a hundred-plus miles of road that the city owns. He noted that the city spends CTF money on the local roads, and they rely on the state and MPO to find funding for major improvements to state and major city roads.

Responding to Mr. Boggerty, Mr. Hugg stated that there is a list of approximately six roads that were submitted to the legislators for use of CTF money in the City of Dover on a variety of streets that need rebuilding, repaving, and drainage improvements.

Responding to Mr. Boggerty, Mr. Hugg stated that once they are approved, they can identify the roads and list them on the website. He noted that they will also go through a public notice process when they select a design or construction firm to do the work.

Responding to Mr. Rocha, Mr. Hugg stated that College Road has consistently been identified by the city as a priority. To the best of his recollection, the priorities in that area were Route 8, Kenton Road, and College Road. He explained that College Road is on DelDOT's list of projects, but without looking at the funding cycle, he is unsure when it is scheduled to be completed. He noted that College Road is a bit unusual in that it is relatively narrow, and the right-of-way is not very wide; therefore, it will be a bit more difficult from a design standpoint.

Responding to Mr. Rocha, Mr. Hugg stated that sidewalks will be a part of the College Road redevelopment or redesign. Much like the Kenton Road project, it will include sidewalks, pathways, and bike lanes as a part of the Safe Roads planning process.

Responding to Mr. Rocha, Mr. Hugg stated that he did not prioritize the individual categories, only the roads within them.

Responding to Mr. Anderson, Mr. Hugg stated that he would have to provide additional information on the sidewalks at Dover High School.

Responding to Mr. Lewis, Mr. Hugg stated that generally, the funding is limited to transportation improvements. He noted that some things, like cameras and sign improvements, can be included

in the Highway Safety Study. He stated he can look into speed cameras and see if they would potentially be covered under the funding.

Responding to Mr. Lewis, Mr. Hugg stated that there are a number of project areas within DelDOT that are not included in the process. DelDOT has an ongoing paving program and safety program, which may have funding available. He noted that there is no federal funding through Homeland Security or the Department of Emergency and Military Affairs (DEMA), but he would check with DelDOT.

Mr. Anderson moved to recommend approving the staff recommendation. The motion was seconded by Ms. Hall and carried with Ms. Arndt abstaining.

Mr. Boggerty moved for adjournment of the Safety Advisory and Transportation Committee meeting, hearing no objection the meeting adjourned at 7:14 p.m.

UTILITY COMMITTEE

The Utility Committee met with Chairman Rocha presiding.

Adoption of Agenda

Mr. Neil moved for adoption of the agenda, seconded by Dr. Pillsbury and unanimously carried.

Evaluation of Bids – Security Fence Replacement of the Water Treatment Plant (Jason Lyon, Water & Wastewater Director)

Mr. Jason Lyon, Director of Water and Wastewater, reviewed the background and analysis of the evaluation of bids for the security fence replacement of the Water Treatment Plant.

Staff recommended awarding the contract to Pierce Fence Company for the Security Fence Replacement for the Water Treatment Plant, Bid #26-0006WW, for the amount of \$216,650.00.

Responding to Mr. Lewis, Mr. Lyon stated that he could not speak for all departments, but the Water and Wastewater Department has used them for repairs. He explained that they have also been the fence company that has done numerous projects inside the city limits for private fences throughout the area.

Responding to Mr. Lewis, Mr. Lyon stated that they submitted a local vendor preference, so their evaluated price is lower. He explained that the city does not receive a discount, nor does the vendor; the price evaluated is lower.

Responding to Mr. Lewis, Mr. Lyon stated that \$210,000 includes a three percent reduction.

Responding to Mr. Lewis, Mr. Lyon stated that they follow the procurement policy for the City of Dover; it is not a specific department protocol. He explained that the policy is that if they receive one bid on a project, they may reach out, but if they receive five bids on a project, it would not be

equitable or fair if they did not hold everyone to the same standard to provide the information on the right date and time.

Responding to Mr. Lewis, Mr. Lyon stated that the two companies from Pennsylvania did not meet the deadline. He also confirmed that the protocol is not to reach out to the companies.

Responding to Dr. Iriowen, Mr. Lyon stated that he has no concern with the company and that their quality of work is good.

Dr. Sudler moved to recommend awarding the contract to Pierce Fence Company for the security fence replacement for the water treatment plant, Bid #26-0006WW, for the amount of \$216,650.00. The motion was seconded by Dr. Pillsbury.

Bobby Wilson, 32 West Loockerman Street, Dover, questioned how small contractors can be awarded the proposed type of project.

Responding to Mr. Wilson, Mr. Lyon stated that, unfortunately, the requirement for subcontracting is not a requirement for the City of Dover. He noted that they reached out through the Office of Supplier Diversity for fencing contractors, which is a category that can be found on their website, and they solicited from them. As far as subcontracting goes, that is up to the prime contractor to make that decision.

Responding to Mr. Wilson, Mr. Lyon stated that it is a city policy for procurement, and if there needs to be a change, then it must be made citywide.

Responding to Mr. Wilson, Mr. Lyon stated he has no opposition to mandatory pre-bid meetings. He emphasized that the requirement is not a Department of Water and Wastewater issue; it is a City of Dover procurement issue, therefore, he cannot speak on behalf of the entire city. He noted that his department goes above and beyond the procurement policy to reach out to all of the people who are on the Office of Supplier Diversity list that are registered through the state. He explained that there may be an issue with people coming from out of state to a mandatory pre-bid meeting for projects that are extremely complex. If they do not attend the mandatory pre-bid meeting, then they cannot bid on the project.

Dr. Sudler moved to recommend that, within sixty days, the Procurement Department, at a committee meeting, brief council on the process, what is needed to make the proper adjustment for the mandatory pre-bid meeting, and have an open discussion so that small contractors can come forth and participate in the process. The motion was seconded by Ms. Hall and unanimously carried.

Dr. Sudler moved to recommend awarding the contract to Pierce Fence Company for the security fence replacement for the water treatment plant, Bid #26-0006WW, for the amount of \$216,650.00. The motion was seconded by Dr. Pillsbury and unanimously carried.

Evaluation of Bids – Pump Station #7 Upgrades (Jason Lyon, Water & Wastewater Director)

Mr. Jason Lyon, Director of Water and Wastewater, reviewed the background and analysis of the evaluation of bids for the Pump Station #7 upgrades.

Staff recommended awarding the contract to A-Del Construction for the Pump Station #7 Upgrades project, Bid #26-0008WW, for the amount of \$636,548.00.

Responding to Mr. Lewis, Mr. Lyon stated that the project was budgeted for \$680,000, and the award is \$636,548.

Responding to Mr. Lewis, Mr. Lyon stated that eventually, all of the pump stations would flow to the county. Pump Station #7 is one of the large ones that feeds directly to the county. There is a network of pump stations that run in parallel or a series effect, where they go into another pump station and another, and eventually discharge to the county. Pump Station #7 discharges directly into the county.

Responding to Mr. Lewis, Mr. Lyon stated that in the past, with certain projects, they have asked the county if they would compensate the city. However, that particular station has a granulated activated carbon filter to decrease the odor of the pump station due to its location with regard to the Route 13 corridor, and the county has agreed to assist with that cost. He noted that the costs of the project are for ongoing maintenance and improvements to make the station function more appropriately. He noted that they had not specifically asked if the county would compensate the city for the project.

Ms. Hall moved to recommend accepting the staff recommendation to award the contract to A-Del Construction for the Pump Station #7 upgrades project. The motion was seconded by Dr. Sudler.

Responding to Mr. Wilson, Mr. Lyon stated that the local vendor preference is broken into three different categories. If they are in the city limits, they get first priority, if they are in the county, they get second priority, and if they are in the state, they get third priority. A-Del is located in Newark, and the other company is located in Maryland. They were provided with the local vendor preference before the first two were not hit.

Ms. Hall moved to recommend accepting the staff recommendation to award the contract to A-Del Construction for the Pump Station #7 upgrades project. The motion was seconded by Dr. Sudler and unanimously carried.

Mr. Rocha moved for adjournment of the Utility Committee meeting, hearing no objection the meeting adjourned at 7:46 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Adoption of Agenda

Mr. Shevock moved for adoption of the agenda, seconded by Dr. Pillsbury and unanimously carried.

Evaluation of Bids – Fiscal Year 2026 Street & Alley Program (Jason Lyon, Water & Wastewater Director)

Mr. Jason Lyon, Director of Water and Wastewater, reviewed the background and analysis of the Fiscal Year 2026 Street and Alley Program.

Staff recommended awarding the contract to Grassbusters Landscaping Co. Inc., for the City of Dover FY 2026 Street and Alley Program, Bid #26-0007WW, for the amount of \$874,256.00.

Responding to Mr. Garfinkel, Mr. Lyon stated that there are reconstruction categories. The term rehabilitation is used because some of the projects are doing things that others are not doing. He noted that the projects do not necessarily equate to the category that is in the software package. There are multiple categories based on software programs, like reconstruction, rehabilitation, and maintenance.

Responding to Mr. Garfinkel, Mr. Lyon stated that the team members went out and evaluated Bicentennial Boulevard some years ago, and it was found to be in a condition that needed to be rehabilitated.

Responding to Mr. Garfinkel, Mr. Lyon stated that the software takes into account vehicle traffic as well as the type of road it is, which changes the scoring.

Responding to Mr. Garfinkel, Mr. Lyon noted that Bicentennial Boulevard is under reconstruction along with approximately one hundred and fifty-six other streets.

Mr. Garfinkel expressed concerns about the system used to evaluate the streets.

Mr. Wilson recommended using DelDOT's civil rights agenda to set aspirational goals for the projects.

Responding to Mr. Wilson, Mr. Lyon stated that certain projects that receive federal funding do require a percentage of the project to be solicited to Minority Business Enterprise (MBE), Women's Business Enterprise (WBE), and Disadvantaged Business Enterprise (DBE).

Responding to Ms. Paul, Mr. Anderson stated that the city solicits from the State of Delaware Supplier Diversity list to ensure that minority contracts have a role.

Responding to Ms. Paul, Mr. Lyon stated that the only policy that he is aware of is that minorities, disadvantaged, and women-owned businesses receive a three percent evaluation reduction, similar to the local vendor preference.

Mr. Shevock moved to recommend accepting the staff recommendation to award the project to Grassbusters Landscaping in the amount of \$874,256.00. The motion was seconded by Dr. Pillsbury and carried with Ms. Arndt abstaining and Mr. Garfinkel voting no.

Mr. Garfinkel moved to recommend referring a revaluation to the Utility Committee of the software and the process used. The motion was seconded by Dr. Sudler and unanimously carried.

Consideration of the Reclassification and Re-grading of the Senior LAN Analyst Position (David S. Hugg, III, City Manager, and Naomi Poole, Human Resources Director)

Mr. David S. Hugg, III, City Manager, reviewed the background and analysis regarding the reclassification and re-grading of the Senior LAN Analyst position.

Staff recommended approval of the reclassification and the compensation.

Responding to Dr. Sudler, Mr. Hugg stated that the posting was an in-house posting citywide, and any qualified city employee could have applied.

Dr. Sudler expressed concerns that the increase could be perceived as biased and questioned if there was anyone in the Information Technology Department who could help fill in until someone could be hired. He noted that there had been increases in things like the electric bills, and what budget would the increases come from.

Responding to Dr. Sudler, Mr. Hugg stated that, in his opinion, they should move forward with both increases because the other network administrator should be treated equally. He noted that they may not be given the same amount of money, but the person who currently holds the position should not be disadvantaged or treated unfairly. He explained that there were salary savings in the police department as a result of vacancies, and then their budget would have to supplement the rest of the difference. He stated that they would not be amending the budget to take money from somewhere else, which has implications for next year's budget and has implications for whether the chief can staff some of the physicians that would then otherwise not be funded.

Responding to Mr. Boggerty, Mr. Hugg stated that, based on the materials the chief submitted, the two positions on the surface are essentially the same in both Milford and Newark. He explained that there is a federal website that can confirm the salary, and the city's salary is below the average. The federal salary falls in the middle at about eighty thousand.

Responding to Mr. Boggerty, Mr. Hugg stated that the Milford and Newark positions are closer to the high nineties and above. The federal positions that he evaluated fall between the mid-seventies to the mid-nineties. He noted that there was no formal market study done at the same level as was done in 2023.

Responding to Mr. Boggerty, Chief Johnson stated that his recommendation was based on comparable positions in the immediate proximity to the City of Dover, as well as economic considerations and comparisons with other police departments that used tiered IT systems similar to Dover's. He noted that the Police Department did not require an IT Director-level position, as those responsibilities were handled by an administrative captain, along with an existing middle-management role and a frontline technical position.

He reported that he researched the middle-management role and spoke directly with Chief Ashe in Milford and Chief Farrall in Newark. He stated that Newark served as a Public Employment Relations Board (PERB) recognized comparable jurisdiction for economic and community size factors, making their information particularly relevant to Dover's labor market. He reviewed job descriptions, pay scales, and related materials as part of his methodology.

He further explained that, while he did not consider himself an expert, his experience in labor and contract negotiations had shown that when parties could not reach an agreement and a third-party assessment was required, the State of Delaware historically identified the City of Newark as the appropriate comparable for Dover. He stated that this was based on factors such as population, workforce size, and demographic similarities, which were used to help establish fair market standards in labor-related matters.

Responding to Mr. Neil, Chief Johnson stated that it would not have been fair to expect the HR Director to have a candidate "shovel-ready" for advertising or selection, noting that both union and non-bargaining positions required certain procedural steps. He explained that, even under ideal circumstances, filling the position would have taken some time, and emphasized that the City was not operating under ideal conditions, given the technical and supervisory requirements of the role.

He further noted that the position was among the most highly vetted within the department due to the sensitive and secure environment in which IT staff operated, and that the current salary structure, unchanged for years, made recruiting qualified candidates difficult.

Chief Johnson reported that he had already lost half of his IT staff when the director departed suddenly in July, leaving the department without that resource for nearly six months. The remaining IT staff member was only able to maintain core functions, which reinforced the need for two positions in the department and, ultimately, a third position that he intended to request in the upcoming budget due to increased technological demands.

He added that his immediate priority was restoring the department to two positions to preserve institutional knowledge. Having already lost half of that knowledge, he cautioned that losing the remaining half would leave the department significantly challenged and at an exponentially higher risk for operational issues. He estimated that it would likely take more than a year to hire, orient, and train two new employees before the department could regain a stable level of security and functionality.

Responding to Mr. Neil, Chief Johnson stated that he has a great working relationship with the city's IT Department and the state-level IT department, and they would figure out how to function moving forward if it came to it.

Responding to Dr. Pillsbury, Mr. Joseph Simmons, Information Technology Director, stated that in September, he hired Will Vidal as the network administrator. He noted that Will came from Children's First as a network administrator, and his experience is comparable. He holds a supervisory role over two LAN Analysts. He explained that the position is comparable to the position at the police department and acknowledged that there are some differences that are unique to law enforcement, but they are very compatible.

Responding to Ms. Arndt, Mr. Anderson stated that only civilian positions were covered under the market study done in 2023. He also confirmed that the position was a civilian position.

Responding to Ms. Arndt, Ms. Poole confirmed that the position was covered under the market study done three years prior.

Ms. Arndt stated that she found it hard to believe the market had changed so significantly in such a short time, noting that comparable jobs and salaries did not reflect increases of that magnitude. She emphasized that while she did not discount anyone's experience, she did not understand how an employee could work so far above their classification for so long and still be so misaligned with the market analysis. She added that she was uncomfortable with one-off decisions of this nature and believed significant budget changes should be requested during the regular budget review period.

Responding to Mr. Lewis, Chief Johnson stated that the position, as it was currently constructed, had not been evaluated in more than a decade. The individual who left the position did so abruptly. He explained that the characterization that the employee is holding the department of the city hostage by threatening to leave is not accurate. He added that there was a discussion about his departure as a LAN Analyst when there appeared to be no foreseeable growth in his role. Unfortunately, the resignation of the director happened on the second day of the budget year, which left no opportunity to properly bring it before the council. As soon as there became a middle manager vacancy, he began updating the job description because the position could not be advertised without an accurate reflection of what the job would entail. He added duties that were now being done and removed those that no longer needed to be covered. He explained that he began researching when the employee came to him with what his peers in Delaware were making, and proposed what he would like to be making now that he had won the job through the competition that was done in-house to keep the institutional knowledge. Had there been another person with institutional knowledge, he may have considered a broader call for candidates to fill the secondary role, but the employee was the only institutional knowledge left.

He further noted that after completing the in-house advertisement, Human Resources offered the candidate the salary figure that they had to because the city has a policy that governs what the Human Resources Director is allowed to offer. When it was pointed out to him that the market reflected different numbers for almost identical positions in comparable agencies, he started making calls to verify the numbers. He attributed the issues to the prior employee being complacent and not being interested in drawing attention to themselves to discuss the issue. Now that they are in transition, that individual now has the opportunity for himself after going through the process. He acknowledged that it would have to go before the council because the market had clearly shifted, and the position needed a new title.

He explained that the individual was not using a strong-arm tactic; rather, at his request, the employee had remained with the department, maintained its operations, and delayed seeking other employment. He stated that the current discussion was focused on whether the employee could continue his career with appropriate market equity, and once he learned of the comparable position within the City's IT Department, he also considered position equity. He emphasized that the

employee possessed the training, credentials, and background for a managerial-level IT role, not at the director level, but also not an entry-level position, and that this justified the salary level he was proposing.

He further noted that the two comparable positions with eight years of experience were still earning significantly more than the Dover position. When the employee countered with a higher salary request, he declined, citing the City's budgetary constraints, but stated he would advocate to bring the employee into a reasonable range without making him the highest-paid public safety IT manager in Delaware. He stated that the proposal he brought forward placed the salary in the "ballpark" and would help retain valuable institutional knowledge. He added that both he and Mr. Simmons agreed that institutional knowledge was difficult to replace, and losing both the supervisor and frontline IT positions simultaneously would require starting from scratch.

Responding to Mr. Lewis, Mr. Simmons stated that the person in his department covers the whole city except for the police department and certain sections of the library.

Responding to Mr. Lewis, Mr. Simmons stated that the police department is a part of the city, but law enforcement has certain parameters that do not allow the city to take over all aspects, such as the data controlled by the State of Delaware and body-worn cameras.

Responding to Mr. Lewis, Mr. Simmons stated that his employees could get training so that they could fill in on an emergency basis. He noted that both LAN Analysts are Delaware Criminal Justice Information System (DELJIS) certified so that they may support the Fire Marshal and Code Enforcement office.

Responding to Mr. Lewis, Ms. Poole stated that the financial impact is a little more than \$60,000 and includes the ancillary costs like benefits and insurance for two positions.

Responding to Mr. Lewis, Ms. Poole stated that the position could have been posted publicly, but the chief chose to post it internally, and only one person was interested in the role. She noted that an applicant would still need to meet the credentials to apply. There was the option of it being posted externally as well, which may have garnered some competition and a pool of candidates for him to choose from in case things do not work out.

Responding to Mr. Lewis, Ms. Poole stated that when they posted for Mr. Simmons' network administrator position in May, there were eleven applicants. The interviews began in June, and an offer was extended in July, which they considered a relatively quick turnaround. She noted that the applicants met the necessary credentials for the role. The LAN analyst position was also posted in May, with twenty-nine applicants interviewed in August, leading to hires in September. She emphasized that the idea of it possibly being a hard-to-fill position is just a theory, and she provided facts to show it is not a hard-to-fill role.

Responding to Mr. Lewis, Ms. Poole confirmed that there was a number of applicants, which gave Mr. Simmons a variety of people to review and interview. She noted that people will apply for the positions, especially considering the pay rate. The current pay rate is not low, and when she

researched, the median was around \$80,000. She emphasized that with the new non-bargaining scale, the rates will increase, and that should be taken into account for the position presented.

Responding to Mr. Lewis, Ms. Poole confirmed that giving one person a \$30,000 increase would create morale issues. She noted that it is unfair, it sets a precedent of preferential treatment, and picking out employees because you are concerned that they will leave is not a good reason to provide an increase, and there should be more in retention and retaining employees. She emphasized that cross-training is extremely important in the current situation because not one person should hold the key to everything, and that is a failure in management. Management should ensure that all employees are able to pick up and do pieces of work. She stated that the non-bargaining scale was implemented for equity. She said that she has been speaking about equity since she started with the city over three years ago. Equity is important for all, not just two employees.

Responding to Mr. Boggerty, Ms. Poole said that when comparing the job descriptions, they are quite similar. Some tasks will be handled by the City of Dover IT Department that the Police Department IT will not do, and vice versa, so it balances out.

Responding to Dr. Sudler, Ms. Poole stated that the city completed a market study in 2023, which she believed had been beneficial for both the city and its employees. She explained that the non-bargaining pay scale should have been implemented in 2024, as doing so would have allowed for timely increases that maintained comparable rates with surrounding municipalities and helped address compression issues. Because the implementation occurred only recently, the city was now trying to catch up, with union employees receiving increases of more than seven percent while some non-bargaining employees were earning less than their subordinates. She stated that this created concerns regarding fairness and market equity. In discussing comparable municipalities, she noted that Newark was used as a comparison specifically for police positions and not for all positions, and that the city generally sought municipalities similar to Dover to make appropriate comparisons.

Responding to Dr. Sudler, Ms. Poole emphasized that the initiative would significantly impact the city's fair and competitive pay structures and policies. She stated that the current policy provides that any employee receiving a promotion is granted either a five-percent increase or the starting salary of the next grade, whichever is higher. She noted that implementing a \$30,000 increase would bypass these internal policies and questioned how such an action could be considered fair.

Ms. Poole further stressed that deviating from established policy creates liability and is not sustainable. She explained that Human Resources is responsible for compliance and adherence to policy and procedure, and stated that she could not support actions that deviate from those requirements.

Responding to Dr. Sudler, Ms. Marney stated that the proposal would impact the budget. She explained that after reviewing both the Police and IT salary budgets, the Police Department's salary line for FY25, while still in the audit process, had been over budget by nearly five percent, and as of the current year, they had already expended approximately forty percent of their salary allocation. She noted that, although the Police Chief had not filled the director's position, any

salary savings from that vacancy could potentially help offset the proposed increase, depending on the selected individual's benefit elections. She cautioned that the budget impact would extend beyond the current year.

Regarding the IT Department, Ms. Marney stated that their FY25 salary line had been over budget by about one percent, based on unaudited figures. She added that they had used approximately thirty-three percent of their salary budget thus far this year and would realize some savings from unfilled positions, though not in an amount sufficient to fully cover the increase.

Responding to Mr. Rocha, Chief Johnson explained that when the position became vacant, the Police Department reviewed the job description and determined that it no longer reflected the current duties and responsibilities. He stated that the department worked with Human Resources to update the description so it accurately represented the position to be filled. He noted that once the significant salary differences came to his attention, he reviewed comparable positions in nearby municipalities. He emphasized that not all municipalities had IT structures that allowed for direct comparisons, as some had only one or two staff, some assigned IT work as a collateral duty, and others used contracted services.

Chief Johnson stated that Milford and Newark were ultimately identified as having the most comparable job descriptions, and those were submitted to the City Administration in his September 30 memo. He added that, although none of the positions were identical, they were similar enough in responsibilities to be considered comparable. He further explained that Dover's IT staff also supported 9-1-1 operations and the citywide camera system, which were functions not fully mirrored in the other municipalities. However, he believed that when unique duties were weighed against one another, the positions remained balanced overall. He concluded that, based on his research, the proposed classification and salary aligned with market conditions and ensured an equitable comparison.

Responding to Mr. Rocha, Chief Johnson stated that he currently has two employees pitching in. He has an AFSCME LAN Analyst that has been acting as a Senior LAN Analyst in a non-bargaining role with a five percent temporary adjustment to his pay to keep them in good working order. He stated that the last time he checked, the employee was receiving anywhere from fifteen to eighteen hours of overtime each pay period to make sure they do not suffer a setback in a critical function or a critical piece of equipment.

Chief Johnson stated that he had not brought the issue forward lightly and explained that, over the past four years, he had consistently addressed matters related to position equity and value. He noted that each situation followed a different path depending on its timing and circumstances, but he had successfully advocated for adjustments for several employees, including the 911 Center Director, his Executive Assistant, the Social Services Clinician, and the Resource Manager, when evaluations showed such actions were warranted. He added that he had also declined numerous requests that did not meet the necessary criteria, emphasizing that equity required valid comparators and appropriate justification.

Chief Johnson explained that, in the current case, he had conducted his own independent research and determined that the employee had a valid point. While he did not support the full request made

by the employee, he supported the salary figure he identified as aligning with comparable positions within Delaware. He stated that he consistently advocated for equitable treatment within his department to maintain morale and that he had exercised due diligence, including saying no when appropriate. He further noted that moving the employee into the management position would create temporary salary savings because the position had not drawn any pay during the current budget year, and that filling the vacancy would require a lengthy background process unique to police operations.

Chief Johnson acknowledged that the issue was challenging for council because the position had not been reviewed in many years, making the salary change appear more dramatic. He expressed concern for the employee affected and recognized that similar parity concerns raised by another department might also be justified, though details could not be discussed in open session. He emphasized that he did not take the matter lightly, had no intention of disrespecting council or the community, and believed the issue arose simply because an unplanned vacancy prompted a review that had not been conducted proactively in the past.

Dr. Sudler expressed appreciation for the accountability demonstrated and suggested that the position be coordinated with the Human Resources director and reposted externally to evaluate the applicant pool. He noted that this approach would balance fairness to candidates with budgetary considerations and operational efficiency.

Dr. Sudler moved to recommend having the Police Chief work with Human Resources to externally post the job, gather a candidate pool for thirty to sixty days, and then bring it back to the committee for further discussion and consideration. The motion was seconded by Mr. Lewis.

Responding to Mayor Christiansen, Chief Johnson stated that it was difficult to predict the outcome of the current personnel matter. He emphasized that he does not want to overstate potential consequences or speculate on how the employee might react. He noted that the employee, an eight-year tenured member of the department, had initially planned to leave but stayed at Chief Johnson's request to support departmental continuity and mentor future staff. Chief Johnson acknowledged that, despite a recent promotion, the employee might still consider other opportunities, including in the private sector, and he could not predict the employee's response to council's actions.

Responding to Mr. Boggerty, Chief Johnson stated that the job was offered and the employee countered at a range that was beyond what anyone could provide without councils approval. He noted that they have been waiting to get the item on an agenda to provide a response to the employees' counteroffer.

Ms. Poole recommended that the employee be placed at the current grade for the Network Administrator position (Grade 129). She noted that, under the newly implemented pay scale, the employee is set to receive approximately \$9,500 in January and July 2026, and her recommendation aligns with the following established policy.

Ms. Marney stated that some employee-specific nuances could not be discussed, but Grade 129, Step 1 would receive \$32.65 an hour or \$67,912 annually. She noted that it was the maximum range, and the mid-range was \$40.16 an hour and \$83,532 annually.

Responding to Mr. Anderson, Ms. Marney stated that Step 16 would be \$50.87 an hour or \$105,810 annually.

Responding to Dr. Sudler, Mr. Anderson confirmed that it would be two employees at the proposed rate. He also confirmed that it would be around \$200,000.

Dr. Sudler emphasized the need for quarterly budget reviews.

Mr. Anderson noted that Ms. Marney was previously sick, but they would be scheduled for December.

Ms. Marney acknowledged the complexity of the issue and noted that while Finance typically does not intervene in such matters, she has observed the broader impact across the city. She recommended updating the longstanding policy to provide city management greater flexibility, allowing for potential increases of up to fifteen percent instead of the current five percent, while remaining within budget. She noted that implementing such changes would require further review of nuances, including impacts on internal candidates and transitions between bargaining units, and suggested this be considered for future evaluation to address citywide concerns rather than individual positions.

Responding to Dr. Sudler, Ms. Marney stated that they would have to be evaluated on application so that the constituents would not have to consume the implementation. She noted that it would have to work within the approved budget.

Dr. Sudler emphasized the need to address the current staffing issue in a measured and equitable way. He highlighted the importance of balancing employee well-being with fiduciary responsibility to constituents, noting that timing and fairness are critical when determining compensation. Dr. Sudler stressed that solutions should serve both current and future employees while ensuring the municipality remains competitive and avoids favoritism. He recommended focusing on Human Resources' guidance to address the immediate need while considering long-term organizational and constituent impacts.

Mr. Anderson expressed concerns with the motion, stating that it may need a legal review because it could interfere with the charter, as the position is not technically open. He noted that an offer has been made, the position is not council-appointed, and they could be interfering with the hiring process, as the charter gives to the city manager.

Ms. Poole stated that a decision needs to be made, but the decision needs to follow city policy.

Mr. Lewis questioned whether they would be following the current policy by bringing the position to Grade 129 and whether they were following the guidelines of the 2023 wage study that was mentioned.

Responding to Mr. Lewis, Ms. Poole noted that they would not. They would be following the handbook policy, which states that if a promotion happens, the recipient will receive a five percent increase or the start of the next pay grade, whichever one is highest.

Dr. Sudler clarified that his motion was to have the Chief collaborate with Human Resources to repost the position and attract additional candidates. He emphasized that the motion was not intended to override any charter rights or departmental jurisdiction, but rather to provide guidance and support in the hiring process. Dr. Sudler noted that, as the city's Human Resources Department serves as the central expert on workplace matters, it is appropriate for Human Resources to be the focal point in recruitment and employment decisions, particularly in departments, such as the Police Department, that do not have their own Human Resources personnel. He underscored the importance of a coordinated, "Team Dover" approach, ensuring compliance with workplace standards while leveraging Human Resources expertise.

Ms. Paul expressed concern regarding adherence to the city's policy limiting salary increases to five percent. She questioned why a proposed increase for a recently vacated position exceeded this limit, suggesting that doing so could constitute poor stewardship of taxpayer funds and potentially expose the city to legal risk. She emphasized that the chief does not have unilateral authority to set salaries above policy limits and urged that the position be filled through standard recruitment processes rather than offering an excessive increase. She stated that the situation did not constitute an urgent need and stressed fiscal responsibility in managing public resources.

Belinda Main, City of Dover, expressed concern over the proposed \$30,000 raise for a single position, noting that city employees typically receive only a two percent annual increase. She emphasized that such a large increase would place an unfair burden on taxpayers and on other employees who perform multiple roles and work overtime to cover responsibilities. She urged the council to consider fairness and fiscal responsibility, highlighting the contributions of staff who perform multiple duties without similar compensation.

Jesse Riggin, 40 Maple Lane, Dover, clarified that the position under discussion was being reviewed based on the job description. He noted that Human Resources had provided a recommendation to adjust the position to Grade 129 and stated that it seemed appropriate to act on their feedback.

Ms. Arndt asked for the motion to be restated and expressed concerns with reposting the position if someone had already been interviewed and the job had been provided to the applicant.

Ms. Arielle Rivera, Assistant City Clerk, stated that the motion was to recommend having the Police Chief work with Human Resources to externally post the job, gather a candidate pool for thirty to sixty days, and then bring it back to the committee for further discussion and consideration.

Ms. Arndt noted that she did not believe that council could make that decision.

Dr. Sudler questioned if they could obtain a legal review after the motion has passed.

Mr. Lewis questioned whether they would be voting on the original proposal.

Mr. Anderson stated that if the current motion passed, they would not be voting on the original proposal nor the recommendation of Ms. Poole.

Responding to Ms. Arndt, Ms. Poole stated that in order to post the position, the applicant would have to decline the role because there is an outstanding offer on the table, and they do have to honor that.

Dr. Sudler withdrew the original motion, as did Mr. Lewis as the seconder.

Dr. Sudler moved to recommend deferring the item back to the committee in thirty to sixty days to see if the applicant has accepted the position and revisit it at a later date. The motion was seconded by Ms. Hall.

Mr. Lewis recommended having the Human Resources Director keep council abreast of what was transpiring.

Dr. Sudler and Ms. Hall were amenable to the amendment.

Mr. Neil questioned whether, if the applicant accepts the position, that means it will automatically be regraded and reclassified based on what was negotiated.

Responding to Mr. Neil, Mr. Anderson stated that it would be based upon the counteroffer made, not the one that has not been approved.

Ms. Poole stated that they would follow the policy; the network administrative position at Grade 129 is what the offer would be. It would be at five percent or the start of Grade 129, whichever one is the highest, that is what the rate would be. She noted that there would be no regrading and the retitling already happened. It was moved from a Senior LAN Analyst position to a Network Administrator. She emphasized that there would be no regrading.

Dr. Sudler moved to recommend deferring the item back to the committee in thirty to sixty days to see if the applicant has accepted the position, and revisit it at a later date, and have the Human Resources Director keep council abreast of what was transpiring. The motion was seconded by Ms. Hall and unanimously carried.

Proposed Ordinance #2025-17 – Proposed Changes and Additions to Strengthen the Current Stormwater Ordinance by Amending Chapter 98 – Streets, Sidewalks, Storm sewers, and other public places, Article I – In General, and Appendix F (Mark Nowak, Public Works Director)

Mr. Mark Nowak, Public Works Director, Ms. Bryn Wambaugh, Stormwater Coordinator, and Mr. Eddie Kopp, Chief Code Enforcement Officer, reviewed the background and analysis of Proposed Ordinance #2025-17.

Staff recommended forwarding Proposed Ordinance #2025-17 to City Council for approval.

Responding to Mr. Anderson, Mr. Nowak stated that those with a sump pump that directly discharges into the stormwater system have to be able to prove that the water is not contaminated. He noted that sump pumps can be discharged into the grass or into an area of nature, and then it naturally filters through the grass and goes into the road and catch basin. He explained that previously, there was nothing in the ordinance that addressed sump pumps, and it is an issue that Code Enforcement has to address often.

Responding to Mr. Rocha, Mr. Kopp stated that in his experience, he has found that it is not always sump pumps that go into the stormwater structure. He noted seeing washing machines, dishwashers, recreational vehicles, and several other items that should not be discharged directly into the stormwater. If they suspect that anything other than stormwater is being discharged, they will require the testing of the water to make sure it complies with the MS4 permit.

Mr. Neil moved to recommend accepting the staff recommendation to forward Proposed Ordinance #2025-17 to council for approval. The motion was seconded by Ms. Arndt and unanimously carried.

Staff Substitute – Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking by adding Sec. 106-139 – Pedestrian Safety (Councilman Anderson, David S. Hugg, III, City Manager, and Chief Johnson)

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

Staff recommended forwarding staff substitute #1 of Proposed Ordinance #2025-21 to council for approval.

Chief Johnson stated that the Police Department's primary concern is traffic safety. He indicated support for issuing warnings rather than citations and emphasized the need for a mechanism to remove individuals from hazardous situations. He noted that repeated enforcement is unlikely to occur frequently, as officers generally encounter individuals for the first time, and stressed that the key tool for officers is the ability to direct people out of harm's way.

Responding to Mr. Lewis, Chief Johnson stated that a no panhandling sign to his knowledge, with the understanding that panhandling is a protected right, would result in a First Amendment challenge.

Mr. Lewis corrected his statement and withdrew the word panhandling but asked about a no-standing sign in the median.

Responding to Mr. Lewis, Chief Johnson stated that if they were to place a no stopping or standing sign, which is not unusual to see in traffic safety, as long as there was an ordinance to back it up, they would be able to enforce that.

Responding to Mr. Lewis, Chief Johnson explained that for signs to be effective in enforcing local rules or state laws, there must be a mechanism to gain compliance. He noted that if only warnings could be issued, officers would be limited in their ability to enforce the ordinance and would need

further direction from council on how to proceed when individuals refuse to comply. He emphasized that without the ability to cite or take enforcement action, signs alone may not achieve the intended compliance.

Responding to Mr. Lewis, Chief Johnson explained that enforcement of ordinance violations requires both initiating enforcement and abating the condition. He noted that officers are authorized to take necessary actions, including arrest if required, to gain compliance, though such confrontations are rare. He emphasized that this approach is consistent with the enforcement of other low-level offenses under the city code and that in most cases, individuals comply voluntarily, reserving disputes for the courts.

Responding to Mr. Lewis, Chief Johnson noted that under Title 21, enforcement authority depends on the specific activity. While the law technically regulates median strip use, it does not address activities such as setting up tents, using wheelchairs, or soliciting money, which are protected under the First Amendment. He explained that although the statute exists, enforcement is limited because it is generally not supported by the Attorney General or courts.

Responding to Mr. Lewis, Chief Johnson stated that under Title 21, if it were being prosecuted and if the judge allowed it, then yes, they have the authority. However, right now, politically, that is not the reality.

Responding to Mr. Lewis, Chief Johnson stated that council, as the local authority, is giving the department the authority to enforce the ordinance. The ordinance will be local law, not state law, so he will be empowered to follow through with a local-level ordinance rather than using a state citation or citing the state code.

Responding to Mr. Lewis, Chief Johnson explained that while fines and collections for repeat offenders are rarely fully recovered, the enforcement mechanism provides officers the authority to address situations immediately, particularly for public safety hazards or chronic issues such as public intoxication. He emphasized that the primary purpose is to manage the situation in the moment, even if long-term compliance or payment is unlikely.

Responding to Mr. Neil, Chief Johnson stated that there is a Supreme Court of the United States decision that panhandling, as long as it is not intimidating, harassing, or does not address another area of criminality, but simply asking someone for money, is a First Amendment-protected activity.

Responding to Mr. Neil, Chief Johnson stated that they hardly ever arrest someone for panhandling unless they are aggressive. Typically, there would have to be a cooperating complainant who would provide a statement as to what the conduct was, but it is a rare occurrence.

Responding to Mr. Neil, Chief Johnson clarified that the Police Department cannot arrest anyone for panhandling. Enforcement under the ordinance is limited to removing individuals from medians or high-risk traffic intersections due to inherent safety hazards. He emphasized that the department's focus is solely on public safety in these areas, not on the act of soliciting money elsewhere.

Responding to Mr. Neil, Chief Johnson confirmed that the first penalty would be a warning.

Responding to Mr. Rocha, Chief Johnson stated that the adjacent roadway would be the connecting street to the intersection. For example, MLK would be the connecting street to Dupont Highway or any other street that intersects with the main roadway.

Responding to Mr. Rocha, Chief Johnson stated that the sidewalk is a pedestrian traffic way that is free to everyone to transverse.

Responding to Mr. Rocha, Chief Johnson noted that the ordinance's limitation on occupancy applies to medians and the adjacent roadway. He explained that the area next to the median, typically marked by painted lines, may include a narrow strip of roadway that is not necessarily part of the traffic lane, and he will verify the specifics.

Responding to Mr. Rocha, Chief Johnson explained that Section D prohibits operators from stopping, parking, or leaving a vehicle standing on city streets, or deviating from traffic lanes, to respond to persons violating the ordinance. This provision, modeled after a similar ordinance in another Delaware community, aims to prevent traffic hazards caused by motorists spontaneously stopping for individuals in medians. He noted that the proper approach is to park safely before interacting and that the ordinance provides for a warning initially, with fines as applicable.

Ms. Arndt stated that she has spoken to folks in her district and in her neighborhood. She read the following statement:

“While I share the very real safety concern about pedestrians standing in the narrow medians and heavy traffic areas, this ordinance has the potential to create more problems than it solves. I am uncomfortable moving it forward. I understand the intent is safety, not punishment. Unfortunately, in practice, issuing fines to individuals who have no means to pay is neither effective nor does it affect change. It also exposes the city to potential litigation without delivering meaningful improvements to public safety. This was a huge concern of mine, of putting the city at risk. I appreciate and value the Chief's insights and operational challenges. I want to acknowledge my colleagues' sincere effort in bringing this issue forward and his grace and professionalism through public criticism. The safety risks he identified are real. Thank you, Councilman Anderson. At the same time, I call on those who oppose this ordinance on moral grounds to stay engaged in ways that generally help by regularly visiting the areas where people are standing in medians and entice them to safer locations, offer resources or services to address root causes. We all share the same goal: a safer community. I believe we can pursue the goal more effectively through collaboration and compassion than through this ordinance”.

Mr. Boggerty stated that while he supports the safety intent of the ordinance, he cannot support issuing fines to individuals who are panhandling, emphasizing that moral judgment over need is not their role. He noted concerns about the practical enforcement challenges for the Police Department and stressed the importance of community vigilance to ensure safety. He expressed hope for alternative solutions that address public safety without penalizing those in vulnerable situations and acknowledged Councilman Anderson's good intentions, but indicated this ordinance is not the path he would support.

Mr. Shevock expressed concern for individuals panhandling in medians, noting observed instances where they collected money from vehicles, creating a significant safety hazard. He stated full support for removing people from the roadway or median, emphasizing that while panhandling on sidewalks or curbs is acceptable, individuals should not be in the center of traffic where both they and motorists are at risk.

Mr. Rocha stated that while he has no objection to panhandling generally, he is concerned about safety when individuals are in medians, particularly those in wheelchairs, citing a recent near-incident near Walgreens and CVS. He emphasized the need to proactively protect individuals by ensuring they choose safer locations, prioritizing safety over procedural or statistical considerations.

Ms. Hall stated that she is not confident that the proposed ordinance or strictly enforced fines will achieve the intended safety outcomes. She suggested alternative solutions, including posting signs indicating safe areas for individuals to stand, and emphasized a compassionate, supportive approach when officers respond to people in vulnerable or mentally ill states. She highlighted the potential for community engagement and acts of kindness to improve safety while respecting individuals, rather than relying solely on enforcement.

Mr. Garfinkel commended Mr. Anderson for bringing forward the ordinance, emphasizing that it addresses a critical public safety issue. He noted that individuals in medians are at risk of falling and being struck by vehicles and stated that while the ordinance could be stronger, it represents a positive first step in protecting people.

Dr. Sudler stated that the primary focus of the ordinance should be public safety, emphasizing the dangers posed by pedestrians in medians to both them and drivers. While acknowledging the need for enforcement, he suggested starting with signage and community outreach to guide individuals to safer locations and provide resources, such as mental health or food assistance. He emphasized that the intent is safety first, not punishment, and noted that although he initially offered an amendment, he cannot support the ordinance in its current form due to vagueness.

Dr. Sudler moved to start a pilot program to provide No Stopping, No Standing signs on the median with no penalty. The motion was seconded by Ms. Hall.

Dr. Pillsbury recommended adding strictly enforced so that the police can remind them of the signs.

Dr. Sudler and Ms. Hall were amenable to the amendment.

Ms. Arndt questioned the motion, stating that they should take a look at what signs are permissible. There are sign standards and whether or not they can put no-stopping, standing signs in a median when the median is designed to be a refuge for someone who is crossing the street. It may or may not be appropriate to put a sign there saying that someone cannot stand there when the median was designed for someone to stand there until the light changes.

Ms. Smack emphasized that not all individuals in medians are impaired and expressed concern about potential signage and fines impacting elderly pedestrians, such as those at Luther Towers, who may need multiple light cycles to cross streets safely. She noted her own efforts to advocate for people on medians and commended Dover Police officers for proactively addressing safety without the ordinance. She questioned the necessity of the ordinance, suggesting that existing efforts adequately address the safety concerns.

Ms. Paul stated that existing state laws under Title 21 already address public intoxication, obstruction of view, and disorderly conduct, providing multiple enforcement options for officers. She emphasized that Dover Police are already actively managing safety in medians and redirecting individuals as needed. She noted that creating a new ordinance would be redundant, potentially reduce penalties compared to state law, and would not allow officers to compel individuals into treatment, reinforcing that current laws are sufficient for public safety enforcement.

Adam Windett, 218 N. State Street, Dover, urged the council to vote against the ordinance, stating that the city has not demonstrated a public safety need, shown that the ordinance would be effective, or proven that it could not achieve its objective through less restrictive means. He suggested alternative measures, such as signage, to alert drivers to pedestrians in medians. He also expressed concern about the timing of controversial items on the agenda, noting that placing them late in meetings may discourage public participation.

Belinda Main, Dover, expressed strong opposition to the ordinance, emphasizing that penalizing individuals who panhandle, as well as those who assist them, undermines charitable efforts and community support. She stressed the importance of helping vulnerable people and criticized the ordinance for discouraging acts of kindness, arguing that the community should focus on providing assistance rather than imposing fines.

Shan Myles, Dover, stated that compassion is not a crime, survival isn't a crime. Compassionate people are not criminals, and people facing poverty are not criminals. She emphasized that the community needs support, not fines.

David Green, Dover, opposed the ordinance, emphasizing that not all individuals panhandling are impaired and highlighting the challenges faced by those trying to secure housing, shelter, or employment. He stressed that penalizing people who are working to support themselves or their families is unjust and called for increased outreach programs to assist individuals seeking to improve their circumstances.

Eve Durman, Dover, shared personal challenges, including difficulty obtaining identification and securing housing while fifteen weeks pregnant, and requested community and governmental assistance to help her and her fiancé find safe housing in preparation for their baby. She emphasized the urgency of support for families in vulnerable situations.

Ronald Eads, Dover, described his personal circumstances, including living on the streets with his fiancé, relying on panhandling for survival, and facing significant medical challenges and financial hardships due to disability payment delays. He emphasized that helping those who are panhandling

should not be treated as a crime and highlighted the physical and financial struggles he endures to survive.

Shyanne Miller, Wilmington, Delaware, stated she was a co-coordinator with the Holmes campaign and expressed opposition to the ordinance. She noted that Section D could penalize drivers who stop to respond to individuals and expressed concern about tracking written warnings for repeat offenders. She criticized the suggestion that residents should enforce safety, emphasizing that it is the government's role to create conditions for economic stability and support. She encouraged the council to consider alternative solutions, including using city-owned properties for transitional housing, establishing a city-run homeless services office, prioritizing vouchers for those experiencing homelessness, and providing public restrooms, showers, and daily maintenance to improve safety and support for individuals on medians.

Branden Fletcher, Wilmington, Delaware, stated he was from the Holmes campaign and expressed opposition to the ordinance. He stated that penalizing unhoused individuals and those who assist them is ineffective and places additional burdens on the city, taxpayers, and police. He emphasized that the ordinance does not address housing, shelter, or safety needs and highlighted the First Amendment protections for peaceful solicitation. He urged the council to table the ordinance and pursue solutions rooted in fact, such as expanding shelters and services, rather than enacting measures that are unconstitutional, costly, and ineffective.

Stephan Pierce, 437 Barrister Place, Dover, stated that while he initially thought the ordinance was a good idea, he now recognizes the negative impact it would have on individuals relying on panhandling to support themselves and their families. Drawing from his own experience with homelessness, he emphasized the importance of self-sufficiency and urged the council to vote against the ordinance, noting that better solutions could be developed in the future.

Tyler Mock, Dover, emphasized the importance of treating individuals with respect and avoiding judgment based on appearances or assumptions about health conditions. He noted the impact of conditions such as diabetes and urged putting people first in interactions.

Eric Czerwinski, 34 Maple Lane, Dover, emphasized that the issue under discussion is strictly a matter of public safety, particularly regarding pedestrians on narrow, beveled medians where vehicles travel at high speeds. He argued that enforcing ordinances is necessary to protect both pedestrians and drivers, noting that past attempts to place signs on medians were ineffective. He urged the council to depoliticize the matter, prioritize safety over fines, and support measures that allow law enforcement to remove individuals from hazardous medians.

Jeannie Anderson, Dover, shared a personal safety concern, describing an incident at a traffic light where an individual approached and banged on her vehicle while she was alone at night and unable to move her car. She noted that many women have similar experiences but were not present to speak, and emphasized that those affected by such incidents also deserve to have their concerns considered.

Mr. Anderson thanked the Legislative Finance Administration Committee and emphasized that the issue at hand is public safety, particularly regarding pedestrians in medians and their potential to

distract drivers. He noted the need for enforceable laws to ensure accountability and protect both pedestrians and motorists, citing prior incidents where individuals were put at risk.

Dr. Sudler moved to recommend starting a pilot program to provide No Stopping, No Standing signs on the median with no penalty, along with Strictly Enforced signs. The motion was seconded by Dr. Pillsbury and failed by a roll call vote of two yes (Hall and Sudler), seven no (Boggerty, Arndt, Rocha, Lewis, Neil, Shevock, Garfinkel), and two abstentions (Anderson, Pillsbury).

Mr. Garfinkel moved to recommend the passage of Proposed Ordinance #2025-21. The motion was seconded by Mr. Shevock and carried by a roll call vote of six yes (Anderson, Pillsbury, Rocha, Neil, Shevock, Garfinkel), and five no (Hall, Boggerty, Arndt, Sudler, Lewis).

Mr. Anderson moved for adjournment of the Legislative, Finance, and Administration Committee meeting, hearing no objection the meeting adjourned at 11:43 p.m.

Mr. Neil moved for adjournment of the Council Committee of the Whole meeting, hearing no objection the meeting adjourned at 11:43 p.m.

Fred A. Neil
Council President