

REGULAR CITY COUNCIL MEETING

The Regular City Council Meeting was held on February 25, 2026 at 6:30 p.m. with Council President Neil presiding. Council members present were Ms. Hall (via Webex), Mr. Boggerty, Mr. Anderson, Dr. Pillsbury, Mrs. Arndt, Mr. Rocha, Dr. Sudler, and Mr. Lewis.

Staff members present were Police Chief Johnson, Ms. Marney, Mr. Hugg, Mrs. Melson-Williams, Mr. Griffith, and Ms. Rivera. Mayor Christiansen and Fire Chief Carey were absent.

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.

William Faust, 136 Orchard Avenue, expressed concern that the City Council was not representing all residents equally. He stated that he sent six (6) emails to Mayor Christiansen and council on various issues, including the city's budget deficit percentage, holding a citizen workshop or town hall, addressing snow-related complaints, allowing prayers from individuals of different faiths, criteria for video slide submissions, and sidewalk cracking on Orchard Avenue. He noted that most of his emails went unanswered, except for responses from Mr. Lewis and one clarification from Mayor Christiansen regarding prayer selection being council's responsibility. He emphasized that council members should treat all constituents fairly and equally. He questioned the pedestrian safety percentages and felt Mr. Anderson's response indicated a personal bias, noting that the information had been shared with the press and other members, but that he was told to wait for the meeting minutes. He asked why he was being treated differently and emphasized that all constituents should be treated equally. He also expressed frustration that emails often go unanswered, despite being told that questions cannot be addressed on the council floor if they are not on the agenda.

INVOCATION

The invocation was given by Councilman Boggerty.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilman Lewis.

At the request of Mr. Lewis, council observed a moment of silence for Mr. John J. Viola, who served as a state representative and was Ms. Bennett's father.

ADOPTION OF AGENDA

Dr. Sudler moved to move Item #26, Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety, earlier in the agenda due to several constituents wishing to speak on the matter. The motion was seconded by Mr. Lewis.

Mr. Neil stated that there were a few items on the agenda and that he would prefer that they go through them.

Ms. Arndt stated that after reviewing the agenda, she observed that the most popular discussion item was placed at the end. She noted that the items preceding it, first reading referrals and a referral to the Planning Commission, would likely move quickly, allowing those individuals to present and leave, with the remaining attendees staying for the final reading of the proposed ordinance.

Dr. Sudler agreed with Ms. Arndt that the agenda was relatively short but noted that several individuals had not had the opportunity to speak during the public forum and might have other commitments. Out of consideration for them, he felt it would be appropriate to move the item forward on the agenda.

Mr. Neil stated that staff members remain present to testify on their assigned items and, in consideration of their time, he preferred to proceed with the agenda as published. He noted that the agenda was short and that individuals would still have an opportunity to speak when the item came up.

Ms. Hall stated that she supported keeping the agenda as originally proposed, for the reasons Mr. Neil explained, so that city officials could complete their items efficiently. For this reason, she voted no on moving the item ahead.

Mr. Boggerty agreed with Ms. Hall's reasoning and, for the same reasons, cast his vote as no.

Dr. Sudler moved to move Item #26, Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety, earlier in the agenda due to several constituents wishing to speak on the matter. The motion was seconded by Mr. Lewis and failed by a roll call vote with three (3) yes (Rocha, Sudler, Lewis) and six (6) no (Hall, Boggerty, Anderson, Pillsbury, Arndt, Neil).

Mr. Anderson moved for the adoption of the agenda, seconded by Dr. Sudler, 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.

Mr. Neil requested the removal of Item #14, Animal Control Officer Briefing (Caitlyn Smith, Animal Control Officer, and Sergeant Christopher Peer), be removed from the consent agenda.

Mr. Anderson moved for adoption of the consent agenda as amended, seconded by Dr. Pillsbury, and carried by a unanimous roll call vote.

RESOLUTION NO. 2026-02 – JUSTSERVE

Mr. Anderson briefed members on Resolution No. 2026-02 – JustServe.

The City Clerk read the following Proclamation into the record:

WHEREAS, we firmly believe that the values of compassion, empathy, and community support are the foundation of a united, harmonious society and foster connections that transcend differences; and

WHEREAS, the strength and prosperity of our cities, towns, and villages are based on the selflessness of its residents to serve and uplift one another; and

WHEREAS, we acknowledge the profound impact that can be achieved when we extend a helping hand to our neighbors, especially those of diverse backgrounds, and lift them up, and collectively work to improve lives; and

WHEREAS, we nurture a culture of giving within our cities, emphasizing that volunteerism is not just a duty but a source of personal fulfillment and community strength; and as we work side by side with and learn from each other, mutual understanding increases, misconceptions can be corrected, and new friendships are built; and

WHEREAS, we urge all citizens to care for one another, volunteer, and engage in acts of service and kindness that contribute to our city's betterment and its inhabitants' well-being, regardless of background or belief; and

WHEREAS, the City of Dover has joined a growing list of supporters, including the President of the National League of Cities and hundreds of leaders to date, in making a commitment to volunteerism.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby proclaim on the ninth day of February, two thousand and twenty-six, as a day on which the City of Dover reaffirms its commitment to fostering a spirit of volunteerism by promoting the use of JustServe.org, encouraging residents to engage in meaningful opportunities to give back, and recognizing the invaluable contributions of volunteers throughout our community.

ADOPTED: FEBRUARY 25, 2026

Resolution No. 2026-02 was adopted by unanimous consent.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JANUARY 28, 2026

The Minutes of the Regular Council Meeting of January 28, 2026, were unanimously approved by motion of Mr. Anderson, seconded by Dr. Pillsbury, and bore the written approval of Mayor Christiansen.

COUNCIL COMMITTEE OF THE WHOLE REPORT – FEBRUARY 10, 2026

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 the 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.

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

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.

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

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.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Dr. Pillsbury 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 7:12 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 (Caitlyn 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.

During the council meeting, Mr. Lewis made a motion to defer Item #14 to the next Regular Council Meeting to revisit a conversation that he had with Ms. Bennett in view of the recent loss of a family member. The motion was seconded by Dr. Sudler.

Mr. Neil stated that he had no objection to the motion, but it would come up there in order to correct the information that was said passed.

Mr. Lewis stated that he had documentation that he would put into the record. **(Exhibit #1)**

Dr. Sudler stated that, to his understanding, the matter concerned a discrepancy in the Animal Control Report. He believed it would be safe to wait until after a conversation to determine what information was accurate, noting that individuals' recollections can sometimes have an elapse.

Mr. Lewis made a motion to defer Item #14 to the next Regular Council Meeting to revisit a conversation that he had with Ms. Bennett in view of the recent loss of a family member. The motion was seconded by Dr. Sudler and unanimously carried.

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.

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

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.

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

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)

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

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)

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

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)

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

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)

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

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 (7) yes (Boggerty, Pillsbury, Shevock, Garfinkel, Rocha, Anderson, Neil), three (3) no (Hall, Sudler, Lewis), and one (1) absent (Arndt).

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

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.

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

MONTHLY REPORTS – SEPTEMBER 2025

By motion of Mr. Anderson, seconded by Dr. Pillsbury, the following monthly reports were accepted by consent agenda:

City Council's Community Enhancement Fund Report
City Manager's Report
Fire Chief's Report
Police Chief's Report

BAY VILLAGE PLANNED NEIGHBORHOOD DESIGN (PND) ON THE SOUTH SIDE OF WHITE OAK ROAD – SKETCH PLAN REVIEW.

Ms. Dawn Melson-Williams, Principal Planner, briefed members on the Sketch Plan Review of the Bay Village Planned Neighborhood Design (PND) on the south side of White Oak Road.

Responding to Mr. Rocha, Ms. Melson-Williams clarified that it was across the street from Garrison Oak and noted that if he exited from the east entrance and went straight ahead, he would reach the property on White Oak Road.

Responding to Dr. Sudler, Ms. Melson-Williams stated that she was not familiar as to whether or not Bay Road was on a high-injury network but she noted that the project had gone through a traffic impact study with DelDOT, and the design of any entrances onto White Oak Road, since it was a state-maintained road, would be subject to the DelDOT review and approval process.

Ms. Arndt moved to refer the Bay Village Planned Neighborhood Design (PND) on the south side of White Oak Road to the Planning Commission for further consideration. The motion was seconded by Dr. Pillsbury and unanimously carried.

FIRST READING OF PROPOSED ORDINANCE #2025-14 – AMENDING CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS, BY INSERTING ARTICLE XIII – LEMON HOUSING.

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 March 16, 2026.

Mr. Neil briefed members on the Proposed Ordinance #2025-14 – Amending Chapter 22 – Buildings and Building Regulations, by inserting Article XIII - Lemon Housing.

Ms. Arndt expressed concerns about the proposed ordinance, specifically regarding the state process and home inspection requirements. She stated that she looked forward to having those questions addressed during the hearing, when real estate professionals would be present to provide answers.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2025-14 as read by the City Clerk, by title only, as follows:

ORDINANCE #2025-14 – AMENDING CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS, BY INSERTING ARTICLE XIII – LEMON HOUSING.

REZONING REQUEST/FIRST READING REFERRAL OF PROPOSED ORDINANCE #2026-08 – LANDS OF ASMA PROPERTY, LLC AT 317, 319, 325 WEST DIVISION STREET

A request was received for rezoning of properties located at 317, 319, and 325 West Division Street of 0.05 +/- acres, 0.13 +/- acres, and 0.08 +/- acres, for a total of 0.26 +/- acres (11,628 SF) owned by ASMA Property, LLC. The properties are zoned IO (Institutional and Office Zone), and the proposed zoning is C-1A (Limited Commercial Zone). Staff recommended that the request be referred to the Planning Commission for a public hearing on March 16, 2026, and that a Public Hearing/Final Reading be set on April 13, 2026 at 6:30 p.m. (Tax Parcels: ED-05-076.08-05-03.00-000, ED-05-076.08-05-02.00-000, and ED-05-076.08-05-01.00-000. Planning Reference: Z-26-02. Council District 4.)

Responding to Dr. Sudler, Ms. Melson-Williams stated that the I/O zoning was the Institutional and Office Zone.

Responding to Dr. Sudler, Ms. Melson-Williams stated that the C-1A zoning represented a limited commercial zone, which allowed a mix of commercial uses, ranging from retail to service establishments, along with certain residential components.

Responding to Dr. Sudler, Ms. Melson-Williams stated that the properties fronting West Division Street were along a state-maintained roadway, while the adjacent corner on North Queen Street was a city street, and the three (3) properties were also bordered by city alleys. She noted that regarding his question about the high entry network, she was not familiar with that study, but certainly as part of the rezoning process, a lot of detail about zoning and any concerns from their regulatory agencies would be expressed through the development advisory committee review process and focused on the rezoning should the property be redeveloped, then that would be a separate application process if they were looking to change how access occurred.

Dr. Sudler expressed concerns regarding traffic and pedestrian safety, noting that DelDOT's 2026 Comprehensive Plan has adopted a "safe system" approach, which the Mayor has highlighted in discussions with the Planning Commission. He explained that when municipalities add traffic to already congested roads, they risk legal challenges from communities in high-injury network areas. He emphasized that progressive planning in Dover required awareness of DelDOT's high-injury network and adherence to the quality-of-life standards, as it directly impacted community safety. He suggested establishing a closer partnership with DelDOT to ensure Dover's planning aligned with the safe systems approach, particularly to protect vulnerable road users, as federal mandates required assessment of high-risk areas and infrastructure issues. He stressed that the coordination was crucial for the safety and well-being of Dover residents.

Responding to Mr. Rocha, Ms. Melson-Williams clarified that the applicants were asking for rezoning of the property since the I/O zoning does not work for what they hope to utilize those existing buildings for currently.

Responding to Mr. Rocha, Ms. Melson-Williams stated that the C-1A zoning district was found on nearby properties along the West Division Street Corridor, and the three (3) properties were previously zoned C-1A. She noted that a rezoning in 2021 took them to an I/O zoning at the request of a potential purchaser, but that project did not move forward.

Responding to Mr. Rocha, Ms. Melson-Williams clarified that two (2) of the properties were involved in the parking lot area and a building that provided an automobile sales and service, and the third parcel was a single-family dwelling.

Responding to Dr. Sudler, Ms. Melson-Williams clarified that her earlier reference to "further review" pertained to planned neighborhood design, which was a separate process from rezoning. She explained that the zoning ordinance provided the criteria the Planning Commission and, eventually council use to make rezoning decisions. She noted that the first reading of a rezoning application was an announcement that the application had been filed. As part of the review process, the application was evaluated by the Development Advisory Committee, which included city departments and external agencies such as DelDOT and the Dover-Kent County MPO. She stated that those agencies provided comments regarding the rezoning request and any advisory input

related to future redevelopment. She also mentioned that all collected information is then presented to the Planning Commission, and their action, along with the advisory comments, is forwarded to Council when considering the rezoning application.

Responding to Ms. Melson-Williams, Dr. Sudler requested that those departments take a look at the DelDOT 2026 Comprehensive Plan for the safe systems approach for the development of roadway systems and utilizing roadway systems, so that they could make sure that the quality of life for their vulnerable road users was high.

Responding to Dr. Sudler, Ms. Melson-Williams stated that one (1) of their development partners was part of the Dover Kent County MPO, so she believed that the Planning Office could reach out to them to learn more about the previous studies and references to the safe system approach to planning of transportation networks.

Mr. Neil moved to refer the Ordinance #2026-08 – Lands of ASMA Property, LLC at 317, 319, and 325 West Division Street to the Planning Commission for further consideration. The motion was seconded by Mr. Anderson and carried, with Dr. Sudler voting no.

Dr. Sudler stated his reason for voting no was that he needed more information pertaining to traffic in order to make a sound decision that would affect the vulnerable road users.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2026-08 as read by the City Clerk, by title only, as follows:

ORDINANCE #2026-08 – AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 317, 319, 325 WEST DIVISION STREET.

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

The First Reading of the Proposed Ordinance #2025-21 was accomplished during the Council Meeting of December 8, 2025. The ordinance is available at the entrance of the Council Chambers or on the City’s website at www.cityofdover.gov under “Government.”

Ms. Arndt moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Dr. Sudler, and unanimously carried.

Mr. Anderson, Councilmember, and Thomas Johnson, Chief of Police, reviewed the Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety.

Responding to Dr. Sudler, Police Chief Johnson clarified that he would not consider a constituent giving money to an individual in a median as obstruction of justice, but rather an obstruction of traffic flow. He explained that while such situations may not typically result in serious injuries, they can lead to minor accidents and property damage, particularly in heavy traffic conditions. He

described a scenario known in accident investigations as “caravanning,” where vehicles move closely together toward a traffic light. If a driver suddenly stopped in a moving lane to hand money out the window, it could cause a rear-end collision because the driver behind may not anticipate the abrupt stop. He emphasized that he has no issue with individuals giving money; his concern was the timing and manner in which it was done. He stated that the intent of including the language in the draft ordinance was to reduce traffic disruptions and prevent avoidable minor accidents and property damage in flowing traffic lanes.

Mr. Anderson moved to open a public hearing for the constituents, seconded by Dr. Sudler, and unanimously carried.

Paul Johnston, a Smyrna resident, expressed concerns regarding individuals entering the roadway around Route 8 and along the Route 13 corridor. He stated that individuals are jumping into traffic to solicit money and other items from drivers, creating a dangerous situation. He noted that drivers are fortunate that no one has been struck, as individuals are reportedly stepping directly toward vehicles as they pass. Mr. Johnston further indicated that similar activity is occurring near Wawa, Capital, and along the Route 13 commercial strip, including areas near Lowe’s, Sam’s Club, and Bob Evans. He emphasized that those actions presented a significant safety hazard to both motorists and pedestrians. Referring to prior comments made by Police Chief Johnson, he described situations in which traffic was flowing, and a driver suddenly stopped because an individual stepped off the curb and into the roadway to ask for money. He expressed concern that such sudden stops could easily result in rear-end collisions or other serious accidents. He stated that something should be done to address the issue, either by creating a designated safe area for individuals to solicit or by moving such activity away from busy intersections. He voiced support for the proposed ordinance, emphasizing that high-traffic areas were too dangerous and that proactive measures are needed to prevent potential injuries or fatalities.

Tracie Johnston, a Smyrna resident, expressed support for the proposed ordinance and stated concerns for not only the individuals who were on those medians or along the sides of the roads, but for the drivers in the City of Dover. She urged council to vote in favor of the proposed ordinance and referred to Police Chief Johnson’s comment that the ordinance only saves one (1) individual and that individual matters.

Belinda Main, a resident of Dover, stated that drivers should not be distracted by cell phones and should instead be focused on the roadway. She expressed the view that motorists should be paying attention to what was in front of them, including individuals standing on medians or interacting with drivers. She suggested that, at times, the issue was not the panhandlers themselves, but drivers who were not attentive. She further commented on the proposed ordinance, stating that different types of medians had not been clearly classified. She noted that some medians were large enough for vehicles and individuals to stand safely without being in immediate danger from traffic, and that in some locations, drivers were able to pull over safely to assist. She emphasized the need for clearer definitions within the ordinance regarding what constituted a median, including its size and configuration. She suggested identifying and marking safe locations where individuals could solicit in a manner that would allow them to earn money while minimizing risks to both them and motorists. She also noted that while churches and community organizations provide support, they often do not provide direct financial assistance that individuals may need to pay bills or to help

secure or establish a place to set up tents if they are experiencing homelessness. She expressed concern for individuals who rely on panhandling to support themselves and their families, including those experiencing homelessness.

Ronald Eads, a Dover resident, responded to comments made by Mr. Paul Johnston. He stated that he personally stood along Route 13 and asserted that he and others do not intentionally jump in front of vehicles. He indicated that they respect drivers' property and personal space and was unsure what specific behavior Mr. Johnston was referencing. He noted that he could not speak for individuals located near Route 8. He shared that he and his wife were currently staying in a motel, which required money. He explained that he panhandled in order to afford the motel room and to provide food for himself and his wife. He stated that the income helped keep them off the street and met their basic needs.

Aretha Howard, a Dover resident, stated that she did not see anything wrong with panhandling and directed her questions to Police Chief Johnson. She inquired about whether there had been any fatalities directly related to panhandling and asked how many accidents had occurred within the past year involving such activity. She recalled that Police Chief Johnson previously mentioned two (2) deaths but indicated that those incidents were not the result of panhandling. She sought clarification regarding the connection, if any, between panhandling and reported accidents or fatalities.

Responding to Ms. Howard, Police Chief Johnson clarified that the previously referenced numbers were not related to panhandling activity. He explained that the individuals involved were not standing on a median but were next to a major highway and had stepped into the roadway, where they were struck by vehicles. He further stated that the two (2) individuals referenced represented the only traffic fatalities from the prior year. He emphasized that he did not state that the individuals were panhandling at the time they were struck, nor did he intend to label anyone, noting only that they were members of an at-risk population.

Responding to Ms. Howard, Police Chief Johnson stated that he did not have specific data available regarding the number of accidents involving panhandling. However, he indicated that such incidents have not been reported to him as a huge problem. He stated that, to his knowledge, the number of accidents related to panhandling could be counted on less than one (1) hand, if any.

Ms. Howard stated that she had two (2) additional points. First, referring to comments made by Mr. Eads, she asserted that individuals who were soliciting have common sense and were not attempting to cause accidents, as they were seeking money to pay for rent and food. She expressed the view that everyone should have the right to panhandle. Second, she stated that Section 106-139 of the proposed ordinance should be stricken. She maintained that individuals engaging in panhandling have their safety under control and were not intentionally creating dangerous situations. She emphasized that they were trying to survive and were not acting recklessly. She further expressed concern that the ordinance would serve as a money-making venture for the City of Dover by imposing fines on individuals who do not have money.

Crystal Chatham, a Dover resident, expressed opposition to the proposed ordinance and suggested developing better solutions than penalties. She explained that addiction and alcoholism were

diseases that needed to be treated physically, mentally, and spiritually, and for long periods of time. Unless anyone has walked that journey with someone, they do not have the right to judge. She noted that homelessness was a disease of society and it needed to be treated with empathy, compassion, and humanity. Addiction, alcoholism, and homelessness were all out on the medians. She questioned where the solutions, housing, and treatments were for those individuals, when council called for safety.

Vonda Smack, 1001 White Oak Road, stated that individuals standing on the medians included veterans, mothers trying to earn money for a room, and individuals struggling with addiction. She expressed concern that the proposed measure would criminalize poverty rather than address the underlying issues those individuals face. She criticized the bill for penalizing drivers who slowed down to help individuals, imposing fines that quickly accumulated if unpaid at either the state or city level. She noted that most fines were not being paid back to the city, suggesting the bill seemed more like another way to get money. She suggested a better approach would be to hold stakeholder meetings, involve advocates, and learn from how other cities addressed similar issues. She mentioned that they were advocating because they do not like what they see, and noted that it was the words and how they were written, and how they were violating individuals' rights. She stated that they do agree on something that it was a pedestrian safety issue, but where they do not agree on because they have not come to the table to discuss bringing individuals who have done the same thing in other cities and see how they did and how it was successful.

George Johnson, a Dover resident, stated that he was a strong advocate in the city and would continue being that advocate because he did not want to see anyone less than him because they were all equal.

Chelle Paul, a Dover resident, stated that she had sent multiple emails to council outlining issues with the proposed ordinance, highlighting both constitutional and potential legal concerns. She referenced Mr. Anderson, noting that he had based the ordinance on a state law that had previously been challenged and lost. She questioned why that framework was being used, expressing concern that it could put taxpayer dollars at risk.

Responding to Ms. Paul, Mr. Griffith clarified that the state statutes referenced as "lost" were never decided on their merits. The challenge concerned loitering and panhandling, specifically whether the statutes overly restricted First Amendment rights, such as the right to ask for money, assemble, and express oneself. The resolution was that the State of Delaware agreed not to enforce those statutes. He explained that the Attorney General's Office was working to create a narrowly tailored ordinance that addressed pedestrian safety without infringing on First Amendment rights, ensuring the proposed law balanced safety concerns with freedom of expression and assembly.

Responding to Ms. Paul, Mr. Griffith stated that he could not speak on behalf of the state regarding why the agreement not to enforce the previous statutes was made.

Responding to Ms. Paul, Mr. Griffith stated that her written version (**Exhibit #2**) appeared as if she had taken the ordinance and processed it through an AI application.

Responding to Ms. Paul, Mr. Griffith stated that the outcome could be similar to any statute or ordinance. He explained that if she used an AI app to analyze the ordinance for potential challenges, it would naturally identify some possible legal or constitutional issues.

Shyanne Miller, a Wilmington resident, expressed disappointment with the proposed ordinance and, in the past five (5) months, has not seen an ordinance that has addressed the issue of homelessness, the issue of affordability, the issue of the quality of life, and the types of jobs in Dover. She noted that they have the same problems across the state, and all municipalities have stated that they do not feel like they have the responsibility to deal with homelessness unless it comes down to the fact that they want to give them fines and have them arrested. She asked for council to vote no on the proposed ordinance and to come up with some real solutions for homelessness because they have a responsibility to their city.

Jeannie Anderson, 217 Cecil Street, expressed concern about a situation that she was in when she was at a light and had been approached by an individual who was banging on her window. She noted that if she could go through the light without having to get a ticket, she would.

Amber Kennedy, a Magnolia resident, expressed support for the proposed ordinance, emphasizing the need to focus on what is best for Dover. She clarified that the ordinance was not addressing homelessness, which she acknowledged as a separate issue that also needed attention, along with other concerns not covered by the proposed ordinance. She implored council to pass the ordinance to help make Dover a better city. She stated that there was potential to make Dover a hotspot of opportunity and growth, but they must also acknowledge and address these issues directly.

Katrina Stubbs, a Dover resident, stated that she has been homeless several times since 2016, and she agreed with what Ms. Kennedy had stated. She noted that homelessness, panhandling, and mental health were completely different, and added that the proposed ordinance was dealing with safety. She explained that she had been in a vehicle where individuals jumped right in front of them to get the resources that they wanted to receive.

Jeff Molenda, a Dover resident, stated that he wanted to register a strong objection to the proposed ordinance being considered and was unsure if the notice requirements had been fulfilled. He noted that the ordinance targeted poor individuals—people who should be helped rather than punished. Referring to Police Chief Johnson's comment, he said the ordinance allowed for the removal of someone from the ordinance. He pointed out that the ordinance specified that violators could be fined as detailed in Appendix F, and there was a warning about additional fines, but nothing in the ordinance indicated that an officer could remove someone from the median. He stressed that the proposed ordinance was not a good use of the resources of the council, police, or city court for enforcement.

Reggie Daniel, II, a Townsend resident, stated that even though he may no longer live in Dover, he was still working to invest in the community that has invested so much into him. Understanding the safety concern, he believed that safety could be resolved in the way in which they were doing so, but that they needed to address the lack of affordability, lack of access to resources, and a lack of a continuum of resources. He added that they needed to continue to work towards addressing homelessness and drug use, but that funding and money are scarce, and those were the things that

council needed to be advocating to the state. He noted that a community was only successful when its leaders invested in its most vulnerable members, in the same way they came to their activists and advocates.

Responding to Ms. Miller, Mr. Griffith stated that the public meeting notice requirement only requires that an agenda or notice include a general statement of the major issues to be discussed. He noted that the FOIA statute for open meetings explicitly allows agendas to be amended in advance of the meeting. He added that the agenda, as originally posted, included a general statement of the major issues to be addressed and was subsequently amended in accordance with FOIA requirements.

Responding to Mr. Beardsley, Mr. Griffith stated that council did not violate council rules.

Chris Beardsley, a Townsend resident, stated that the focus needs to be on homelessness. He noted that this was his third hearing, and he expressed frustration at hearing a logic rooted in privilege, one (1) that prioritized rules and ordinances over the realities of survival. Yet, he added that this was the reality: people were doing their best to survive, and the question they must ask was how they, as a community, could protect and support the most vulnerable in a world structured around privilege. He mentioned that even with the limited victory in the settlement between the American Civil Liberties Union (ACLU) and the Attorney General, they spent countless hours listening to testimony from the council president, Mr. Anderson, the police chief, and others. By tiptoeing around the settlement and trying to be “clever by half,” he noted that the city risks knowingly walking into a lawsuit that would cost time and resources when they were at their lowest. He added that it was a reactionary measure perpetuated to cause more pain than a real solution.

Meme Sebelist, a Wilmington resident, stated that she has been listening to everyone speak about the unhoused individuals as if they were drug addicts and violent criminals, but because a few isolated incidents do not permit others to smear an entire group of individuals. She emphasized that harassment was already illegal. She stated that the law does not care what it states; it cares about who it hits, and that would hit poor and unhoused individuals. She asked council to vote no on the proposed ordinance.

Meryem Dede, a Wilmington resident, stated that she was in opposition to the proposed ordinance and believed that it was both cruel and futile. She noted that several individuals had mentioned that individuals who were panhandling were the obvious target of the ordinance. She emphasized that there was a real problem with individuals who were unhoused in the City of Dover and in the municipalities across Delaware. She concluded that individuals have to exist somewhere, and ordinances such as the proposed ordinance waste time and resources when they could be discussing real solutions.

Adem Whitney, a Wilmington resident, suggested that an amendment be made to the proposed ordinance so that it could also apply to another group of individuals he believed had not been addressed in the discussion. He stated that he has observed a group of individuals, who he described as wearing the same color and appearing to engage in drug-related activity, frequently standing on medians. He further alleged that he has seen them take hundreds of dollars from their victims rather than asking. He emphasized that the ordinance should be amended to specifically target those individuals who were the police. He explained that he has not seen any panhandler

causing accidents, but has seen a police officer throw a man over the road railing and then tase him. He stated that Dover City Council was not working with the State or the Attorney General's Office to have a statewide joint effort to harass individuals to try to make ends meet.

Sean Samitt, a Middletown resident, stated that as a healthcare provider who has spent over a decade in emergency pharmacy and trauma, he was reminded of all the experiences of individuals living at the intersection of poverty, disability, mental illness, and housing instability. He explained that it was an intersection of humanity and the community they wanted to be, and the proposed ordinance was not careful governance. The ordinance attempted to manage visible symptoms rather than address underlying causes. He noted that it was not a safety issue, but it was a social and healthcare issue being routed through enforcement. He emphasized that they should be building solutions and not citations and mentioned that he was concerned that the council's choice to bring the hearing on short notice, less than a week before and after a record-setting storm hit the region. He concluded that there needed to be more discussion on the proposed ordinance and the issue, and that the constituents deserve that.

Anthony Floyd, Jr., a Dover resident, stated that they have natural resources here in the City of Dover. He noted that there were several doctors, Master of Business Administration Professionals, three (3) hot schools of higher education, Delaware State University, Wilmington University, and Delaware Technical College, that have advanced degree individuals who could tap into to provide a focus group, a coordinated effort to find out successful ways of dealing with unsheltered and homelessness. He added that the last thing he wanted to do was to criminalize those who were at the bottom of their lives.

William Faust, Jr., 136 Orchard Avenue, stated that if they really wanted safety, they needed to address gun violence, prostitution, and drug dealing. He noted that Mayor Christiansen and council should be talking with the Attorney General's office to start prosecuting those individuals that the officers have arrested before they go out onto the streets to commit another crime. He emphasized that they need to do better by their citizens, and the proposed ordinance was not going to provide security or safety. He urged council to vote no on the proposed ordinance because, as it stood, it would not pass public scrutiny or legal scrutiny, as there would be a lawsuit.

Bonnie Pettington, a Dover resident, stated that she was in opposition to the proposed ordinance. She noted that she drives past Sam's Club and Wal-Mart daily and has not experienced a pedestrian approaching her vehicle. She added that she has encountered more individuals walking in front of her vehicle on West Denneys Road than panhandlers approaching her window. She stated that, in her view, if someone was out there in need of food, she intended to help them, just as she would hope others would help her if she were in need.

Tyler Muck, a Dover resident, expressed concern that direct questions being asked at the microphone were not being acknowledged or clearly answered. He further stated that in his view, the ordinance resembled a "sturdy beggar" law, an approach to have individuals pushed aside and not have to provide services to. He questioned whether the Council's actions reflected hypocrisy or incompetence.

Dr. Sudler read Representative Sean Lynn's statement. (**Exhibit #3**)

Responding to Mr. Anderson, Mr. Griffith stated that, to his understanding, the issue raised by Representative Lynn and what was being asked was whether the ordinance was preempted by state law, and the issue of preemption was pretty complicated. He explained that there were two (2) types of preemption: issue and field preemption. Issue preemption was where a municipality attempted to legislate an area where the state had already legislated, and the municipality's legislation was inconsistent with or different from the state's legislation; then, in that case, the municipality's legislation was preempted by the state. He noted that they could not enact anything inconsistent with state law. He further explained that field preemption was where there might not be a state law directly applicable or comparable to what the municipality was doing, but the state law directly applicable or comparable to what the municipality was doing, but the state had expressed its intention to regulate that field to the exclusion of municipalities. He stated that he was unsure whether it was an issue of preemption or field preemption. He noted that when they invited the Attorney General's input for the proposed ordinance, the Attorney General's office provided them with a similar type of bill, and that the Attorney General's office had presented to the General Assembly. He also added that a similar type of bill was also a pedestrian safety type of bill, which included similar language about median width. He took that to mean that, at least in the Attorney General's view, the state had not yet determined to be a comparable state statute.

Mr. Griffith read the Chief Deputy Attorney General Dan Logan Letter (**Exhibit #4**).

Responding to Mr. Anderson, Mr. Griffith clarified that he could not call it a model, but a draft of the bill, prepared by the Attorney General's office, seemed compatible with the proposed ordinance.

Responding to Mr. Anderson, Mr. Griffith stated that he was uncertain whether he would characterize Sandy City as an Eighth Amendment issue. He noted that the question of whether requiring individuals to relocate homeless encampments constituted an Eighth Amendment violation.

Responding to Mr. Anderson, Mr. Griffith stated that with Sandy City and the similar federal cases that have addressed whether or not a purported pedestrian safety ordinance was an impermissible violation of First Amendment rights, several factors. He noted that it looks at things such as whether the council has done sufficient pre-enactment investigation to make sure that it was narrowly tailored to only impact the most minimal number of individuals, whether or not there were alternatives to constituents if they wanted to express their right to free speech and freedom of assembly, other alternatives available other than medians, statistical evidence of injuries or fatalities, things like that. He added that it was a balancing test to make sure that the ordinance was narrowly tailored enough that constituents have a First Amendment right of free speech and freedom of assembly that they could express, but that the government took the narrowly tailored approach as narrowly as they could.

Responding to Mr. Anderson, Mr. Griffith explained that the limitation of the width on the median was one important legal issue because courts considered whether individuals were using them to exercise their First Amendment rights, such as protesting or expressing themselves. If a municipality could narrow the size of the median so that larger medians, such as seven (7) feet or more, individuals could still congregate and express their First Amendment rights. He noted that

the courts would like to see the size of the median be narrowed so that it would only be applied to those cases where individuals were not congregating using their First Amendment rights.

Responding to Dr. Sudler, Mr. Griffith stated that, to his understanding, the bill was given to the General Assembly about a year ago, and no action has been taken.

Responding to Dr. Sudler, Mr. Griffith stated that giving money and giving food were considered First Amendment rights.

Dr. Sudler moved to deny the Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety. The motion was seconded by Mr. Lewis.

Responding to Mr. Rocha, Mr. Griffith stated that if there was legislation by the state, which made it very clear that the state intended to regulate that field exclusively, then a municipality could not enact their own ordinance if the state had expressly reserved that field for itself.

Responding to Mr. Rocha, Mr. Griffith stated that they were not in the category, but they would be if the bill that the state and the Attorney General's office had circulated were in effect. If the bill ultimately gets enacted into law, then they might be in that area because they are in the field, and to the extent that there was any conflict between the provision and the state. He noted that he has not analyzed it in any detail, but if there were competing provisions, the state's provisions would prevail.

Responding to Mr. Rocha, Mr. Griffith stated that it would negate those portions of the proposed ordinance that would be inconsistent with state law and noted that he has not done enough analysis to figure out whether there would be inconsistencies between the proposed bill from the state.

Responding to Mr. Rocha, Mr. Griffith clarified that the proposed bill has not yet been brought to the floor and that certain lawmakers have not been made aware of its contents.

Responding to Mr. Rocha, Mr. Griffith stated that he understood Representative Lynn's concerns to be a preemption issue that either there was already a state law on the books which would conflict with the provision, or the state had expressed its intention to occupy the field exclusively.

Responding to Mr. Rocha, Mr. Griffith stated that the Attorney General's office would be circulating a draft bill if it was believed that there was already sufficient statute on the books on the issue.

Dr. Sudler stated that Representative Lynn had texted him regarding the matter. According to Representative Lynn's understanding, the Department of Justice bill that was referenced does not currently have a sponsor and has not been heard in committee. He further stated that Representative Townsend had removed his name from the bill following an article published by Spotlight Delaware.

Responding to Mr. Boggerty, Mr. Neil stated that the no vote would be in opposition to the motion that was made.

Ms. Arndt stated that she was confused as to how the motion was stated and wanted to make sure that she knew which way to vote based on the motion.

Dr. Sudler stated that regarding Item #26, Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety, was to deny the proposed ordinance. He clarified that his motion was to deny the proposed ordinance, reflecting the expressed intent to vote no.

Mr. Anderson stated that negative motions can often be confusing and that it was easier to proceed with a motion to approve, allowing council members to vote yes or no. He further stated that he would like to make a motion to lay on the table the motion that was just made.

Mr. Griffith stated that Dr. Sudler's motion, which he presented, was an acceptable way and amenable and in order of parliamentary procedures. He noted that it might be more confusing, but it does not mean it cannot be done. He encouraged council members, especially on a matter that had generated so much publicity, to express their reasons rather than stating yes or no when placing their vote. He stated that it would be clear from the expression of reasons which way each council member was voting. He mentioned that the motion was to deny the ordinance.

Mr. Neil stated that attorneys often stand on both sides of legal issues, but ultimately, justice must guide decision-making. He referenced concerns raised by members of the public about other crimes, such as prostitution, and noted that the Attorney General's Office has indicated it would not prosecute certain offenses, limiting the City's ability to act in some areas. He emphasized that the proposed ordinance was strictly a public safety issue. He stated that whether the state addressed the matter or the city did, there was no guarantee that the state would act. He acknowledged that concerns about homelessness were valid; however, he asserted that the ordinance did not address homelessness directly. He explained that there were limitations within the city's charter, noting that the city could not undertake responsibilities such as education, healthcare, or social work, services that were often integral to addressing homelessness. He stated that the city does have a law enforcement behavioral health unit that has made extensive efforts to assist individuals living on the streets by connecting them with available services, but in some cases, those who have been offered assistance have declined.

Mr. Neil called the question and noted that a yes vote meant that they would be denying the proposed ordinance, a no vote meant that they would be turning it down, and accepting the ordinance.

Ms. Rivera, Assistant City Clerk, read the motion to deny the Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety. She stated that if they voted yes, they were voting to deny the adoption of the ordinance, and if they voted no, then they were in favor of passing the ordinance.

Ms. Hall stated by observations made from some months ago, she believed that there were better uses of money to address the issue, and she had also mentioned that the outcry behind the ordinance would lead to a legal challenge. She noted a recent conversation regarding how much they had allocated for legal recourse and that they were probably somewhere around 50% of what had already been budgeted right after the first quarter of the fiscal year. She mentioned that she does not feel that it was wise or in the best interest of the taxpayer dollars to welcome more legal challenges that would put them in a deficit for having to defend the proposed ordinance when the state was trying to find a way to deal with the issue. She emphasized she was not in support of the ordinance, and her vote would be yes to deny the ordinance.

Mr. Boggerty stated that he was not supportive of charging fines and/or fees to individuals, and that has been his position from the beginning. He noted that they have several legal matters before them and could not afford another matter. He called to have legal matters before them and the costs associated with them during the budget meetings to see if that was possible, as well as to be mindful of how much they spend on their legal matters. He stated that he would vote yes, that he was not for the ordinance and the framework, and he believed that it would expose them too much. He further added that he did not believe the net gain was worth the investment. He believed that they should find a means and a methodology of encouraging individuals. He asked that the police officers and others do their level best to work within the guidance that was permitted within their state ordinance, which was already available to do the best that they could.

Mr. Anderson stated that he would vote no because the proposed ordinance was needed, and that they had addressed other issues first. He noted that the City of Dover has invested \$3.4 million in helping to open new shelters and transitional housing, which was beyond the scope of what was expected to do in their charter.

Dr. Pillsbury stated that she would vote no because most constituents in her district who have reached out to her are a bit in favor of having individuals on the medians in West Dover, at least in the neighborhoods. She noted that the sidewalk was accessible and wider, so that the cars could still stop and support them. She further noted that she empathized with the needs of the individuals, but she was concerned about the safety, and if one (1) individual was killed, the driver who would hit them unintentionally would be likely sued and lose everything and be on the corner as well. She stated that they needed to find good solutions and all of the concerns voiced, she understood them, but she had to support her constituents. She supported the ordinance.

Ms. Arndt stated that her position on the ordinance had not changed and reiterated that her opposition was based on four (4) primary concerns: individual choice, enforcement clarity, strain on law enforcement, and penalties. She questioned whether the government should regulate private charitable giving, expressed concern about unclear enforcement boundaries due to inconsistent signage, noted that the Police Department was already stretched thin, and found it ironic to fine individuals who were asking for money. For those reasons, she stated that she would vote to deny the ordinance.

Mr. Rocha stated that he had not heard a strong legal opinion justify moving forward with the proposed ordinance. He noted that he had been waiting to review case logs and had not received information indicating that the ordinance would withstand legal scrutiny if challenged. While he

expressed support for the safety objectives of the ordinance, he stated that he was not convinced it would pass a legal “litmus test” in a potential lawsuit. He stated that he would vote yes to deny the ordinance.

Dr. Sudler concurred with Mr. Boggerty and stated that he was in opposition to the ordinance because he did not believe it was the appropriate course of action. While he acknowledged that a safety issue existed, he disagreed with the approach and method taken to address it.

Mr. Lewis stated that they have been going back and forth for the past five (5) months, and he has heard from individuals who were in opposition and those who support the proposed ordinance. He noted two (2) concerns he had with the ordinance: drastically affect those individuals already down on their luck or suffering from hardships, and persecute those individuals who would be attempting to help those in need. He stated that he would vote yes on the ordinance.

Mr. Neil stated that he would be voting no on the ordinance. He noted that, in addition to being a safety issue, there were real challenges involving individuals who were unable to act rationally due to factors such as drug addiction, mental health issues, or a sense of hopelessness. He further noted that they would continue to offer help, but for those who reject that help, the problem was still there, and the city would need to revisit the issue and explore additional solutions. He added that he was voting on principle, noting that if an individual struck, hurt, or killed someone, that would scar them for life. He emphasized that no one should suffer such harm.

Dr. Sudler moved to deny the Proposed Ordinance #2025-21 – Amending Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing, and Parking, by adding Sec. 106-139 – Pedestrian Safety. The motion was seconded by Mr. Lewis and carried by roll call vote six (6) yes (Hall, Boggerty, Arndt, Rocha, Sudler, Lewis), three (3) no (Anderson, Pillsbury, Neil).

CITY MANAGER'S ANNOUNCEMENTS

Mr. Hugg had no announcements.

MAYOR'S ANNOUNCEMENTS

Mayor Christiansen had no announcements.

COUNCIL MEMBERS' ANNOUNCEMENTS

Dr. Sudler stated that he had received several calls about snow being plowed in front of seniors' homes, particularly those with medical issues. He suggested exploring options such as identifying contractors or creating a list of contractors willing to assist seniors and vulnerable residents who may be at risk of code violations. He recommended placing the matter on the Safety Advisory and Transportation Committee agenda to develop a solution in the near future.

Mr. Lewis echoed Dr. Sudler's concerns, noting that he had received complaints from residents regarding snowplowing, salting, and related issues. He stated that he had been in contact with Ms. Duca and thanked her for her prompt responses and efforts to address citizens' concerns. He requested that Ms. Duca and Mr. Hugg work together to present a report at the next Council Committee of the Whole meeting detailing the snow removal process, including road plowing

operations and salt costs. He also expressed appreciation for the workers and Code Enforcement staff for the outstanding job they have been doing.

Mr. Anderson thanked the citizens of Dover for their support of Ordinance #2025-21. He announced that the Booted and Suited Career Academy would host a Dover Community Cleanup Day on Saturday, February 28th, from 10:00 a.m. to 4:00 p.m., with participants gathering at 9:00 a.m. at the Zimmerman parking lot at Division Street and Governors Avenue. He shared that interested individuals could email bedford1369@gmail.com or refer to the posted flyers for additional information. He stressed the importance of keeping the community clean to encourage downtown investment. Additionally, he noted that affordable housing would be discussed at upcoming Council Committee of the Whole meetings, including presentations from Kent Economic Partnership (KEP) and Little Living scheduled for March 10th, and encouraged public participation either in person or online.

The meeting adjourned at 9:44 p.m.

ANDRIA L. BENNETT
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by the City Council during their Regular Meeting of February 25, 2026, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/AB

Exhibits

Exhibit #1 – Brian Lewis – Stray – Public Drop Off/Intake Form

Exhibit #2 – Chelle Paul’s Ordinance #2025-21 Breakdown of Current and Suggested Revision Concerns

Exhibit #3 - Representative Sean Lynn’s Opposition to Ordinance #2025-21

Exhibit #4 - Chief Deputy Attorney General Dan Logan Letter