COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on February 10, 2026, at 6:00 p.m. with Council President Neil presiding. Members of Council present were Ms. Arndt (out at 8:01 p.m.), Mr. Boggerty, Ms. Hall (via Webex), Mr. Lewis (in at 6:08 p.m., out at 6:52 p.m., in 6:56 p.m., out 7:30 p.m., in 7:35 p.m., out 7:47 p.m., in 7:52 p.m.), Mr. Anderson, Dr. Pillsbury, Mr. Rocha, and Dr. Sudler (in at 6:29 p.m.). Mayor Christiansen (in at 6:25 p.m.) was also present. Civilian members present at their committee meetings were Mr. Cunningham, Mr. Lewis (via Webex) *(Parks, Recreation, and Community Enhancement Committee),* Mr. Iriowen (via Webex) (*Utility),* Mr. Garfinkel, and Mr. Shevock *(Legislative, Finance, and Administration)*. Mr. Wilson (*Utility)* was absent.

ADOPTION OF AGENDA

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

Procurement/Bid Process Presentation (Mike Hamlett, Central Services Director)

Mr. Mike Hamlett, Central Services Director, reviewed the presentation entitled "Procurement/Bid Process".

Responding to Mr. Lewis, Mr. Hamlett explained that a previous meeting was not required because the project involved a very specific design prepared by the engineers for that purpose. Based on his understanding, no additional information was needed beyond what was submitted, which was typically when a prior meeting would be necessary.

Responding to Mr. Lewis, Mr. Hamlett stated that the Central Services Department reached out to several municipalities, including the City of Milford, Wilmington, Newark, and Middletown. None of the municipalities that they reached out to indicated that pre-bid meetings were required. The closest example found was based on the complexity of the project. He further stated that, as the purchasing office, Central Services did not currently have a requirement mandating pre-bid meetings.

Responding to Mr. Lewis, Mr. Hamlett stated that, from his perspective, procurement operations have been running smoothly since emerging from COVID. He noted that the primary challenge has come from City Council concerning issues related to the number of bids being received.

Responding to Mr. Lewis, Mr. Hamlett explained that sole-source procurement was becoming an increasing issue for the city. Some systems, such as those from Control, are standalone and proprietary, meaning only the original vendor can maintain or update them. Updates were required annually for continued access, and if they were not paid for, no one else could work on the system. To avoid vendor lock-in, the city's specifications now discourage proprietary systems, though some proprietary systems, such as certain security systems, were still in use.

Responding to Mr. Lewis, Mr. Hamlett clarified that the three percent was applied to the vendors nationwide in the State of Delaware.

Responding to Mr. Rocha, Mr. Hamlett stated that if a vendor was verified as both a minority-owned and a local business, how the preference was applied depended on the RFP process. Each RFP included a set of specifications for the specific project that outlined how those preferences were handled.

Responding to Ms. Arndt, Mr. Hamlett clarified that pre-bid meetings were held in person. He noted that while the city was not entirely opposed to virtual meetings, some meetings require on-site attendance to provide visibility of the project.

Responding to Mr. Cunningham, Mr. Hamlett stated that he was unsure whether a sole-source procurement could always be issued as a bid. He noted that even for a sole-source situation, there might be ways to put it out for bid rather than bypassing the procurement process, which was why the city wanted further guidance.

Council Reports – January 2026

First District
Dr. Pillsbury reported that she had attended the Dover Fire Company's Annual Dinner and attended the Council meetings.

Mr. Rocha reported that he attended the Martin Luther King event at Delaware State University and noted that he took several calls regarding snow and ice.

Second District
Ms. Hall reported that she attended the Dover Fire Company's Annual Dinner and took several calls regarding the snow and ice.

Mr. Lewis had nothing to report.

Third District
Ms. Arndt reported that she attended the Neighborhood Partners Open House with Mr. Rocha and received several calls regarding the snow, ice, and utility billing.

Fourth District
Mr. Anderson reported that there was a concern at Woodcrest Apartments regarding a walkway that had not been cleared, likely city property, which needed to be investigated. Positive developments include the downtown foundation opening, activities at the Youth and Children's Center at People's Community Center, and town hall sessions with future cohorts who share concerns about substance abuse and other community issues. The city has the opportunity to participate in a national survey through the National League of Cities' Military Communities Council, which can help shape policies, best practices, and access potential resources. Residents have expressed gratitude for city services, including the response to snowfall, and appreciation for employees working long shifts to maintain essential services.

Dr. Sudler had nothing to report.

At-Large
Mr. Boggerty reported that he had received several calls regarding snow issues and expressed gratitude for city services. He also reported that he attended the Martin Luther King celebration at Delaware State University (DSU) and other fraternity events. He participated in a mentoring program at Delaware State University (DSU) with 120 young men from Delaware, New Jersey, and New York.

Council President Neil
Mr. Neil reported that he met with Sheena Miller from the Housing Group to discuss affordable housing. He also attended the January library board meeting, a government center meeting on zoning and property damage concerns near People's Church, the police budget meeting, appeals hearings, and a city budget workshop at the library with staff and council members. He participated in a thank-you pizza party for city staff who worked in the snow and cold. He responded to emails and calls regarding the traffic safety ordinance and snow removal, including inquiries from a media outlet. He expressed appreciation for city employees across public works, electric, and water departments, as well as citizens helping each other during the snow events. He noted handling concerns from residents regarding high electric and water bills, with assistance from staff such as Jason Lyon and Paul Wadell.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Chairwoman Arndt presiding.

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

Review of Active Recreation Plan – Bay Pointe Apartments at 1100 Bay Road (Dawn Melson-Williams, Principal Planner) (Property of 3.302 acres +/- located on the southwest side of Bay Road at the intersection with Lafferty Lane, as owned by Patel Hospitality Properties, LLC. Reference: Conditional Use Site Plan: C-26-01)
Ms. Dawn Melson-Williams, Principal Planner, reviewed the background and analysis regarding the review of the Active Recreation Plan – Bay Pointe Apartments at 1100 Bay Road.

Staff recommended approval of the Active Recreation Plan, and subjected to the conditions outlined in the Active Recreation Review Report, with the comments provided and conditions.

Responding to Mr. Rocha, Ms. Melson-Williams explained that no waiver was requested or approved for the Bay Pointe Apartments application regarding active recreation space. Unlike some applications where a waiver was needed due to site constraints, the project met the zoning requirements through an allowable exception. She stated that the property qualified under the small development exception, as the site was 3.3 acres (less than 10 acres) and had a high-density layout exceeding 16 units per acre. Under the provision, compact, dense developments may reduce the active recreation space requirement from the standard 275 square feet per dwelling unit to 150 square feet per dwelling unit, while still meeting the minimum total requirement of 10,000 square feet. The applicant provided 13,390 square feet of active recreation area, which exceeded the minimum requirement.

Responding to Mr. Lewis, Ms. Melson-Williams explained that the application went through the conditional use site plan review process with the Planning Commission back in May 2021, and that then gave them two years to achieve final plan approval, pull a permit, and commence construction. The project also received a one-year extension, so they had a period of three years to move to construction, during which they finalized their plan, had a permit to commence site work, but the site work did not continue. She added that they did install a part of a temporary entrance, but did not move beyond that. She noted that there was a permit for the construction of the building that was reviewed and ready to be issued, but was never issued.

Responding to Mr. Lewis, Mr. Balascio stated that the delay in moving forward with the project was due to post-COVID lending interest rates, which previously made financing prohibitive. He noted that current interest rates no longer prevent the project from moving forward.

Responding to Mr. Lewis, Mr. Balascio clarified that the project did not move forward previously due to financial constraints; however, those issues have since been resolved, and the project is now able to proceed.

Responding to Dr. Sudler, Ms. Melson-Williams stated that between the parking lot and the amenities, there is a row of parking, with a green space and sidewalk providing separation. She further noted that along the Lafferty Lane frontage of the property, proposed landscaping, including tree plantings, will be installed to serve as a buffer between the active recreation areas and the roadway.

Responding to Dr. Sudler, Ms. Melson-Williams stated that the MPO does participate in the review process of site plans. She noted that the location had a 30-foot landscape buffer between the property line and leading into the site, so there was some spacing of the amenities off the roadway. She also added that between the travel lanes and the property, there was green space and a multi-use path along the front edge instead of a sidewalk in that area. She mentioned that there was some distance between what was being developed on the project site in the roadway. She noted that the intersection for the apartment, the entrance, was aligned at the intersection that was the signalized intersection for Lafferty Lane, so the entrance to the development for the apartment building would be the fourth leg of that intersection.

Responding to Dr. Sudler, Ms. Melson-Williams stated that the project regarding any kind of traffic studies was on a key roadway. She noted that DelDOT was the one that would require any such studies based on traffic generation. She added that some of that information was needed, and was provided with the engineer, and getting their entrance plan designed and approved, hence getting the dedicated right turn lane that would be added at the front entrance.

Responding to Dr. Sudler, Ms. Melson-Williams stated that part of the study that she believed he was referring to was the high traffic injury network, some of which was related to the lack of pedestrian amenities in the form of pathways or sidewalks. She noted that the project was implementing the multi-use path along their frontage as they were required, and how that interconnected with the broader system was not just the issue of that project alone. She added that the area has been studied by the MPO related to the pedestrian access, and probably at the state level, if funds became available or as properties redeveloped, they would see a stronger network that placed those pedestrians in safer locations to be moving through that courtroom.

Mr. Anderson moved to accept staff recommendations. The motion was seconded by Dr. Sudler and unanimously carried.

Ms. Arndt moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting; hearing no objection, the meeting adjourned at 6:50 p.m.

UTILITY COMMITTEE

The Utility Committee met with Chairman Rocha presiding.

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

Annexation Request – 7 Nixon Lane, Owned by Lupe N. Fuller (Dawn Melson-Williams, Principal Planner)
Ms. Dawn Melson-Williams, Principal Planner, reviewed the background and analysis regarding the consideration of the utility service lands of Lupe N. Fuller, 7 Nixon Lane.

Staff recommended, upon consideration of utility services, that if it is found that electric, water, and sanitary sewer services are provided and/or available to the property at 7 Nixon Lane. The Electric Department and the Department of Water and Wastewater have no objection to its annexation.

Responding to Ms. Arndt, Ms. Melson-Williams stated that the owner may continue using the existing services. However, if either the well or septic system were to fail, it was unlikely that permits would be issued for replacement systems due to the property's location within the City of Dover and the availability of public water and sewer, which would then be required as the preferred long-term option.

Responding to Mr. Lewis, Ms. Melson-Williams stated that she does not believe that the county was a water service provider. She noted that the county has several private water surveyors who have a territory that they are authorized to serve, so the county was not a water service provider.

Responding to Mr. Rocha, Ms. Melson-Williams stated that an RS1 (Residential Single Family Zone) is a Kent County zoning classification and noted that it allows single-family detached houses. She explained that the proposed R8 zoning is a City of Dover zoning classification, which allows predominantly single-family detached houses with a minimum lot size of 8,000 square feet.

Ms. Arndt moved to recommend the approval of the annexation request upon consideration of utility services; it is found that electric, water, and sanitary sewer services are provided

and/or available to the property at 7 Nixon Lane. The Electric Department and Department of Water and Wastewater have no objection to its annexation, as recommended by staff. The motion was seconded by Mr. Boggerty and unanimously carried.

Annexation Request – 1624 North Little Creek Road and Two Adjacent Parcels, Owned by United Worldwide Express, LLC (Dawn Melson-Williams, Principal Planner)
Ms. Dawn Melson-Williams, Principal Planner, reviewed the background and analysis regarding the consideration of the utility service lands of United Worldwide Express, LLC, 1624 North Little Creek Road, and Two Adjacent Parcels.

Staff recommended, upon consideration of utility services, that if it is found that electric, water, and sanitary sewer services are provided and/or available to the properties at 1624 North Little Creek Road and Two Adjacent Parcels. The Electric Department and the Department of Water and Wastewater have no objection to its annexation.

Responding to Mr. Lewis, Ms. Melson-Williams stated that if the property were annexed into the city and if they wished to develop, the city's zoning ordinance would have provisions that would limit the amount of woodlands that could be cleared during development activity. Likewise, she noted that if those woodland areas included wetlands, the city also have provisions that would prohibit development in those wetland areas or require buffer and/or require buffers from those areas. She added that there were protections in the city's code related to protection and wetland areas. She was unsure if DNREC would have any approval necessarily related to cleaning up those areas unless it was part of some requirement that they needed to obtain from that agency.

Responding to Mr. Lewis, Ms. Melson-Williams stated that those types of activities were related to development and that the process they were in now was to bring the property into the city. She noted that it was not for their development of those plans as of yet.

Responding to Mayor Christiansen, Ms. Melson-Williams stated that as part of the annexation process, the application was headed to the Planning Commission, and it was reviewed by the development advisor committee for the city, which was made up of city departments and other outside state agencies, which included the Dover Kent County MPO. She noted that they have provided comments with references to a series of studies that focused on the potential for transportation improvements that could make improvements to the interchange of Route Eight and State Route One. She added that those comments have been provided to the property owner as part of the review process and that they were aware of them at that point.

Responding to Mr. Neil, Ms. Melson-Williams clarified that the property was not in the City of Dover and that the process was to annex the property into the city.

Responding to Mr. Neil, Ms. Melson-Williams clarified that by annexing the property into the city, it would be added to the property tax base.

Responding to Mr. Neil, Ms. Melson-Williams clarified that if any property coming into the city would be subject to their property tax regulations, whether that would be land or land with improvements.

Ms. Arndt moved to recommend the approval of the annexation request upon consideration of utility services; it is found that electric, water, and sanitary sewer services are provided and/or available to the property at 7 Nixon Lane. The Electric Department and Department of Water and Wastewater have no objection to its annexation, as recommended by staff. The motion was seconded by Dr. Pillsbury and unanimously carried.

Mr. Rocha moved for adjournment of the Utility Committee meeting, hearing no objection the meeting adjourned at 7:12 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Mr. Anderson invited Ms. Jennifer Jurznak, Polytech Adult Education Aide, and nine (9) students to the podium. She expressed gratitude towards Mr. Anderson for inviting her and her students. She noted that her students had come from different countries.

Mr. Boggerty expressed gratitude towards Ms. Jurznak and her students and noted that he supported getting their education because it was to be celebrated. He emphasized that he celebrated them and thanked them for being courageous enough to take that step.

Adoption of Agenda

Mr. Anderson requested that the agenda be amended by removing Item #1 – Presentation on Affordable Housing (Michelle Williams, Little Living, LLC) from the agenda.

Mr. Garfinkel moved for adoption of the amended agenda, seconded by Mr. Shevock, and unanimously carried.

Animal Control Officer Briefing (Caitylyn Smith, Animal Control Officer, and Sergeant Christopher Peer)

Ms. Caitlyn Smith, Animal Control Officer, and Sergeant Christopher Peer reviewed the background and analysis of the Animal Control Officer.

Committee Action was not required.

Responding to Mr. Garfinkel, Sergeant Peer stated that one of her duties was follow-ups, and when she was not on duty and during after-hours, the Office of Animal Welfare (OAW) would be called if they were available, and she would follow up the next working day with them and the status of the case.

Responding to Mr. Garfinkel, Sergeant Peer stated that to make the public aware of the animal control officer, they would be going out like any other organization, but she would go out to engage with the community.

Responding to Mr. Garfinkel, Ms. Smith stated that management of feral cat colonies is handled through volunteer efforts. She explained that if a cat is sick or injured, volunteers would set a trap so the cat could receive the necessary medical treatment and then be released back outdoors.

Responding to Mr. Garfinkel, Ms. Smith clarified that they supported the trap-neuter-return (TNR) travel neighborhoods with the other ancillary agents. She noted that there were a few women who consistently cared for a colony of approximately 25 cats and were familiar with each animal and its health status. The volunteers were in regular contact and were able to quickly identify and check on cats if concerns arose, including injured or aging animals.

Responding to Mr. Garfinkel, Ms. Smith stated that she could reach out to the Animal Management & Rescue Project (AMR) to determine whether they would be able to assist with trapping and neutering efforts. She noted that monitoring capacity was limited due to having only one trap available. She further explained that she could not monitor the entire cat colony by herself, as three women rotated responsibilities for caring for the single colony and fed the cats twice daily. She added that any relocation of feeding stations or related materials would require reaching out to individuals or organizations with available funding or resources from an existing contact list.

Responding to Mr. Lewis, Ms. Smith clarified that she does handle cats who are injured and sick, even if they are stray or feral. She noted that they do try to track them and give them to Brandywine SPCA.

Responding to Mr. Lewis, Ms. Smith clarified that he could contact her with any cat issues.

Responding to Mr. Lewis, Sergeant Peer clarified that Ms. Smith does work from 9:00 a.m. to 5:00 p.m.

Responding to Mr. Lewis, Sergeant Peer clarified that individuals could contact the State or Dispatch directly, or call the Dover Police Department, and the call would be transferred as appropriate.

Mr. Neil expressed appreciation for Ms. Smith's role, noting its importance due to the high volume of animal-related calls received. He referenced frequent community concerns such as barking dogs, animals left on properties, feral cats, and wildlife issues, including the health risks of feeding raccoons. He emphasized the need to increase public awareness of those services and recommended promoting the role through the City's website.

Draft Annual Comprehensive Financial Report (ACFR) (Patricia Marney, Controller/Treasurer)

Ms. Patricia Marney, Controller/Treasurer, reviewed the background and analysis of the Draft Annual Comprehensive Financial Report (ACFR).

Staff recommended acceptance of the draft report.

Mr. Faust raised concerns regarding the potential revenue shortfall, including whether it would be approximately 5% or 10%, and the overall value of the proposed business. He expressed concern about impacts on police services and equipment and questioned how the proposal could be made financially viable.

Responding to Dr. Sudler, Ms. Marney stated that staff reviewed the use of unrestricted funds, including the possibility of a PCA credit; however, the city's reserve policy currently does not allow for such credit. Regarding a two-cent utility reduction, it was stated that the city's energy authority advisors do not currently recommend that action, though it would continue to be evaluated through the budget process. She acknowledged financial strain within the community and noted that factors such as green energy mandates impacted the city's ability to offer rebates or reductions. She noted updated guidance from the energy authority was expected next month for Fiscal Year 2027 planning. Additionally, she noted that the city was beginning to align with county property values through ongoing tax assessment efforts that have been in progress since approximately 2021.

Responding to Mayor Christiansen, Ms. Marney stated that the current rates did not fully cover the city's costs. She noted that the most recent rate study indicated that the rates in place for the electric utility did not fully cover extended operational costs.

Responding to Mr. Lewis, Ms. Marney clarified that the year-end June 30, 2020, was a typo and should be June 30, 2025.

Responding to Mr. Lewis, Ms. Marney stated that, as previously mentioned in an email to the City Clerk's Office, the enterprise fund figures for business activities are not complete, and therefore, the reported transfer numbers are not accurate.

Responding to Mr. Lewis, Ms. Marney clarified that she would provide council with the correct numbers.

Ms. Chelle Paul raised concerns regarding the accuracy and transparency of transfer amounts in the budget. She noted that previous budgets from 2015–2019 provided line-by-line, itemized expenditures by department, whereas recent budgets, beginning around 2021, listed expenditures by category without detailing exactly where the funds were being spent. She emphasized the public's need to understand how the money was allocated, particularly regarding transfers and deficits. Additionally, she raised concern about the Economic and Development Fund, noting it contained nearly $3 million, and questioned the rationale for allocating substantial funds to nonprofits while the city faced budget deficits and utility-related expenses.

Responding to Ms. Paul, Ms. Marney stated that the 2024 ordinance for the Economic Development Fund specified that the funds could be used to address general funding deficits. She noted that as the Fiscal Year 2027 budget was being prepared, consideration would be given to that provision. She mentioned that currently, only one application has been approved, with approximately $50,000 allocated for that business. She also added that regarding the financial statements, detailed information behind the numbers could be provided through a FOIA request.

Responding to Ms. Paul, Ms. Marney clarified that she was reviewing the budget rather than the financial statements. She explained that financial statements showed actual versus budgeted amounts, while the budget reflected planned allocations, which may differ from actual expenditures.

Dr. Sudler moved to recommend acceptance of the draft report as recommended by staff. The motion was seconded by Dr. Pillsbury.

Mr. Boggerty moved to amend the draft report to correctly reflect the year 2025, ensuring it is properly captured. The motion was seconded by Dr. Sudler and unanimously carried.

Dr. Sudler moved to recommend acceptance of the draft report as amended, as recommended by staff. The motion was seconded by Dr. Pillsbury and unanimously carried.

Update from the Dover Organization of Employees (DOE) on Membership Priorities (Mathew Brown, President of the DOE Union)
Mr. Matthew Brown, President of the DOE Union, reviewed the background and analysis regarding the update from the Dover Organization of Employees (DOE).

Committee action not required.

Responding to Dr. Sudler, Mr. Brown stated that the department is committed to reviewing operations to identify potential budget reductions despite current staff shortages. He emphasized their willingness to help in any way possible, expressed openness to exploring better ways of doing things, and welcomed ongoing discussions on opportunities to save money.

Higher Education Public Safety Fund Disbursements: Volunteer Firefighter Stipend Program and Dover Fire Department Security Fence (Chief Carey, Dover Fire Department)
Mr. David Carey, Chief of Dover Fire Department, reviewed the background and analysis regarding the Higher Education Public Safety Fund Disbursements: Volunteer Firefighter Stipend Program

Staff recommended approval of the disbursements as requested.

Responding to Mr. Lewis, Fire Chief Carey explained that the program was based on a 20% share of the city's marketing salary, which determined federal eligibility limits. The volunteers could earn up to $922 per month if they maximized hours each month, totaling approximately $11,900 annually per individual. He noted that the program currently included around 50–55 members, with all active members able to reach the maximum earnings under the current structure.

Responding to Mr. Lewis, Fire Chief Carey stated that the contingency plan would remain unchanged, even if implemented three years ago. He explained that the city could contribute smaller amounts each year to maintain the plan. He also noted that potential grants may be available in the future to help fund the plan, though he was not aware of any current opportunities.

Responding to Dr. Sudler, Fire Chief Carey stated that currently, the stipend has approximately $100,000. He noted that they were setting it up to be between $340,000 to $400,000 each year.

Responding to Mr. Garfinkel, Fire Chief Carey stated that if a volunteer was on duty for three hours, they would receive a $30 stipend. He noted that in the event of a major fire, additional compensation could apply for those who respond.

Responding to Mr. Garfinkel, Fire Chief Carey stated that the purpose of the higher education public safety fund was to help fund the fire department and those agencies that provide services to those organizations, such as Delaware Technical College and Delaware State University, for those agencies to help give them protection. He also added that the other item was that the universities and colleges in Dover do not donate to the fire department. He mentioned that this was helping them operationally for services to the organizations, as well as providing funding that was coming in.

Responding to Mr. Garfinkel, Mr. Anderson clarified that the referenced legislation pertained to equipment and fire trucks. He explained that the intent was for the funding to be treated as an offset, allowing it to be considered a hybrid and therefore not subject to set restrictions.

Responding to Mr. Garfinkel, Ms. Marney stated that if the $1.6 million were used, it should be applied toward reducing debt service or for capital needs such as fire trucks. She noted that the opinion had been expressed previously. She also stated that, based on their understanding of the Capital Improvement Plan (CIP), approximately $1.65 million was intended to be assigned to the Fire Department, with the funds designated for use by both the Fire and Police Departments. She asked that this consideration be kept in mind when making decisions.

Responding to Mr. Garfinkel, Ms. Marney stated that the budget analyst, Mr. Jeff Dill, indicated during the previous week's workshop that the funds should be maintained in the General Fund, if possible, to help offset expenses. She explained that those offsets could include administrative costs, such as employee and departmental expenses, including positions partially supported by grant funding, as well as overhead costs such as building operations, debt service, and related expenses.

Responding to Mr. Rocha, Fire Chief Carey clarified that the $1.65 million was unrestricted.

Responding to Mr. Rocha, Fire Chief Carey stated that the $1.65 million was based on providing a service to the universities and helping set the cost of the organizations that were providing that.

Responding to Mr. Rocha, Fire Chief Carey stated that he wanted to use some of the $1.65 million to build a stipend program and security for the fire station.

Responding to Mr. Neil, Fire Chief Carey explained that the Fire Department was working to return to a 15-year replacement cycle for fire apparatus. He stated that once a truck was paid off, the payment could be rolled into the next apparatus purchase, which helped manage costs and offset inflation. He noted that cost savings were achieved by ordering two vehicles early, allowing the city to avoid future price increases and long manufacturing timelines, with fire engines currently taking approximately three years and ladder trucks up to four years to deliver.

Regarding the stipend program, Chief Carey clarified that it applies only to career staffing and does not involve volunteers. He explained that accountability was maintained through a kiosk system at the fire stations, where personnel clocked in and out using a key fob and photo verification. Hours were automatically tracked, and if an individual failed to clock out, they were not paid. He noted stipend calculations were completed by the Fire Administrative Manager, reviewed by an accountant, and processed through established safeguards to ensure accuracy and accountability.

Responding to Mr. Anderson, Fire Chief Carey stated that several fire departments have reached out with interest in the city's apparatus replacement cycle and living program, noting that Dover was likely one of the few departments currently operating such a program. He explained that the program had been thoroughly reviewed by the city's administration and legal counsel and was funded through donations made to the fire companies, ensuring proper accounting and oversight of those funds.

Mr. David Carey, Chief of Dover Fire Department, reviewed the background and analysis regarding the Higher Education Public Safety Fund Disbursements: Dover Fire Department Security Fence.

Staff recommended approval of the disbursements as requested.

Responding to Dr. Sudler, Fire Chief Carey stated that they have reached out to the police department, but they are busy as well with vehicle accidents and crime in other places.

Responding to Fire Chief Carey, Dr. Sudler suggested hiring armed security and/or putting that in their budget.

Responding to Mr. Rocha, Fire Chief Carey clarified that they had received fence quotes.

Responding to Mr. Rocha, Fire Chief Carey addressed a question regarding whether a maintenance contract or warranty was included with the equipment and what potential future costs may arise if issues occur. He noted that the information was not immediately available in the materials but could be provided upon follow-up. He added that he believed the security station would be a one-time expense. He further stated that maintenance would likely be covered through the department's building program, which was supported by donations, state grants, and funding received by the fire department outside of city funds.

Responding to Dr. Sudler, Fire Chief Carey stated that the funds were coming from a grant fund and not from the city budget.

Dr. Sudler moved to accept the recommendation for approval of disbursements for Letters A and B. The motion was seconded by Dr. Pillsbury.

Mr. Garfinkel moved to divide the question. He believed that the Letters A and B needed to be voted on separately.

Dr. Sudler moved to accept the recommendation for approval of disbursements for the Volunteer Firefighter Stipend Program. The motion was seconded by Mr. Rocha and carried by roll call vote of eight (8) yes (Hall, Boggerty, Pillsbury, Shevock, Sudler, Lewis, Rocha, Anderson), two (2) no (Garfinkel, Neil), one (1) absent (Arndt)

Dr. Sudler moved to accept the recommendation for approval of disbursements for the Dover Fire Department Security Fence. The motion was seconded by Mr. Rocha and unanimously carried. (Arndt absent)

Amendment – 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. Anderson, member of Council, reviewed the background and analysis regarding the Amendment – Proposed Ordinance #2025-21 – Amending Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing, and Parking, by adding Sec. 106-139 - Pedestrian Safety.

Recommended to forward Proposed Ordinance #2025-21 as amended to council for approval.

Mr. Anderson referred to an email from Mr. Griffith, City Solicitor. (**Attachment #1**)

Mr. Boggerty raised concerns about Letter G, about medians less than seven (7) feet.

Responding to Mr. Boggerty, Mr. Anderson stated that they were amending Letter G to have the medians be more than seven (7) feet.

Responding to Mr. Boggerty, Mr. Anderson clarified that he was correct and that the medians should be more than seven (7) feet in width.

Responding to Mr. Lewis, Mr. Anderson, referring to Letter H in the Proposed Ordinance, stated that the intent was to coordinate with willing organizations, and enforcement was achieved by providing funding only to those organizations that agreed to participate.

Responding to Mr. Lewis, Mr. Anderson explained that if enforcement were desired, a clause could be added and reviewed annually in the next grant cycle. At present, it is not necessary to require participation because the city already follows current procedures.

Responding to Dr. Sudler, Mr. Anderson stated that, according to the chart, the City Manager oversees all functions and can delegate tasks to anyone under their authority. He added that while the City Manager was ultimately responsible for ensuring duties were completed, they do not perform all tasks personally but assign them to staff to carry out.

Belinda Main, a Dover resident, expressed concern that an ordinance cannot force organizations or individuals to participate in programs or follow directives. She emphasized that all members have opinions and that authority does not allow one individual to override others. She criticized the current approach to the ordinance, suggesting it lacked consideration for practical circumstances and real-life impacts, such as safety concerns at street corners. She also noted that certain well-intentioned actions, such as providing blankets, may not address underlying needs, and that understanding the actual circumstances of individuals was more important than surface-level interventions.

Chelle Paul, a Dover resident, emphasized that medians must remain safe and noted that existing state laws, such as those regarding public intoxication, were enforceable. She stated that certain provisions of the amendment were unconstitutional, as the city could not dictate where an individual may move as long as they remain safe. She suggested that the ordinance should focus solely on medians, without specifying width or footage, because safety concerns made medians restricted areas, and that the language should reflect “medians” in general.

Mr. Rocha stated that Letter H should be removed from the proposed ordinance, noting that it was based on an assumption about pedestrian safety. He indicated that, in his view, there was no need to require coordination with individuals who might be in need. He also added that he agreed with Ms. Paul that the language should reflect “medians” and did not need more or less.

Mr. Rocha moved to strike letter H from the Proposed Ordinance #2025-21. The motion was seconded by Mr. Boggerty and unanimously carried. (Arndt absent)

Alicia Martin, a Bear resident, emphasized that all members agreed on the importance of pedestrian safety. She noted that the focus should remain on safety itself, rather than comparing different situations, and stressed that sidewalks, crosswalks, and medians were in place to keep individuals safe. She expressed a desire for professionals to maintain high standards and reiterated the goal of ensuring pedestrian safety for all.

Gerald Martin, a Dover resident, described observations at intersections, noting safety concerns related to pedestrians and individuals soliciting money. He mentioned that some individuals appeared to be using funds to support drug use, while others gathered in vehicles or businesses to pool money. He highlighted broader safety risks, referencing traffic accidents and the need for safe locations for individuals, while emphasizing the complexity of the situation beyond panhandling alone.

Jeannie Anderson, 217 Cecil Street, expressed serious safety concerns regarding pedestrians walking in roadways. She shared video and photo evidence (**Attachment #1**) of an individual walking between cars at an intersection near Sam’s Club and emphasized that the behavior posed a high risk of accidents. She stressed that the issue was one of pedestrian safety, not related to freedom of speech or homelessness, and emphasized that individuals do not belong on highways or roadways due to the risk of injury or liability for the city.

William Faust, 136 Orchard Avenue, responded to a presentation of a photo (**Attachment #2**), noting that the situation depicted was jaywalking rather than panhandling. He emphasized that the city could not protect individuals from all risky behavior, such as impaired or reckless pedestrians, and that limited police resources made constant enforcement impractical. He stressed that addressing broader issues, such as homelessness, mental health, and substance abuse, would be more effective than the proposed ordinance and urged members to vote against it, noting that it would not improve safety.

Vonda Smack, 1001 White Oak Road, referenced a letter from the Delaware Department of Justice, signed by Attorney General Kathy Jennings, sent to all municipalities in the state. She expressed concern that the proposed ordinance may violate individual rights despite pedestrian safety concerns. She requested clarification from Councilmembers Anderson and Rocha regarding any correspondence sent to the Department of Justice (DOJ) about the ordinance, particularly concerning arrest powers. She emphasized that collaboration with stakeholders could address safety issues without infringing on rights. She cited the Department of Justice (DOJ) letter noting constitutional concerns with the enforcement of 11 Del. C. §1321 (loitering) and 21 Del. C. statutes related to pedestrian soliciting and stressed that those areas could not be enforced in ways that violated rights.

Stephan Pierce, 437 Barrister Place, stated that the council's role was to implement rules to keep individuals safe. He noted that Middletown had installed fences along highways to prevent pedestrians from panhandling and crossing roadways in high-traffic areas.

Mr. Pierce yielded the remainder of his time to Ms. Smack, who emphasized the importance of collaboration and communication. She noted that stakeholders and community advocates should be involved in discussions. She stressed that the focus should be on doing what was right for the community, not just what the Council wants, and expressed concern that the ordinance, as written, could violate individuals' rights. She expressed frustrations at why her questions go unanswered about the fences, the number of individuals who have been killed on the median and not on the highway, and why there were 427 homeless children in the City of Dover.

Aletha Francheski, a Dover resident, noted that the issue was not only about pedestrians but also about driver safety. She expressed concern over arguments suggesting individuals have a constitutional right to occupy certain areas at any time, describing such behavior as unsafe, selfish, and potentially illegal. She emphasized the need for collaboration and sensible regulations to ensure public safety and a more orderly community.

Pastor Leroy Bradshaw, 101 South New Street, expressed concern that while the council addressed safety issues, there should also be a focus on helping vulnerable populations, including the homeless and elderly. He emphasized the moral and ethical responsibility to care for those in need and urged that compassion and community support guide council decisions.

Tyler Muck, a resident outside the City of Dover, expressed concern that council has not engaged in good-faith discussions with the community. He criticized the ordinance process as wasting resources and time and emphasized that efforts should focus on programs to help individuals in distress rather than enforcing the ordinance. He questioned the judgment of those making decisions on the council.

Police Chief Johnson explained that some were outdated state statutes related to soliciting that remained on the books but were no longer enforceable. Current law did not allow action against someone simply standing on a median, though proposed state legislation could address that in the future. He noted that public intoxication and other incidents were handled case by case, often with the behavioral health unit pairing officers with social workers. He mentioned that enforcement required willing witnesses and compliance with court procedures; otherwise, officers could not act. He emphasized that council could enact a local ordinance in the interim, but officers were limited in approaching individuals engaged in protected First Amendment activity. He noted that the legislative process had been slow, leaving a legal gap that requires careful council consideration.

Responding to Ms. Paul, Police Chief Johnson stated that it would depend on enforcement and on specific conditions being met. He noted that a citizen would need to call 911, remain on scene, identify themselves as a witness, and be willing to testify if the case were challenged. He clarified that when he referred to an “arrest” in those situations, it usually meant issuing a citation or charging document on scene, not taking that individual into custody. He added that in most cases, the individual would be identified, checked for warrants, issued a ticket if appropriate, removed from the unsafe area, and then released. He further added that they would not typically be transported to the police station. He explained that if an individual was standing in the roadway, officers do have the authority to act because being in the road was a violation. However, situations became less clear when an individual was primarily on the median with only part of a foot touching the roadway. He noted that while an officer technically could issue a citation in that scenario, he mentioned that such a case would likely not be viewed favorably by a judge and would not be a practical or reasonable use of enforcement. He emphasized the need for common sense and discretion, stating that officers were unlikely to take action over something as minor as a few inches into the roadway when most of the individual was in a protected area.

Responding to Ms. Paul, Police Chief Johnson explained that the key difference between relying on state law versus adopting a local ordinance was that, at present, there was no enforceable state law available. The relevant state statute was suspended due to ongoing litigation, which left officers without authority to act solely based on observation. He stated that the proposed ordinance would create a “status offense,” meaning officers could take action based on their own observation. He added that the officer does not need a 911 call.

Mr. Garfinkel called to question, and it was unanimously carried.

Responding to Mr. Garfinkel, Mr. Anderson explained that the seven (7) foot rule was used to determine whether a median was considered safe for an individual to stand on. The courts and federal safety research have found that medians narrower than about seven (7) to eight (8) feet were unsafe because they do not provide enough space for an individual to stand clear of traffic on both sides. Under this approach, intersections were still covered regardless of width, because intersections were inherently higher-risk areas due to turning vehicles, visibility issues, and traffic movement. He added that the seven (7) foot measurement applies to the entire usable width of the median, running lengthwise through it. If the median was less than seven (or eight) feet wide, courts have often presumed it to be unsafe. He noted that the presumption was what the attorneys relied on when drafting the language, using federal research and prior court rulings to support the distinction.

Mr. Rocha moved to approve the amendment letter G, which medians more than seven (7) feet in width. The motion was seconded by Mr. Shevock and carried with Mr. Lewis and Dr. Sudler voting no. (Arndt absent)

Mr. Neil moved to accept the staff recommendation as amended. The motion was seconded by Mr. Rocha and carried by a roll call vote with seven (3) yes (Boggerty, Pillsbury, Shevock, Garfinkel, Rocha, Anderson, Neil), three (3) no (Hall, Sudler, Lewis), and one (1) absent (Arndt).

Mr. Anderson moved for adjournment of the Legislative, Finance, and Administration Committee meeting, hearing no objection the meeting adjourned at 9:58 p.m.

Mr. Neil moved for adjournment of the Council Committee of the Whole meeting, hearing no objection the meeting adjourned at 9:58 p.m.

Fred A. Neil
Council President

Attachments
Attachment #1 – Email from Mr. Dan Griffith, City Solicitor
Attachment #2 – Mr. Anderson's pictures

From: Anderson, David
To: City Clerks Office
Subject: Fw: EXTERNAL: RE: Cell phone
Date: Tuesday, February 10, 2026 10:45:56 PM
Attachments: image004.png
image002.png
425 Loitering and Solicitation Draft Bill.pdf

Here is the email from our attorney for the record.

Respectfully,

The Honorable David L. Anderson
4th District Councilman, Dover, DE
Phone: (302)339-1047
Council Office: (302)736-7006

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: Griffith, Daniel A. <dgriffith@whitefordlaw.com>
Sent: Tuesday, February 10, 2026 2:02:18 PM
To: Anderson, David <david.anderson@dover.de.us>
Subject: RE: EXTERNAL: RE: Cell phone

I spoke on the phone with the Attorney General's Director of External Affairs, Mat Marshall. As you can imagine, the AG's office is not interested in giving us their legal opinion concerning the constitutionality of the Pedestrian Safety Ordinance or whether the provisions of the Ordinance are already addressed by existing state law. They would defer to the City's own solicitor on those things.

However, he did refer me to the draft bill attached (which we have previously circulated) and advised that this is a proposal that the AG's office presented to the General Assembly for passage so we could probably draw some conclusions on the AG's views of this from the language of this draft bill.

He told me he would provide me with something in writing that I could present to Council as a more formal response to our request for the AG's office to weigh in on this and that the writing would likely be in the nature of an email.

Thanks very much,

Dan

WHITEFORD

Daniel A. Griffith | *Partner* **|** *Managing Attorney, Delaware*
Courthouse Square, Suite 300 | 600 North King Street | Wilmington, DE | 19801
t: 302.357.3254 | f: 302.357.3274
dgriffith@whitefordlaw.com | www.whitefordlaw.com

From: Anderson, David <david.anderson@dover.de.us>
Sent: Tuesday, February 10, 2026 1:34 PM
To: Griffith, Daniel A. <dgriffith@whitefordlaw.com>
Subject: Re: EXTERNAL: RE: Cell phone

Any word from the AG's office. I am thinking of asking that if they choose to get involved to make sure they endorse it as amended since my interest came from Mr. Stonesifer's conversation with their office asking for a Dover ordinance. This a mirror of their proposal.

Respectfully,

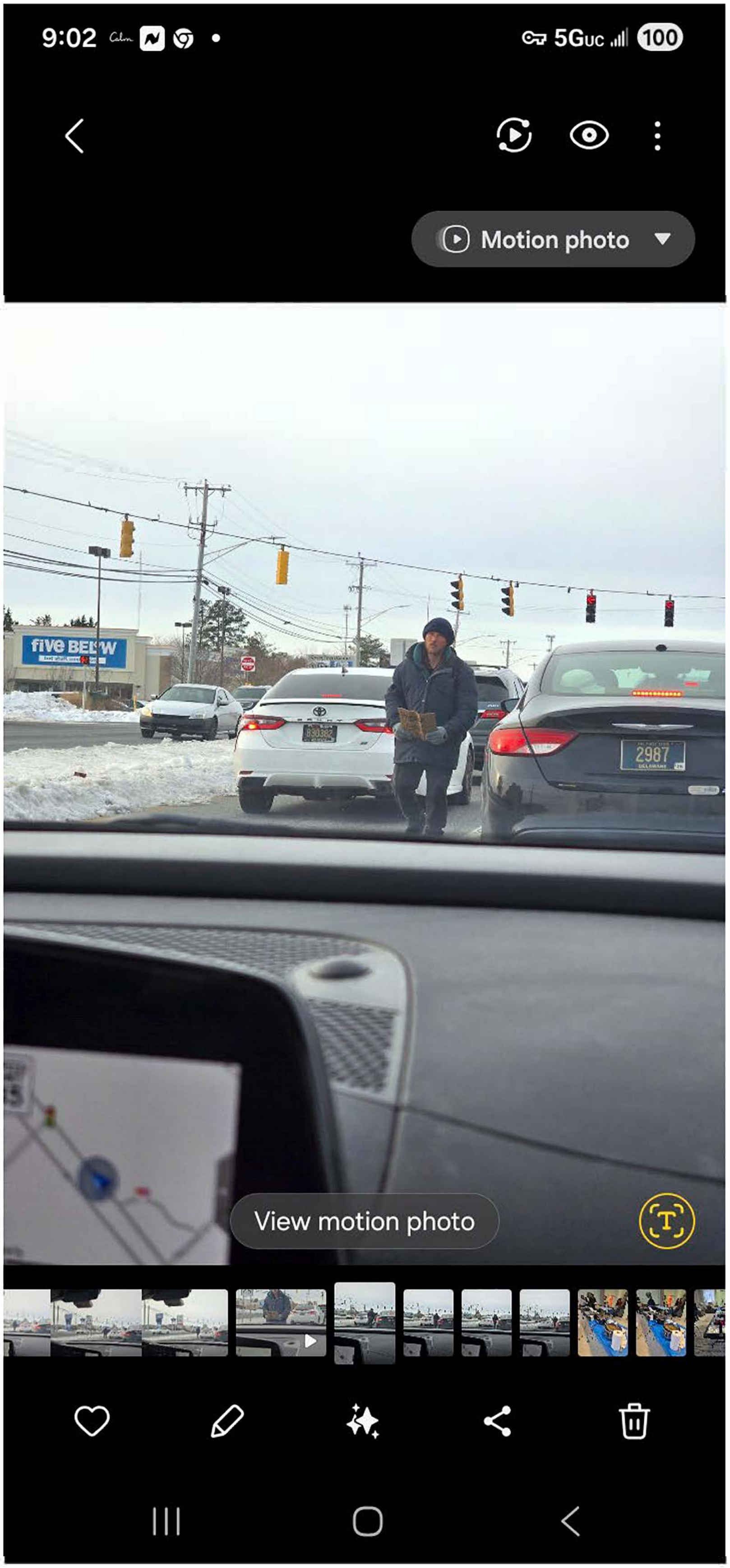
The Honorable David L. Anderson

4th District Councilman, Dover, DE

Phone: (302)339-1047

Council Office: (302)736-7006

ATTACHMENT #2
2/10/2026 Council Committee of the Whole

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SPEED LIMIT 45
Ailyn Anderson...
View motion photo