

REGULAR CITY COUNCIL MEETING

The Regular City Council Meeting was held on December 8, 2025, at 7:30 p.m. with Council President Neil presiding. Council members present were Ms. Hall, Mr. Boggerty, Mr. Anderson, Dr. Pillsbury, Mrs. Arndt, Mr. Rocha, Dr. Sudler (in at 6:22 p.m.), and Mr. Lewis.

Staff members present were Police Chief Johnson, Ms. Marney, Mr. Hugg, Ms. Melson-Williams, Fire Chief Carey, Mr. Griffith, and Ms. Bennett. Mayor Christiansen was also present.

OPEN FORUM

The Open Forum was held at 6:15 p.m., prior to commencement of the Official Council Meeting. Council President Neil declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Alicia Martin, a Bear resident, emphasized the importance of pedestrian safety and stated that, based on her understanding, the City of Dover was doing everything in its power to keep the public safe. She noted that the City of Dover, Senator Buckson, Mr. Anderson, and other like-minded individuals care deeply about the city and the community's safety. She clarified that the intention was not to restrict anyone's freedom of speech but to ensure that individuals stand in locations where they can remain safe. She added that mental health professionals, the police department, and others were all working together to support and protect the public.

Ryan Halpern, a Dover resident, voiced strong support for Proposed Ordinance #2025-21. He expressed appreciation for the council's service and noted his compassion for those in need, while condemning groups that exploit vulnerable individuals by placing them in dangerous traffic areas. He argued that hunger should never force anyone to stand inches from moving vehicles, especially when safer alternatives exist, and that individuals do not have the right to impose such risks on drivers. He stated that saving even one (1) life would justify the ordinance, comparing it to other laws meant to prevent avoidable tragedies. He emphasized that Delaware offers few tools to address the issue and that the ordinance would give officers the authority needed to move individuals out of harm's way and connect them with services before a life is lost.

Jeannie Anderson, 217 Cecil Street, expressed her love and compassion for homeless individuals, stating that they are loved, seen, and cared for. She felt they were being exploited like pawns in a chess game. She noted that the Central Delaware Innovative Readiness Training (IRT) Program recently came in and provided approximately \$1.6 million in services for the homeless. She emphasized that the community was not embarrassed by the homeless population, but that safety was a concern, noting that individuals sitting in median strips were at risk of being struck by a vehicle.

William Faust, 136 Orchard Avenue, addressed council with concerns regarding Proposed Ordinance #2025-21. He questioned whether, if approved, the ordinance would be overturned by a lawsuit and asked who would reimburse citizens for their foolishness. He requested statistics on the number of individuals who have died, been arrested, or been involved in serious car accidents related to the issue. He stated that if such statistics could not be provided, then the ordinance should not be voted on because, in his view, the necessary homework had not been done. He added that if

council could not address prostitution, drugs, and homelessness, it would invite additional criminal activity into Delaware and the City of Dover, allowing it to spread even further.

David Lewis, 17 Upland Avenue, expressed concern that the community in the City of Dover needed to support panhandlers. He emphasized that panhandlers have been pushed from Loockerman Street to the intersections, and questioned where they would go next if they were forced to leave those areas as well. He also noted that not all panhandlers were homeless. He suggested that Dover establish a centralized help center that brings together the state, the city, churches, and organizations committed to assisting those individuals.

Christopher Beardsley, a Townsend resident, expressed concern that the City Council was not prioritizing housing for individuals. He stated that he was a candidate for the United States Senate and spoke in opposition to Proposed Ordinance #2025-21. He applauded the five City Council members who voted against the measure, Mr. Boggerty, Mr. Lewis, Ms. Hall, Ms. Arndt, and Dr. Sudler, and implored them to vote no once again. He directed his comment to Mr. Anderson, stating that Mr. Anderson had pontificated with a grandiose sense of constitutional vigilantism and that no one had time for that. He emphasized that the needs of the constituents were urgent and that such platitudes would not keep Dover residents from experiencing homelessness, continuous rent increases, or economic hardship. He urged Mr. Anderson to focus his energy on creating the economic conditions necessary for individuals to thrive, rather than supporting punitive measures against those who were simply trying to exist. He stressed that alleviating the economic burdens residents face should be the priority, through measures such as rent stabilization, direct rental assistance, and tenant protections. He stated that everyone was feeling the cost burden, ensuring their families have a roof over their heads, and that no one (1) should waste time confronting those who ought to prioritize the needs of their constituents. He added that if council did not put housing first, then they were putting housing last. He urged all council members to vote no on the proposed ordinance.

Pastor Sheila Lomax, 101 South New Street, read the following statement from Pastor Leroy Bradshaw:

It is disheartening to see so many individuals without shelter while numerous buildings remain vacant. I believe it is crucial for our city leaders to meet the needs of the homeless and to actually seek solutions rather than merely pushing the issue aside. As representatives of the community, I urge you to remember that the teaching of the Bible, which reminds us to care for the poor, consider the implications of any policies you may pass, as they could one (1) day affect you or your loved ones. I sincerely hope you reflect on this matter and take meaningful actions to support those in need.

Pastor Lomax stated that it was sad that things like that happened, but that they needed to figure out how they could solve the problem. Reflecting on her own experience, she added that her daughter became homeless and did not want to come home. She noted that her daughter wanted to figure things out on her own, and while she had three (3) children, her two (2) boys stayed with friends, and she kept her daughter with her and in a shelter. She emphasized that her daughter

fought for herself and worked hard to get herself out of that situation. She also added that she wanted council to do something that would help those individuals and still keep everyone safe.

Belinda Main, 142 Reese Street, addressed council to speak on behalf of the less fortunate. She stated that she was speaking not only to the five (5) council members who voted in alignment with her position, but to all members, emphasizing that the individuals affected by the proposed ordinance were already suffering and did not need further punishment. She stressed the need to help those individuals, noting, as Pastor Lomax had mentioned, that there were several vacant buildings throughout the city. She suggested organizing a community day to assess which buildings could be rehabilitated to provide shelter and support. She acknowledged that safety was a concern surrounding the proposed ordinance; however, she pointed out that the city was not offering those individuals guidance on where they could safely go. Instead, the ordinance would simply warn or fine them, which she believed would only push them further into debt. She added that those individuals would likely return to the same locations, continuing a cycle of risk and instability, similar to individuals leaving prison with nothing. She urged council to work together and to avoid voting on an ordinance that would further penalize people who were already struggling.

N.O.I., a Dover resident, stated that he agreed with the ideas and views expressed regarding the proposed ordinance. He noted that he has provided money, water, and other assistance to individuals in need. He expressed concern that while the focus was on the proposed ordinance and individuals on the medians, there was little attention given to issues at Irish Mike's, where individuals have been involved in fights and even killings. He questioned which issues should be a priority.

John Davis, 4 Stoney Drive, spoke in favor of Proposed Ordinance #2025-21, stating that it was based on common sense. He explained that he drives on Forrest Avenue several times a day and regularly observes individuals standing on the medians, particularly at the intersection of Forrest Avenue and Salisbury Road. He expressed concern that those individuals who were present during rush hour, when traffic was heavy, and drivers making left-hand turns may be distracted or in a hurry to get home. He noted that all it would take was for one (1) individual to slip during rainy or snowy conditions, or to step partially into the roadway, to create a serious safety hazard. He also referenced an incident from the previous week in which an individual in a wheelchair was present on the median, stating that he was concerned there would be no way for a driver who made a mistake to safely avoid that individual. He emphasized that his primary concerns were the safety of the individuals involved and the potential financial liability for the City.

Vonderlear Smack, 1001 White Oak Road, highlighted statements from council members who spoke in opposition to Proposed Ordinance #2025-21. She referenced Ms. Arndt's comments from November 25, noting that Ms. Arndt had spoken with individuals in her district and neighborhood and stated: *"While I share very real safety concerns about pedestrians standing in narrow medians and heavy traffic areas, this ordinance has the potential to create more problems than it solves. It exposes the city to potential litigation without delivering meaningful improvements to public safety."* She also highlighted Mr. Boggerty's comments, noting that while he supported the safety intent of the ordinance, he could not support issuing fines to individuals who were panhandling, emphasizing that moral judgments about need are not the role of government. She further

mentioned that several lawsuits have been brought against other cities that attempted to pass ordinances similar to Proposed Ordinance #2025-21, many of which were struck down and resulted in litigation. As examples, she cited *Street v. Skewette*, *Cutting v. City of Portland*, *Reed v. Town of Gilbert*, and *Norton v. City of Springfield*, among others. She stated that, as a resident and volunteer with the Homes Campaign, she was reminding council that if the proposed ordinance were to pass, the city could be sued, and as taxpayers, residents do not need that burden. She emphasized that there was a better way to address the issue. She questioned how homelessness was identified, reiterating that homelessness “was not a look,” and that it presented in many different ways. She urged council to reconsider assumptions about who was homeless and noted that individuals behind her had been perceived as homeless, including herself. She clarified that she was not unsheltered, but rather an advocate for those individuals.

Reginald Daniel, II, 759 Blackbird Station Road, Townsend, stated that he is a community health worker and a community engagement specialist with Neighborhood Partners. He noted that while there has been significant discussion about public safety related to the medians and the moral and financial concerns of criminalizing homelessness, an important issue that has not been addressed is the baseline hierarchy of needs. He explained that the community continues to face a crisis of affordability, nationally, at the state level, and locally in the City of Dover, where food, housing, and healthcare remain inaccessible for many residents. He emphasized that efforts should focus on making Dover a livable city. He suggested that several abandoned buildings could be repurposed to provide open wound care and meet the needs of individuals suffering from addiction.

Douglas Hall, 718 South Governors, expressed concerns about homelessness and addiction, noting that council policies have contributed to the displacement of residents into hotels, which are now for sale. He also shared a personal concern involving his nephew, highlighting difficulties with law enforcement, including a DUI citation for his nephew, a lack of officer attendance in court due to a fender bender that was not his fault, and challenges in accessing body cam footage. He urged the city to stop penalizing the homeless and to take accountability for those issues.

Adem W., a Wilmington resident, spoke against Proposed Ordinance #2025-21. He stated that the homeless have been displaced repeatedly, leaving only Christina Park, and questioned the indifference toward their situation. He criticized council for attempting to advance ordinances that serve an agenda benefiting the state or the prison industrial complex, rather than addressing the needs of those individuals. He argued that focusing solely on safety at intersections ignored broader issues and that fining individuals for being on the medians would not solve homelessness or safety concerns in Dover but simply push individuals to Wilmington.

Brandon Fletcher, a Wilmington resident, spoke against Proposed Ordinance #2025-21. He thanked the five council members who voted no at the November Council Committee of the Whole meeting, noting their vote demonstrated compassion, common sense, and leadership. He stated that while the ordinance claimed to address traffic safety, it was an attempt to criminalize homelessness rather than address the underlying issues. He argued that issuing tickets wasted taxpayer money and diverted officers from real public safety concerns. He emphasized that solutions should focus on investing in affordable housing and supportive resources, and urged Mayor Christiansen to use his role on the Interagency Council for Ending Homelessness to

collaborate on evidence-based strategies. He also noted potential legal risks, including violations of the First Amendment, which protected peaceful panhandling. He concluded that Proposed Ordinance #2025-21 was cruel, ineffective, and legally risky.

Cari Kirby, a Wilmington resident, spoke against Proposed Ordinance #2025-21. She stated that she was a community health worker in Wilmington and that Dover was one (1) of the cities where it lacked housing for permanent and temporary housing for individuals who were currently unhoused. She noted that council could spend more time and effort on proposals that could help house those individuals with medical issues, and she would appreciate that council would rethink any decision in support of the proposed ordinance.

Lachelle Paul, 501 Silverside Road, spoke against Proposed Ordinance #2025-21, stating that it would cause more harm than good. She explained that two-thirds of the issues involved individuals suffering from opioid addiction, while the remaining third involved homelessness, with safety being a primary concern. She emphasized that some individuals needed court-ordered treatment, and the proposed ordinance would hinder efforts to get them the help they need. She concluded that the ordinance would not address the real problem and would ultimately create more harm.

Chris Holstein, 239 Kentwood Drive, stated that part of the issue facing individuals who were homeless stems from discrimination at job sites, where they were often denied opportunities to improve their situation. He added that fining or jailing individuals for panhandling would worsen the problem rather than help. He noted that he has developed a program to assist individuals coming out of addiction, homelessness, or orphanages, emphasizing that jails often contribute to continued substance use.

Joan Denney, a North State Street resident, stated that she was a member of the Planning Commission for the City of Dover. She believed that the proposed ordinance was a good attempt, but it needed a little time on the drawing board. She emphasized that they all needed to be reminded that homelessness and addictions were both physiological and psychological anomalies, and noted that it was something that could not be stopped quickly.

James Hutchinson expressed concerns about the homelessness situation, describing it as a serious problem in the State of Delaware. He stated that the city, county, and state needed to enter into a partnership to address the homelessness situation. He added that he would support Proposed Ordinance #2025-21 because public safety was an issue, and it was their responsibility, as well as the homeless situation. He mentioned that a partnership was needed with the State of Delaware to address those issues and concerns. He urged council to support the proposed ordinance.

Matthew Hartzel, 1848 Brackenville Road, Hockessin, stated that for 22 years, he had struggled with mental health and substance abuse. He shared his journey with his struggle with mental health and substance abuse, and has been clean for six (6) years and two (2) months.

INVOCATION

The invocation was given by Elder Ellis Loudon.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilwoman Arndt.

ADOPTION OF AGENDA

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

ADOPTION OF CONSENT AGENDA

All Consent Agenda items are considered routine and non-controversial and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

Ms. Arndt moved for adoption of the consent agenda, seconded by Mr. Rocha, and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 24, 2025

The Minutes of the Regular Council Meeting of November 24, 2025 were unanimously approved by motion of Ms. Arndt, seconded by Mr. Rocha, and bore the written approval of Mayor Christiansen.

COUNCIL COMMITTEE OF THE WHOLE REPORT – NOVEMBER 25, 2025

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 counter-measure is for that area, 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 DelDOT 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 DelDOT; 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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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 council's 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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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).

By consent agenda, Ms. Arndt moved for approval of the Committee's recommendation, seconded by Mr. Rocha and carried by a unanimous roll call vote.

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.

By consent agenda, Ms. Arndt moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Rocha and carried by a unanimous roll call vote.

MONTHLY REPORTS – OCTOBER 2025

By motion of Ms. Arndt, seconded by Mr. Rocha, the following monthly reports were accepted by consent agenda:

- City Council's Community Enhancement Fund Report
- City Manager's Report
- Controller/Treasurer's Budget Report

Fire Chief's Report
Police Chief's Report

ANNEXATION/REZONING REQUEST/FIRST READING REFERRAL OF PROPOSED ORDINANCE #2025-23 – PROPERTY LOCATED AT 7 NIXON LANE

A request was received for annexation and rezoning of property located at 7 Nixon Lane, consisting of 41,526+/- S.F. (0.9533 acres+/-), owned by Lupe N. Fuller. This property is currently zoned RS-1 (Residential Single-Family Zone), and the proposed zoning is R-8 (One-Family Residence Zone). Staff recommended that the request be referred to the Utility Committee on January 17, 2026, and to the Planning Commission on February 17, 2026; and that a public hearing be set for March 9, 2026, at 6:30 p.m. (Tax Parcel: ED-00-068.19-01-28.00-000; Planning Reference: AX-26-01)

Ms. Arndt moved for referral, as recommended, seconded by Mr. Rocha, and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Proposed Ordinance, as read by the City Clerk, by title only, as follows:

ORDINANCE #2025-23 – AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 7 NIXON LANE.

ANNEXATION/REZONING REQUEST/FIRST READING REFERRAL OF PROPOSED ORDINANCE #2025-24 – PROPERTY LOCATED AT 1624 NORTH LITTLE CREEK

A request was received for annexation and rezoning of property located at 1624 North Little Creek Road and two adjacent parcels, consisting of 5.12+/- Acres, 3.15+/- Acres, and 0.48+/- Acres, owned by United Worldwide Express, LLC. The main property is currently zoned IL (Limited Industrial Zone) and RMH (Residential Manufactured Home Zone), and the other two parcels are zoned RMH (Residential Manufactured Home Zone). The proposed zoning is IPM (Industrial Park Manufacturing Zone), subject to the AEOZ (Airport Environs Overlay Zone): APZ II – Accident Potential Zone II. Staff recommended that the request be referred to the Utility Committee on January 17, 2026, and to the Planning Commission on February 17, 2026; and that a public hearing be set for March 9, 2026, at 6:30 p.m. (Tax Parcel: ED-00-068.20-01-15.00-000; Planning Reference: AX-26-02)

Ms. Arndt moved for referral, as recommended, seconded by Mr. Rocha, and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Proposed Ordinance, as read by the City Clerk, by title only, as follows:

ORDINANCE #2025-24 – AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1624 NORTH LITTLE CREEK

ROAD.

FIRST READING - 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)

Council President Neil reminded the public that copies of the proposed ordinance were available on the City's website at www.cityofdover.gov under "Government," or by contacting the City Clerk's Office at 302-736-7008 or cityclerk@dover.de.us. Final action by Council on the proposed ordinance will take place during the Council Meeting of January 12, 2026.

Mr. Mark Nowak, Public Works Director, briefed members of council on 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.

Responding to Mr. Lewis, Mr. Nowak stated that the justification for the proposed ordinance was not based on his own decision, but rather on requirements from the state. He explained that the National Pollutant Discharge Elimination System (NPDES) permit encompasses the Municipal Separate Storm Sewer System (MS4) permit requirements, which were issued to the city through the state's permitting process.

Responding to Mr. Lewis, Mr. Nowak clarified that the requirement was mandated by the state.

Responding to Dr. Sudler, Mr. Nowak clarified that the time frame for imposing a penalty was shortened from 10 days to 24 hours because the city could be fined between \$1,000 and \$10,000 per day for any illicit discharge, regardless of who caused it. He explained that such discharges are often not discovered immediately; sometimes it could take five (5) days or up to a week. If the city allowed an additional 10 days after becoming aware of the discharge, it would be subject to fines from the state.

Responding to Dr. Sudler, Mr. Nowak clarified that the permit stated that the fines would be no less than \$1,000 and no more than \$10,000 a day.

Responding to Dr. Sudler, Mr. Kopp explained that the proposed fines for the ordinance would escalate from \$250 for the first offense, \$500 for the second, and \$1,000 for the third. He noted that those fines were higher than typical code enforcement fines because of the serious impacts on the City of Dover. Waiting the standard 10 days to issue a fine could result in state penalties of up to \$10,000 per day, which could financially harm the city. He cited a prior incident in which a contractor was illegally discharging arsenic into the stormwater and attempted to conceal it. He emphasized that most individuals who discharge illicitly are aware of their actions, and the elevated fines are intended to protect the city.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Proposed Ordinance #2025-17, as read by the City Clerk, by title only, as follows:

ORDINANCE #2025-17 – AMENDING CHAPTER 98 – STREETS, SIDEWALKS, STORM SEWERS, AND OTHER PUBLIC PLACES, ARTICLE I. – IN GENERAL, AND APPENDIX F.

FIRST READING OF 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 POLICE CHIEF JOHNSON)

Council President Neil reminded the public that copies of the proposed ordinance were available on the City's website at www.cityofdover.gov under "Government," or by contacting the City Clerk's Office at 302-736-7008 or cityclerk@dover.de.us. Final action by Council on the proposed ordinance will take place during the Council Meeting of January 12, 2026.

Councilman Anderson briefed members of council on Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III, Stopping, Standing, and Parking, by Adding Sec. 106-139 – Pedestrian Safety.

Mr. David Griffith, City Solicitor, stated that there have been legal challenges to pedestrian safety ordinances based on First Amendment grounds. He explained that under court guidance, the city, in enacting the proposed ordinance, such as this, must show that the ordinance is narrowly tailored to achieve significant government interests. The interest would be pedestrian safety. He noted that the city must show that the ordinance was narrowly tailored to achieve the significant government interest of pedestrian safety and that the ordinance left open ample alternative channels of communication for First Amendment grounds. He added that if they were in favor of the proposed ordinance, they would find that the ordinance was narrowly tailored to achieve the goal of pedestrian safety and that the ordinance left open ample alternative channels of communication. He also added that if they were in opposition to the proposed ordinance, they would find that the ordinance was not narrowly tailored to achieve the goal of pedestrian safety, and that there were no alternative grounds for First Amendment expression by pedestrians.

Mr. Griffith stated that pedestrian safety ordinances have faced legal challenges on First Amendment grounds. He explained that, according to court guidance, the city must demonstrate that any such ordinance is narrowly tailored to serve a significant government interest, in this case, pedestrian safety. Additionally, the ordinance must leave open ample alternative channels of communication to protect First Amendment rights. He clarified that supporting the proposed ordinance would mean finding that it is narrowly tailored to achieve pedestrian safety while preserving alternative avenues for expression. Conversely, opposing the ordinance would mean finding that it is not narrowly tailored and does not provide sufficient alternatives for First Amendment expression by pedestrians.

Responding to Dr. Sudler, Mr. Griffith stated that he was taking the middle ground between the fact that there were state statutes that addressed pedestrian safety. He noted that there is a state statute that addresses solicitation. He explained that the American Civil Liberties Union (ACLU) had sued the State of Delaware to challenge the constitutional statute, and there was an agreement

that the lawsuit was settled by the agreement of the Attorney General's Office not to enforce that statute. There is a statute, but the Attorney General has settled the lawsuit by agreeing not to enforce the statute.

Responding to Dr. Sudler, Mr. Griffith clarified that he was not aware of any statute specifically addressing individuals standing on medians in a way that obstructed traffic visibility or created potential distractions, not in the context of soliciting or panhandling, but solely regarding the act of being on the median and impacting traffic safety.

Ms. Hall made a motion to identify the places that were permissible to stand and not stand according to the provisions under the state statute.

Responding to Ms. Hall, Mr. Griffith stated that if he were to elaborate on the discussion he had with her, it would be privileged communication, but if she were to waive the privilege, so everyone could be aware of what was discussed between him and her.

Ms. Hall waived the privilege of communication.

Mr. Anderson called for a point of order.

Responding to Mr. Anderson, Mr. Griffith clarified that the privilege belonged to all of council and all of council would have to waive that privilege. He noted that his client was the city and not one (1) particular individual in the city.

Mr. Anderson suggested that they could go into executive session and discuss the privileged communication.

Mr. Griffith suggested that a motion could be made for council to vote on whether or not to waive the privilege and allow him to speak about his discussion with Ms. Hall.

Ms. Hall moved to waive the privilege to allow council to have the discussion to waive the privilege communication. The motion was seconded by Mr. Boggerty.

Mr. Anderson cautioned council that they have an easy mechanism, and council could go to an executive session for three (3) to five (5) minutes, because waiving privileged communication has the potential to allow the reason why that discussion was privileged, because there was liability potential if that information was waived. He noted that they should take and carefully think over whether or not they want to waive something that they have not heard, and with that being stated, then if they know what was being discussed ahead of time, then they could waive that communication.

Mr. Neil stated that council was having a discussion and during open forum, the public was heard, and now they need council to let them do their job; if not, he would clear the room.

Mr. Anderson stated that the importance of a privileged communication being known by them on

what they were waiving was the fact that if they had it ahead of time, they could waive and have it be discussed with the public because council would be aware of the scope of the discussion. He noted that, as a principle, it was an issue of waiving community privileged communication.

Mr. Griffith suggested that, in the same way that Dr. Sudler asked his question of the City Solicitor in the open forum in the meeting, perhaps Ms. Hall could ask him the question in the same way as the other council members have asked for legal questions during the course of the meeting. He noted that if Ms. Hall would prefer that, they could go do that, and she could directly ask the question, and he could answer.

Ms. Hall rescinded her motion based on the suggestion from Mr. Griffith.

Mr. Boggerty withdrew his second from Ms. Hall's motion, based on the suggestion from Mr. Griffith.

Ms. Hall and Mr. Boggerty withdrew their motion to waive the privilege, allowing council to discuss whether to waive the privileged communication.

Responding to Ms. Hall, Mr. Griffith stated that his belief had to do with the legal standard that they just articulated, the two (2) items, whether or not the proposed ordinance applied to certain intersections that were found by the city to be the most dangerous, and that there were other intersections where the ordinance would not apply. In his view, he noted that would support the conclusion that it was narrowly tailored and that there were alternatives available.

Ms. Hall stated that, to her understanding that further stated that there was a specific type of sign and looked at the proposed ordinance, and stated that the sign's primary message must state the prohibited activities and the relevant law to ensure enforceability. A simple direct message was most effective for quick comprehension by drivers and could identify, therefore, Title 21 as part of that language.

Responding to Ms. Hall, Mr. Griffith clarified that if a sign could identify Title 21 and could be specific, it would be up to the city whether it wanted to put up a sign there.

Responding to Ms. Arndt, Mr. Griffith clarified that the statute that the Attorney General's Office was not enforcing was under Delaware Code, Title 21, Section 4147.

Responding to Ms. Arndt, Mr. Griffith clarified that the statute under Delaware Code, Title 21, Section 4147 was called Pedestrians soliciting rides or businesses.

Responding to Ms. Arndt, Mr. Griffith clarified that under Title 11, Section 1321, Loitering was the criminal statute.

Responding to Ms. Arndt, Mr. Griffith clarified that under Delaware Code, Title 11, Chapter 5, Section 1315, the Public Intoxication statute provided that it could be another opportunity if officers see activity on the median where individuals were impaired, and the statute would apply

that they could move individuals off the median if they were on drugs or alcohol.

Responding to Ms. Arndt, Mr. Griffith clarified that under Delaware Code, Title 11, Chapter 5, Section 1315: the Public Intoxication statute, officers may have another enforcement option if they observe individuals on a median who appear to be impaired. If individuals are under the influence of drugs or alcohol, the statute would apply and allow officers to move them off the median.

Mr. Rocha stated that his support for the proposed ordinance was driven by observing an individual in a wheelchair positioned on the median at the corner of Forrest Avenue and Salsbury Road. He explained that the individual appeared to be attempting to balance on the sloped median, which he believed created an unsafe situation. He emphasized that nothing presented during the meeting altered his position. He further stated that if the issue was not addressed, the city may hear about a serious incident involving that individual in the future.

Responding to Mr. Lewis, Mr. Griffith stated that he wanted to consult with Police Chief Johnson regarding whether other means under the state code could be utilized with respect to intoxication and related issues. He noted that, to his recollection, when the Attorney General's Office agreed not to enforce the solicitation ordinance, it was not because enforcement was inconceivable, but rather the result of an agreement not to enforce the statute. He added that he would be looking into the information further during their discussion.

Responding to Mr. Lewis, Mr. Griffith stated that, to his recollection, the lawsuit related to solicitation and loitering, which involved more of approaching vehicles. He explained that if the language of Section 4147 largely addressed approaching vehicles, soliciting items, or asking for rides, he could provide the applicable language from Title 21, Section 4347.

Responding to Mr. Lewis, Mr. Griffith clarified that there were multiple issues involved, not limited to safety concerns related to solicitation and seeking rides.

Mr. Lewis stated that he would like to read a statement for the record.

“While safety is undoubtedly important, it must be achieved within the framework of individual freedom and limited government interventions to ensure a thriving and vibrant society. We must remember that sacrificing too much freedom in the name of safety can lead down a perilous path. To maintain a just and prosperous society, it is essential to cherish and uphold the principle of individual liberty. Courts have consistently determined that the act of asking for money in public spaces constitutes a form of speech that is protected by the First Amendment. This protection extends beyond political or artistic expression to include solicitation for immediate, personal, and financial assistance. The U.S. Supreme Court has affirmed that soliciting charitable contributions is a protected form of speech. The lower courts have broadly applied this principle to individual panhandling. Therefore, any government attempt to prohibit this activity is viewed as restricted on speech. A law that fails any part of this three (3) part test is likely to be found unconstitutional. A city cannot ban panhandling simply because some people find it annoying or

because officials want to improve the city's image. Courts have found that this government's interest in, e.g., preventing nuisance, is not compelling enough to justify a content-based ban on panhandling. Any ordinance that singles out the act of begging for prohibition while allowing other forms of public address or solicitation will likely be invalidated."

Mr. Lewis stated that constituents had raised several important topics during public meetings. He noted that those included concerns about the restriction of speech for individuals in need, whether panhandling bans actually address the problem or merely push it out of sight, and whether the City of Dover should focus more on providing resources, such as housing, mental health services, and job training, rather than penalizing individuals on medians. He expressed his belief that the proposed ordinance originated from discrimination against panhandling. He concluded by stating that those were valid concerns and thanked the public for bringing them to light.

Dr. Sudler stated that, for him, the proposed ordinance was fundamentally about safety; however, he opposed penalizing individuals through fines and fees. He emphasized that individuals should instead be connected with resources that would help them become more productive citizens and address poverty, housing, and other issues raised. He noted that safety was the common denominator and that council members likely agreed on that point. However, he explained that their differences arose over how to achieve the goal of getting individuals off the medians. While he supported the core objective of removing individuals from the medians for safety reasons, he stated that he could not support the proposed ordinance because it was based on fines and fees.

Mr. Rocha concurred with Mr. Lewis and Dr. Sudler's statements, but that still did not apply to a wheelchair in the median. He stated that he did not understand why solicitation could take place on a sidewalk. He noted that he had no issues with the solicitation itself and the act of solicitation, but does not understand why it could not take place on the sidewalk instead of a strip median. He stated that he was not convinced that they could address the safety portion of the ordinance and still have the solicitations take place, but in a safer area other than in the middle of the road. He emphasized that he wanted something concrete to change his mind so that they could take care of the safety of those individuals, so that they would not get hurt while panhandling.

Mr. Anderson stated that he wanted to piggyback on Mr. Rocha's comments and pointed out that the proposed ordinance should not apply to sidewalks, private property, or other pedestrian walkways that were not within a vehicular lane of traffic. He explained that the proposed ordinance does not intend to unhinge on an individual's freedom of speech, and not only that, but the intent was that it explicitly ensured that it does not happen. With the type of ordinance contrary to assertions that have been made, courts have upheld, even at the appellate level. He noted incidents that courts have upheld even at the appellate level, such as with the Salt Lake City case, where that went to the United States Supreme Court, and an ordinance in 2020, such as the current proposed ordinance, was upheld. He also noted that there were incidents in New York, Albuquerque, and Roanoke where similar cases have been upheld. He stated that they have drafted an ordinance that was good and has been legally vetted and improved since the committee. He emphasized that there was no debate on the ordinance, but wanted to clarify questions that had been raised since this was the first reading. They will have a chance to debate and discuss the proposed ordinance on the

second reading.

Responding to Mr. Rocha, Ms. Hall stated that there were several individuals whom she had spoken to who did not realize that standing in the median was a prohibited activity, and because there was no signage that specifically said that someone could not conduct themselves in that manner, those individuals felt comfortable doing that. She referenced the picture (**Exhibit #1**) of the gentleman on the median, and noted that if there was a sign posted, that man could not have his wheelchair on the median. She noted that she brought up that it would be an easy fix for them to take the opportunity to identify that it was not permissible to have a wheelchair in the median, but across the street corner, it was permissible. She mentioned that it was the highway department that could absorb the cost. She emphasized that those signs were indeed permissible and, in those locations, where there was a particular sign design, it would just be up to them to determine what that language should state and be put in place. They then could move on knowing that the sign was an enforceable action that if an individual rode up to the intersection and discovered that there was an individual who was violating the state law statute, they then could make a phone call to the police department and explained that they were concerned for an individual sitting on the median and the officers could respond and at that time at their discretion, could give that individual a warning and an opportunity to provide resources. That could give them a compassionate solution and give them a mechanism to be able to enforce the statute.

Responding to Mr. Rocha, Ms. Hall clarified that different sections of Title 21 pertain to different measures. She explained that the section of Title 21 she was referring to specifically outlined what types of signage may be placed in certain locations and that it would be completely permissible to install a sign in the median providing safety instructions directed specifically at pedestrians.

Responding to Mr. Rocha, Mr. Lewis referenced Title 21, noting that it gave the police department authority to enforce pedestrian safety. He highlighted that pedestrians cannot block traffic or walk in roadways when sidewalks are available (Sections 4146A and 4146B) and cannot obstruct a driver's view (Section 4177B). He also mentioned that Section 4144 covers pedestrians' right-of-way on sidewalks and in safety zones. While he was not certain if those were the exact statutes being discussed, they reflected what he found in Title 21.

Responding to Mr. Rocha, Police Chief Johnson stated that the issue remained complex for the police department from a law enforcement perspective, and he noted that he was aware of the relevant statutes. He explained that, as he had previously informed council, enforcement activities are guided by how those laws are interpreted, both by the Department of Justice (DOJ), in terms of what they would support in charging documents, and by the courts, based on how judges interpret what conduct is permitted or prohibited. He indicated that he would need to defer on some of the points discussed, as he would need to consult with traffic supervisors who have recently been involved in related cases to better understand how those matters are currently being resolved in the courts. Currently, the only information he could offer to council was that there still appeared to be a gap in the law and noted that the gap was reflected in draft legislation that was pending in the legislature in the spring, which included a specific section addressing pedestrians and median strips. That draft legislation was part of a broader package intended to respond to the American Civil Liberties Union (ACLU) lawsuit and to replace sections of law that the Department of Justice

(DOJ) had instructed police departments not to enforce in Delaware at this time. He emphasized that the issue was not straightforward and that he could not fully answer the question since council was seeking a more definitive response. He acknowledged that he did not fully answer the question and that council was seeking a more definitive response, but he emphasized that the issue is not straightforward. He stated that he would compile the sections discussed and present them to individuals with greater expertise who could provide more detailed guidance. He reiterated that the issue of pedestrians occupying medians remained an unresolved area of Delaware law and may ultimately need to be addressed by the legislature in the spring.

Responding to Mr. Rocha, Mr. Griffith clarified that the Attorney General would not enforce Delaware Code 21, Section 4171, entitled Pedestrians Soliciting Rides or Businesses. He noted that there would be one (1) statute that would not be enforced. He noted Ms. Arndt's question regarding whether Title 11 would be part of the agreement. He stated that Police Chief Johnson called to his attention the announcement made by the Attorney General when that settlement was reached, and that Title 11 statute that addressed loitering was part of the agreement where the Attorney General's Office agreed not to enforce either loitering or solicitation.

Responding to Mr. Rocha, Police Chief Johnson stated that after the meeting, he would inform the council what the Department of Justice (DOJ) would support and what they would not. He noted that some statutory language referenced by Mr. Griffith contained subjective elements, which made it difficult to predict how a court might rule. He added that judges and magistrates do not like repetitive cases brought before them once they have clearly indicated their expectations through rulings. He emphasized that he would provide a more complete answer in the near future. He also reiterated a point made in previous council meetings, that the department's approach would always take the path that would involve the least amount of punitive action, since the goal was to gain compliance with the law. Even though warnings were included in the proposed ordinance, enforcement was not about issuing citations or "rewarding" officers for repeated offenses. He explained that multiple citations for the same low-level offense were not productive, as they did not solve the underlying issue. However, the ordinance gave officers legal authority to ask individuals to move out of dangerous situations, particularly in cases of aggressive panhandling. While some provisions remained somewhat subjective, they provided the department with the ability to act if they received a 911 call or observed someone violating personal space while panhandling, regardless of location. He also noted that historically, the majority of city ordinance violations involved vehicle-related issues, such as parking tickets, rather than behavioral offenses. The new ordinance allowed the department to address those situations directly while continuing to explore other strategies for compliance.

Responding to Mr. Rocha, Police Chief Johnson clarified that under current statutes, officers may issue warnings for state statute violations, with enforcement relying primarily on voluntary compliance. When individuals follow officers' instructions, situations are typically resolved without escalation. Challenges arise, however, when individuals question an officer's authority, at which point officers must take the necessary actions to fulfill their duties. He stated that the necessity for officers to do their duty in those situations, particularly if they have an individual that was compromised by mental health or an onboard substance, alcohol, or anything else, and that individual decided to become defiant and that would lead to things and places that they do not

want to go as police officers unless they have too, and that would be why the whole idea of knowing before they start that action that would take for the reason that they would take to hold up in a court of law later on when being examined by reasonable individuals who are trying to figure out how they would get there because someone has been injured or something else unfortunately had occurred.

Responding to Mr. Rocha, Police Chief Johnson clarified that such situations would present an opportunity to involve the Behavioral Health Unit, noting that it was one (1) of the department's primary strategies when encountering individuals in at-risk situations, whether on a median or elsewhere. He stated that council would find most patrol officers, particularly those currently on duty, who were quick to get involved when there was an opportunity to guide individuals to a safer location or toward services without relying on a charging document. He further explained that accountability, supported by enforceable law, was the only remaining mechanism available when individuals refuse services or decline guidance to a safer or more stable situation.

Responding to Mr. Rocha, Police Chief Johnson stated that without the proposed ordinance, officers would have to rely on state statutes to warn pedestrians on medians and be prepared to clearly articulate those statutes if challenged. He noted that obstruction becomes more difficult to establish the farther an individual is from an intersection. He explained that the mode of transportation, whether on foot, in a wheelchair, or using a scooter, does not change the legal concern, which was the individual's presence on the median. He emphasized that proximity to intersections was the department's greatest concern, as serious injuries and fatalities most often occur on high-speed roadways and complex intersections. He stated that the purpose of the proposed ordinance was to reduce distractions and obstructions in those high-risk areas and to address any conditions that could compromise public safety, which was the police department's primary interest in the ordinance.

Police Chief Johnson explained that the proposed local ordinance would serve as a temporary bridge if the state does not act, allowing the city to keep individuals out of harm's way. He also noted that using state statutes would create statewide records for low-level offenses, potentially affecting individuals' future opportunities, whereas a local ordinance allows for a lower-level offense that limits long-term consequences while still providing lawful authority.

Responding to Mr. Boggerty, Mr. Griffith clarified that the General Assembly was considering a pedestrian safety ordinance to rework Section 4147.

Mr. Boggerty stated that revising Section 4147 could either strengthen municipal enforcement by aligning with state law or render the ordinance moot, as occurred with loitering. He recommended enforcing existing laws to the best extent possible, using common sense, and prioritizing safety. He suggested holding further action in abeyance until the state provides guidance, which could help determine a clear path forward. He emphasized that he did not support fees, fines, or actions that would increase reliance on the debtors' court. He concluded that, for now, waiting for a full response from the state was the most appropriate course while continuing to address safety concerns.

Dr. Sudler concurred with Mr. Boggerty that council should wait to see how the state revises

Section 4147. He expressed confusion over how state statutes could address certain issues while still leaving gaps and suggested that the gap may lie in the information being provided. He emphasized the need for clearer, real-time information during meetings so both council members and constituents can better understand the issues and make informed decisions.

Responding to Dr. Sudler, Mr. Griffith stated that one factor courts consider is the pre-enactment information received by council. He explained that the more information gathered before adoption, such as statistics on injuries or fatalities, the more favorably courts may view the ordinance. He emphasized that additional pre-enactment data would help support the council's actions.

Dr. Sudler made a motion to have the City Solicitor contact Delaware Department of Transportation (DelDOT) and have a representative to present to council and to the Safety, Advisory, and Transportation Committee, being that it was a safety issue and to have feedback either reviewed and expressed by the City Solicitor, and/or have a representative from Delaware Department of Transportation (DelDOT) to come in to present to them, whichever was more feasible to that committee, their feedback in regards to the medians and the future legislation that they may or may not have participated in drafting. The motion was seconded by Ms. Hall.

Ms. Arndt stated, based on her experience, that representatives from state agencies typically do not comment on potential legislation. She explained that once legislation was drafted, agencies followed an internal review process to provide comments, but she did not believe it would be appropriate to seek those perspectives at this stage. She noted that substantial pedestrian safety data was available and could be obtained through specific inquiries or independent research, including resources provided by the MPO. She added that it would not be appropriate to ask a Delaware Department of Transportation (DelDOT) representative to speak specifically on safety issues related to medians.

Dr. Sudler stated that he respected Ms. Arndt's opinion but would still like to hear directly from the Delaware Department of Transportation (DelDOT). He said that he would prefer to ask and receive a denial rather than not ask at all. He acknowledged Ms. Arndt's experience with the Delaware Department of Transportation (DelDOT) and her expertise but suggested that hearing from the agency could help narrow the scope of concern, particularly regarding individuals on medians and whether factors such as median size should be considered in drafting the ordinance.

Mr. Rocha expressed appreciation to Ms. Hall for highlighting relevant statutory language and to Mr. Lewis for offering a different perspective. He added that if staff were advocating for the proposed ordinance, council should respect the intent of their request. However, the key consideration was whether the necessary mechanisms were already in place, and if so, staff or officers should be challenged to address those issues effectively. He stated that he was evaluating whether the state statute or the proposed ordinance would be more effective and noted that it appeared the state statute may already be sufficient. Aligning with comments from Dr. Sudler and Mr. Boggerty, he expressed a desire for more time and additional information before making a decision. He emphasized that more answers were needed on whether the state statute was sufficient and how it could be effectively implemented to ensure safety. He stated that his primary concern was safety, not restricting panhandling or solicitation. He stated that standing in medians was

unsafe and, based on his experience, safety must come first. He concluded that additional research was needed and that any gaps should be clearly defined before moving forward with the proposed ordinance.

Responding to Mr. Rocha, Police Chief Johnson stated that to usher those individuals off the median for their own safety, the subjective nature of whether they were safe or not safe had to be considered immediately. It was not 100% addressed by the law under the current situation with the American Civil Liberties Union (ACLU) suit and the conceptions that the Department of Justice (DOJ) made. He emphasized that he does not know there was a specific section in the replacement law, and with some consideration that specifically addresses medians and individuals standing on them, because that was not clearly available to them, and in any other section of Title 11, because if there was, it would not need to be in the replacement, though. It would turn back into the status offense, if that individual was there or not there, and what the impact was on the other individuals was no longer necessary.

Mr. Neil stated that he has been working with affordable housing for low and fixed-income individuals and families since 2004. He noted that he would not trust the state legislator doing anything of a positive nature for the next two (2) to three (3) years. That was how they operated.

Responding to Mr. Neil, Police Chief Johnson stated that he was unsure whether either one (1) of the statutes would have sufficient utility in addressing the repeat-offender nature of the situations currently being experienced. He explained that multiple charging documents could result, along with associated line fees and costs, depending on whether the charge was brought under local or state law, and that appearances could occur in both venues. He noted that, in some instances, an individual may be placed on warrant status, while in others, they may not. He further expressed uncertainty, particularly regarding matters under Title 21, about whether there was much that defenders could do in terms of determining which offenses were considered worthy of incarceration. In recent years, he observed that low-level offenses were generally not being pursued for that level of accountability, and when individuals could not pay, it could place them in a continued cycle with the system.

Dr. Sudler stated that for individuals who need assistance, once they overcome their challenges, obstacles, and environmental factors and become more productive citizens, they often seek improved housing, better credit, or ways to address personal debt that could otherwise impede their progress in life and potentially contribute to relapse. He stated that this represented the compassion component of governing constituents and municipalities and emphasized the need for compassion when approaching those matters.

Responding to Dr. Sudler, Police Chief Johnson suggested that when a case was pending at the local level, there was greater discretion and control over the outcomes being discussed, as opposed to a case that was already on file in the state system.

Responding to Mr. Rocha, Mr. Griffith stated that the state statute addressing jaywalking is found in Title 21 of the Delaware Code, Section 4143, which requires pedestrians to use crosswalks. He noted that the statute is titled "Crossing at Other Than Crosswalks."

Responding to Mr. Rocha, Chief Johnson stated that jaywalking statutes were designed to address mid-block street crossings. He explained that the issue being addressed involves individuals who do not complete the act of crossing the street and instead remain in locations not clearly covered by other statutory sections. He referenced one (1) section concerning walking along a highway, noting that the inference is that the “highway” refers to the traveled roadway itself. He explained that if an individual remained on a median strip, they may not technically be considered to be on the highway under that definition. He emphasized that there was significant nuance within those sections and clarified that it was not a matter of unwillingness to enforce the law, but rather an effort to follow and understand the specific letter of the law as written within the system.

Responding to Mr. Rocha, Police Chief Johnson stated that, as had previously mentioned during the Council Committee of the Whole, their focus was 100% on the safety component, with the sole objective of preventing injuries and collisions related to the conditions being discussed. He emphasized that anything beyond that implicated their obligation to uphold protected activities, including those protected under the First Amendment. He explained that this was the department’s perspective and that the issue was not about panhandling. Rather, it concerned anyone who was found in the middle of the roadway, including, for example, someone wearing a football jersey and holding a bucket to raise funds for a club or other cause.

Dr. Sudler stated that he was only seeking additional knowledge and additional dialogue before asking James Hutchinson to speak. He noted that he wanted his viewpoint on what they need to look at from his expertise and knowledge.

James Hutchinson stated that it was important to consider Police Chief Johnson’s comments and noted that the local ordinances already provided the City of Dover Police Department with considerable flexibility. He emphasized that public safety was the number one (1) issue. He explained that the proposed ordinance would allow the police department to address the issue and give them full flexibility in handling the issue. In the interest of public safety, he stated that he would prefer council to take responsibility for passing an ordinance that provided that flexibility. He urged council to strongly reconsider and pass the proposed ordinance, noting that it would give Police Chief Johnson and the department the ability to address the issue effectively, as it was a public safety concern.

Andria Bennett, City Clerk, read the motion for the City Solicitor to contact the Delaware Department of Transportation (DelDOT) and request that a DelDOT representative appear before council to address questions and concerns regarding the medians.

Mr. Neil stated that they would have the City Solicitor look into contacting the Delaware Department of Transportation (DelDOT). He also added that they have good training that was involved with the MPO to make that request, and believed that it was valid.

Dr. Sudler stated that he preferred the involvement of the City Solicitor because the matter was legal in nature. He explained that decisions made could potentially have legal ramifications, and the interpretation of what was legally permissible may depend on the feedback received. While he was not opposed to having the issue brought back for discussion, he emphasized that he would

prefer it to be done with the guidance of the City Solicitor.

Responding to Dr. Sudler, Mayor Christiansen stated that he heard the request to have a Delaware Department of Transportation (DelDOT) representative come before Council for a discussion. He noted that he would keep Council informed to maintain order and ensure clarity for both council and the public.

Mr. Lewis asked why they could not ask for a report from the Delaware Department of Transportation (DelDOT) to be submitted with respect to their opinion. Instead of having Mayor Christiansen involved, he suggested having the City Solicitor reach out to the Delaware Department of Transportation (DelDOT).

Dr. Sudler stated that he would be amenable to the City Solicitor and Mayor Christiansen reaching out to the Delaware Department of Transportation (DelDOT) to obtain feedback, either through reports or by having a representative come before council to discuss the Delaware Department of Transportation's (DelDOT) perspective regarding the medians. He noted that any discussion could include potential legislative actions if the Delaware Department of Transportation (DelDOT) wished to share such information. He added that, as the City Solicitor had previously mentioned, being proactive and gathering additional information can only help in the future, particularly if litigation arises. He emphasized that his goal was to gain more information and knowledge to support any potential actions.

Mr. Neil stated that the City Solicitor's remarks had already been made in regards to the strength of what has to happen with the additional information, so his advice was that they were moving forward on the matter, and that was a matter of record.

Dr. Sudler stated that he would withdraw his motion, and Ms. Hall withdrew her second.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Proposed Ordinance #2025-21, as read by the City Clerk, by title only, as follows:

ORDINANCE #2025-21 – AMENDING CHAPTER 106 – TRAFFIC AND VEHICLES, ARTICLE III, STOPPING, STANDING, AND PARKING, BY ADDING SEC. 106-139 – PEDESTRIAN SAFETY.

INFRASTRUCTURE MODERNIZATION PROJECT (JOSEPH SIMMONS, IT DIRECTOR)

Mr. Joseph Simmons, Information Technology (IT) Director, reviewed the background regarding the Infrastructure Modernization Project.

Responding to Mr. Lewis, Mr. Simmons stated that the lead times and scarcity of servers for Fiscal Year 2026 fell under the category of product availability. He further explained that the grant fell under state procurement and was governed by the State of Delaware's procurement policy, which allowed for sole-source procurement for emergency situations. He noted that the funding was derived from an emergency situation by the State of Delaware, and that was the whole reason for

the grant.

Responding to Mr. Lewis, Mr. Simmons stated that the grant funding would still be made available to their competitors and could be utilized through service providers (SPs). He explained that, due to the nature of service servers and the equipment involved, purchases were not made directly from the manufacturer. He further noted that standard procedure would require issuing a request for proposals (RFP), including advertising and requesting a defined timeframe for responses. However, he stated that the process could elevate them to a higher-performance tier that they might not be able to fully utilize, which he cited as another reason for pursuing a sole-source procurement.

Dr. Sudler moved for approval of the Infrastructure Modernization Project as recommended by staff. The motion was seconded by Mr. Boggerty.

Mr. Lewis stated that he would abstain from the motion.

Dr. Sudler moved for approval of the Infrastructure Modernization Project as recommended by staff. The motion was seconded by Mr. Boggerty and unanimously carried with Mr. Lewis abstaining.

CITY MANAGER'S ANNOUNCEMENTS

Mr. Hugg announced that on December 9 and 10, beginning at 11:30 a.m. at Pitt's Center, council was invited to serve lunch to all departments in recognition of the employees' hard work.

MAYOR'S ANNOUNCEMENTS

Mayor Christensen announced that the Dashing Through Downtown Dover Electric Light Parade will begin at 6:00 p.m. on Saturday, December 13th, starting at Legislative Hall and continuing along Loockerman Street. He wished everyone a Merry Christmas, a Happy Hanukkah, a Happy Kwanzaa, and a happy, healthy, safe, and prosperous New Year to all citizens

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Anderson wanted to wish everyone a Merry Christmas, a Happy Hanukkah, a Happy Kwanzaa, and a Happy New Year. He announced that on December 13th, Toys for Tots would be making their final collections of toys, and if anyone was interested in helping, they would benefit from the Christmas cheer. He encouraged everyone to bring an item to donate to Toys for Tots. He also addressed Mayor Christensen, noting that he would need to defend his title as the Chili Cook-Off returns in January. He explained that the Chili Cook-Off, part of the city's annual community fundraisers, this year would benefit the People's Community Center Youth Program, which primarily supported programs in the Fourth District. While the programs were doing well overall, the youth program had fallen short of its budget, and the community could help meet those specific needs. He encouraged residents who wanted to help to contribute ahead of time, rather than waiting until January, and to reach out to participate.

Mr. Neil announced that December 14th was Mr. Boggerty's birthday, December 23rd was Mr. Lewis's birthday, and Mr. Rocha's birthday was on December 25th.

The meeting adjourned at 9:25 p.m.

ANDRIA L. BENNETT
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by the City Council during their Regular Meeting of December 8, 2025, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/AB